

# PENNSYLVANIA BULLETIN

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Regulations on Reporting Communicable  
and Noncommunicable Diseases

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

**No. 306, May 2000**

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**PENNSYLVANIA**



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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*.

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

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

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

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2000.

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# PENNSYLVANIA BULLETIN

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## **Part II**

This part contains the  
Department of Health's Proposed  
Regulations on Reporting of Communicable  
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# THE GENERAL ASSEMBLY

## Recent Actions During the 2000 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2000 Regular Session.

### 2000 ACTS—ACTS 10 through 18

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<b>(numerical)</b>		<i>Subject Matter</i>
			<i>Printer's No.</i>	<i>Effective Date</i>	
2000-10	May 10	HB1717	PN3220	Immediately	Domestic Relations Code (23 Pa.C.S.)—protective orders and approved consent agreements duration
2000-11	May 10	SB1184	PN1640	July 1, 2000	Military and Veterans Code (51 Pa.C.S.)—educational assistance eligibility and grants amounts
2000-12	May 10	SB1047	PN1858	Immediately	Crimes Code (18 Pa.C.S.)—institutional sexual assault
2000-13	May 10	SB977	PN1133	Immediately	Project 70 lands—Commonwealth property in Luzerne County
2000-14	May 10	SB383	PN392	60 days	Crimes Code (18 Pa.C.S.)—sexual exploitation of children
2000-15	May 10	HB164	PN152	60 days	Pennsylvania Municipal Retirement Law—administrative expenses
2000-16	May 10	SB652	PN1922	July 1, 2000	Public School Code of 1949—Education empowerment, school subsidies, special education payments, report guidelines, etc.
2000-17	May 10	SB544	PN562	60 days	Constitution Bridge—designation
2000-18	May 10	SB380	PN1895	60 days	Judicial Code (42 Pa.C.S.)—juvenile matters guardians ad litem, counsel and adjudications and sexual offenders registration

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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CARL L. MEASE,  
*Director Legislative Reference Bureau*

[Pa.B. Doc. No. 00-873. Filed for public inspection May 26, 2000, 9:00 a.m.]

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

### Proposed Amendment to Rule 6 Local Rules

#### Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.R.Crim.P. 6. The proposed amendments clarify the definition of local rules, procedures concerning the implementation of local rules, and their enforcement. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to Rule 6 precedes the Report. Additions are shown in bold and are underlined; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901 no later than Monday, June 5, 2000.

*By the Criminal Procedural Rules Committee*

J. MICHAEL EAKIN,  
*Chair*

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

#### Rule 6. Local Rules.<sup>1</sup>

(a) For the purpose of this rule, the term "local rule" shall include every rule, regulation, directive, policy, custom, usage, form or order of general application, however labeled or promulgated, **[ which is ]** adopted or enforced by a court of common pleas to govern criminal practice and procedure, **which requires a party or party's attorney to do or refrain from doing something.**

\* \* \* \* \*

(c) **[ To be effective and enforceable ] A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:**

\* \* \* \* \*

(e) **No case shall be dismissed nor request for relief granted or denied because of failure to comply with a local rule. In any case of noncompliance with a local rule, the court shall alert the party to**

**the specific provision at issue and provide a reasonable time for the attorney to comply with the local rule.**

**[ (e) ] (f) \* \* \***

**Official Note:** Rule 6 adopted January 28, 1983, effective July 1, 1983; amended May 19, 1987, effective July 1, 1987; renumbered Rule 105 and amended March 1, 2000, effective April 1, 2001; **amended \_\_\_\_\_, 2000, effective \_\_\_\_\_, 2000.**

#### Comment

\* \* \* \* \*

The caption or other words used as a label or designation shall not determine whether something is or establishes a local rule; if the definition in paragraph (a) of this rule is satisfied the matter is a local rule regardless of what it may be called. The provisions of this rule are also intended to apply to any amendments to a "local rule." **Nothing in this rule is intended to apply to case-specific orders.**

\* \* \* \* \*

**Paragraph (c) was amended in 2000 to emphasize that the adopting authority must comply with all the provisions of paragraph (c) before any local rule, or any amendments to local rules, will be effective and enforceable.**

**[ It is contemplated under subparagraph ] Paragraph (c)(5) requires** that a separate consolidated set of local rules **[ shall ]** be maintained in the prothonotary's or clerk's office.

\* \* \* \* \*

**The purpose of paragraph (e) is to prevent the dismissal of cases, or the grant or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (e) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.**

**After the court has alerted the party to the local rule pursuant to paragraph (e), the court may impose a sanction for subsequent noncompliance either on counsel or the defendant if proceeding pro se, but may not dismiss the case, or grant or deny relief because of non-compliance.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments published at 30 Pa.B. 2574 (May 27, 2000).**

*(Editor's Note:* The following shows the amendments to new Rule 105. See 30 Pa.B. 1477 (March 18, 2000).)

#### Rule 105. Local Rules.

(A) For the purpose of this rule, the term "local rule" shall include every rule, regulation, directive, policy, custom, usage, form or order of general application, however labeled or promulgated, **[ which is ]** adopted or enforced by a court of common pleas to govern criminal practice and procedure, **which requires a party or party's attorney to do or refrain from doing something.**

\* \* \* \* \*

<sup>1</sup> Rule 6 will become Rule 105 as part of the reorganization and renumbering of the rules adopted March 1, 2000, effective April 1, 2001.

(C) [ To be effective and enforceable. ] A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:

\* \* \* \* \*

(E) No case shall be dismissed nor request for relief granted or denied because of failure to comply with a local rule. In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the attorney to comply with the local rule.

[ (E) ] (F) \* \* \*

Comment

\* \* \* \* \*

The caption of other words used as a label or designation shall not determine whether something is or establishes a local rule; if the definition in paragraph (A) of this rule is satisfied the matter is a local rule regardless of what it may be called. The provisions of this rule are also intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

\* \* \* \* \*

Paragraph (C) was amended in 2000 to emphasize that the adopting authority must comply with all the provisions of paragraph (C) before any local rule, or any amendments to local rules, will be effective and enforceable.

[ It is contemplated under subparagraph ] Paragraph (C)(5) requires that a separate consolidated set of local rules [ shall ] be maintained in the prothonotary's or clerk's office.

\* \* \* \* \*

The purpose of paragraph (E) is to prevent the dismissal of cases, or the grant or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (E) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph (E), the court may impose a sanction for subsequent noncompliance either on counsel or the defendant if proceeding pro se, but may not dismiss the case, or grant or deny relief because of non-compliance.

Official Note: Rule 6 adopted January 28, 1983, effective July 1, 1983; amended May 19, 1987, effective July 1, 1987; renumbered Rule 105 and amended March 1, 2000, effective April 1, 2001; amended \_\_\_\_\_, 2000, effective \_\_\_\_\_, 2000.

Committee Explanatory Reports:

\* \* \* \* \*

Report explaining the proposed amendments published at 30 Pa.B. 2574 (May 27, 2000).

REPORT

Proposed Amendments to Pa.R.Crim.P. 6 LOCAL RULE PROCEDURES

I. Background

In 1983, the Court adopted Pa.R.Crim.P. 6 and Pa.R.Civ.P. 239 "to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of criminal [and civil] procedure normally preempts the subject covered." Court's adopting Order, 13 Pa.B. 760 (February 19, 1983). The new rules provided a uniform definition of local rules, prerequisites to effectiveness and effective dates, procedures for accessibility and distribution, and for the suspension of inconsistent local rules.

Since the 1983 adoption of Rule 6, the Committee has been monitoring local criminal rules and local practices. Experience has shown Rule 6 is being honored in the breach, which hampers rather than promotes the statewide practice of law. Some judges continue to implement local practices and procedures that do not comply with Rule 6 by calling them something other than a local rule, even though they are local rules within the definition of Rule 6. Often "local rules" are not published or made available to the members of the bar, and as sanctions for non-compliance, some local rules provide for the dismissal of the case. In many cases, these local practices and procedures conflict with the statewide rules.

Over the years, the Committee has attempted to work with the judicial districts on problem local rules, and has been successful in resolving many of the conflicts. However, there continues to be frustration for the Committee, as well as counsel, because we are not aware of many local rules since the rules are not published or publically available as required in Rule 6. In addition, the Supreme Court's Judicial Council has undertaken a statewide study of local rules and the problems encountered by practitioners.

In view of the Judicial Council's study, and recognizing the Committee has not been completely successful in resolving the problems with local rules, we agreed that as a first step, Rule 6 should be amended to make the definition of "local rule" clearer and the requirements for the effectiveness and enforceability of local rules more emphatic, and to address limitations on the sanctions for non-compliance with local rules. The proposed amendments are discussed below.

II. Discussion

A. Definition of "Local Rule"

One of the major problems uncovered as we researched the issue of local rules is that some president judges issue orders that are intended to govern local practice and procedure, but do not call them local rules and do not comply with Rule 6. Bypassing the Rule 6 requirements impedes the statewide practice of law and violates the spirit, if not the letter, of Rule 6. With this in mind, the Committee is proposing an amendment of the definition of "local rule" that will emphasize that the label or designation is not determinative, but rather it is the content, purpose, and effect that control. Paragraph (A) would be amended by the addition of the phrase "which requires a party or party's attorney to do or refrain from doing something." This strengthens the definition by making it clear that any locally mandated practice or procedure requiring some action or inaction is indeed a local rule.

### B. Prerequisites to Effectiveness

The Committee agreed another step in clarifying the rule would be to underscore the requirements that must be followed before a local rule will be effective and enforceable. To accomplish this, the introductory phrase for paragraph (C) would be reworded to place emphasis on the fact that, unless the requirements of Rule 6 are followed, the local rule is not effective nor enforceable. Accordingly, we are proposing the introductory phrase be changed to state:

A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:

### C. Sanctions

When Rule 6 was recommended to the Court in 1982, the Committee had not included a provision similar to the one included in Civil Rule 239 prohibiting the dismissal of an action for violation of a local rule. The Committee reasoned that "in practice such dismissals rarely occur, if at all in criminal cases," and therefore such a provision was unnecessary. See Committee explanatory Report, 13 Pa.B. 761 (February 19, 1983). Experience with local rules has demonstrated the opposite to be true: cases are dismissed, or requests for relief are granted or denied, when a party fails to comply with a local rule; and this is a major concern among practitioners.

Recognizing one of the major problems contributing to non-compliance is that many local rules are not published, and are not easily accessible, the Committee concluded that it was inappropriate to dismiss cases in these circumstances. Considering how best to resolve the problem of lack of notice and address sanctions, the Committee agreed to propose (1) the prohibition of the dismissal of a case and the grant or denial of a request for relief because of failure to comply with a local rule, and (2) placing with the court the responsibility for alerting a non-complying party to the specific provision of the local rule. The court also would be required to provide the party with a reasonable amount of time to comply. These provisions would be new paragraph (E).

Although agreeing with the proposal, some members expressed concern that the "sanction" limitation in new paragraph (E) might be construed as limiting a judge's options when a party in a particular case refuses to comply with procedural orders that apply only to that case. For clarification purposes, the Committee agreed to add a provision to the Comment pointing out the distinction between local rules of general application and orders or directives regulating the procedures in a particular case, i.e., "case-specific" orders.

Finally, the Committee agreed to add as the last paragraph of the Comment a provision explaining how to proceed when an attorney fails to comply even after being alerted to the local rule and given time to comply—the attorney should be sanctioned rather than the case being dismissed or the relief granted or denied. The Comment explains that when the party continues to ignore the local rule, the only appropriate sanctions would be against the attorney who is not complying, or the non-complying defendant if proceeding pro se.

[Pa.B. Doc. No. 00-874. Filed for public inspection May 26, 2000, 9:00 a.m.]

## [234 PA. CODE CHS. 9 AND 1500]

### Proposed Amendment to Rule 1509; Procedures for Petitions in Death Penalty Cases; Stays of Execution of Sentence; Hearing; Disposition

#### Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.R.Crim.P. 1509. The proposed amendments permit the judge to grant a 30-day extension of the dispositional time limits. When a judge fails to dispose of the petition within the time limits, the amendments provide a mechanism for notifying the judge that the time limits have expired and, absent action by the judge, for notifying the Supreme Court of the judge's failure to act. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Supplemental Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports and Supplemental Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports or Supplemental Reports.

The text of the proposed amendments to Rule 1509 precedes the Supplemental Report. Additions are shown in bold and are underlined, and deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901 no later than Monday, June 5, 2000.

*By the Criminal Procedural Rules Committee*

J. MICHAEL EAKIN,  
*Chair*

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1500. POST-CONVICTION COLLATERAL PROCEEDINGS

#### Rule 1509. Procedures for Petitions in Death Penalty Cases; Stays of Execution of Sentence; Hearing; Disposition.<sup>1</sup>

\* \* \* \* \*

#### (B) Hearing; Disposition

(1) No more than 20 days after the Commonwealth files an answer pursuant to Rule 1506(E)(1) or (E)(2),<sup>2</sup> or if no answer is filed as permitted in Rule 1506(E)(2), within 20 days after the expiration of the time for answering, the judge shall review the petition, the Commonwealth's answer, if any, and other matters of record relating to the defendant's claim(s), and shall determine whether an evidentiary hearing is required.

[ (C ) (2) If the judge is satisfied from this review that there are no genuine issues concerning any material fact, [ that ] the defendant is not entitled to post-

<sup>1</sup> Rule 1509 will become Rule 909 as part of the reorganization and renumbering of the rules adopted March 1, 2000, effective April 1, 2001.

<sup>2</sup> Rule 1506 will become Rule 906 as part of the reorganization and renumbering of the rules adopted March 1, 2000, effective April 1, 2001.



conviction collateral relief, and [ that ] no legitimate purpose would be served by any further proceedings,

[ (1) ] (a) \* \* \*

[ (2) ] (b) The defendant may respond to the proposed dismissal [ by filing a request for oral argument ] within 20 days of the date of the notice.

[ (3) ] (c) No later than 90 days from the date of the notice, or from the date of the [ oral argument, if granted ], defendant's response, the judge shall:

[ (a) ] (i) dismiss the petition [ , ] and issue an order to that effect [ , and advise the defendant by certified mail, return receipt requested, of the right to appeal from the final order disposing of the petition and of the time within which the appeal must be taken ];

[ (b) ] (ii) grant the defendant leave to file an amended petition; [ and/ ] or

[ (c) ] (iii) \* \* \*

[ (D) ] (3) If the judge determines that an evidentiary hearing is required, the judge shall enter an order setting a date certain for the hearing, which shall not be scheduled for fewer than 10 days or more than 45 days from the date of the order. The judge may, for good cause shown, grant leave to continue the hearing. No more than 90 days after the conclusion of the evidentiary hearing, the judge shall dispose of the petition.

(4) When the 90-day time periods in paragraphs (B)(2)(c) and (B)(3) must be delayed, the judge, for good cause shown, may enter an order extending the period for not longer than 30 days.

(5) If the judge does not act within the 90 days mandated by paragraphs (B)(2)(c) and (B)(3), or within the 30 day-extension permitted by paragraph (B)(4), the clerk of courts shall send a notice to the judge that the time period for disposing of the petition has expired. The clerk shall enter the date and time of the notice on the docket, and shall send a copy of the notice to the attorney for the Commonwealth, the defendant, and defense counsel, if any.

(6) If the judge does not dispose of the defendant's petition within 30 days of the clerk of courts' notice, the clerk immediately shall send a notice of the judge's non-compliance to the Supreme Court. The clerk shall enter the date and time of the notice on the docket, and shall send a copy of the notice to the attorney for the Commonwealth, the defendant, and defense counsel, if any.

(7) When the petition for post-conviction collateral relief is dismissed by order of the court,

(a) the clerk immediately shall furnish a copy of the order by mail or personal delivery to the Prothonotary of the Supreme Court, the attorney for the Commonwealth, the defendant, and defense counsel, if any.

(b) The order shall advise the defendant of the right to appeal from the final order disposing of the petition, and of the time within which the appeal must be taken.

[ (E) Failure of the judge to dispose of the petition within 90 days as required by paragraphs (C)(3) and (D) may result in the imposition of sanctions. ]

**Official Note:** Previous Rule 1509 adopted February 1, 1989, effective July 1, 1989; renumbered Rule 1510 August 11, 1997, effective immediately. Present Rule 1509 adopted August 11, 1997, effective immediately; amended July 23, 1999, effective September 1, 1999; renumbered Rule 909 and amended March 1, 2000, effective April 1, 2001; amended \_\_\_\_\_, 2000, effective \_\_\_\_\_, 2000.

**Comment**

\* \* \* \* \*

[ It is intended that once a determination is made under this rule that an evidentiary hearing is required, the provisions of Rule 1508(c), (d), and (e) apply. ]

Paragraph (B)(3) permits the judge to continue the hearing when there is good cause, such as when the judge determines that briefing and argument are necessary on any of the issues, or when there is a problem with securing the defendant's appearance.

It is intended that once a determination is made under paragraph (B)(3) of this rule that an evidentiary hearing is required, the provisions of Rule 1508(C), (D), and (E) apply.<sup>3</sup>

Paragraph (B)(4) was added in 2000 to permit the judge to enter an order for one 30-day extension of the 90-day time limit within which the judge must act pursuant to paragraphs (B)(2)(c) and (B)(3) of this rule. When the judge extends the time, the judge promptly must notify the clerk of courts of the extension order.

Paragraph (B)(5) addresses the situation in which the judge does not comply with the rule's time limits. The clerk of courts is required to give the judge notice that the 90-day time period has expired. Further non-compliance requires the clerk to bring the case to the attention of the Supreme Court, which is responsible for the administration of the unified judicial system.

It is expected, if there are extenuating circumstances why the judge cannot act within the time limits of the rule, the judge will provide a written explanation to the Supreme Court.

Paragraph (B)(7) requires the clerk to immediately notify the Prothonotary of the Supreme Court, the attorney for the Commonwealth, the defendant, and defense counsel, if any, that the petition has been denied. This notice is intended to protect the defendant's right to appeal.

The clerk of courts must comply with the notice and docketing requirements of Rule 9025<sup>4</sup> with regard to any orders entered pursuant to this rule.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments concerning extensions of time and sanctions published**

<sup>3</sup> Rule 1508 will become Rule 908 as part of the reorganization and renumbering of the rules adopted March 1, 2000, effective April 1, 2001.

<sup>4</sup> Rule 9025 will become Rule 114 as part of the reorganization and renumbering of the rules adopted March 1, 2000, effective April 1, 2001.

at 29 Pa.B. 6462 (December 25, 1999). Supplemental Report published at 30 Pa.B. 2578 (May 26, 2000).

*(Editor's Note: The following shows amendments to new Rule 909. See 30 Pa.B. 1477 (March 18, 2000).)*

**Rule 909. Procedures for Petitions in Death Penalty Cases; Stays of Execution of Sentences; Hearing Disposition.**

\* \* \* \* \*

**(B) Hearing; Disposition**

(1) No more than 20 days after the Commonwealth files an answer pursuant to Rule 906(E)(1) or (E)(2), or if no answer is filed as permitted in Rule 906(E)(2), within 20 days after the expiration of the time for answering, the judge shall review the petition, the Commonwealth's answer, if any, and other matters of record relating to the defendant's claim(s), and shall determine whether an evidentiary hearing is required.

[ (C) ] (2) If the judge is satisfied from this review that there are no genuine issues concerning any material fact, [ that ] the defendant is not entitled to post-conviction collateral relief, and [ that ] no legitimate purpose would be served by any further proceedings,

[ (1) ] (a) \* \* \*

[ (2) ] (b) The defendant may respond to the proposed dismissal [ by filing a request for oral argument ] within 20 days of the date of the notice.

[ (3) ] (c) No later than 90 days from the date of the notice, or from the date of the [ oral argument, if granted ] defendant's response, the judge shall:

[ (a) ] (i) dismiss the petition [ , ] and issue an order to that effect [ , and advise the defendant by certified mail, return receipt requested, of the right to appeal from the final order disposing of the petition and of the time within which the appeal must be taken ];

[ (b) ] (ii) grant the defendant leave to file an amended petition; [ and/or ]

[ (c) ] (iii) \* \* \*

[ (D) ] (3) If the judge determines that an evidentiary hearing is required, the judge shall enter an order setting a date certain for the hearing, which shall not be scheduled for fewer than 10 days or more than 45 days from the date of the order. The Judge may, for good cause shown, grant leave to continue the hearing. No more than 90 days after the conclusion of the evidentiary hearing, the judge shall dispose of the petition.

(4) When the 90-day time periods in paragraphs (B)(2)(c) and (B)(3) must be delayed, the judge, for good cause shown, may enter an order extending the period for not longer than 30 days.

(5) If the judge does not act within the 90 days mandated by paragraphs (B)(2)(c) and (B)(3), or within the 30 day-extension permitted by paragraph (B)(4), the clerk of courts shall send a notice to the judge that the time period for disposing of the petition has expired. The clerk shall enter the date and time of the notice on the docket, and shall send a copy of the notice to the attorney for the Commonwealth, the defendant, and defense counsel, if any.

(6) If the judge does not dispose of the defendant's petition within 30 days of the clerk of courts' notice, the clerk immediately shall send a notice of the judge's non-compliance to the Supreme Court. The clerk shall enter the date and time of the notice on the docket, and shall send a copy of the notice to the attorney for the Commonwealth, the defendant, and defense counsel, if any.

(7) When the petition for post-conviction collateral relief is dismissed by order of the court,

(a) the clerk immediately shall furnish a copy of the order by mail or personal delivery to the Prothonotary of the Supreme Court, the attorney for the Commonwealth, the defendant, and defense counsel, if any.

(b) The order shall advise the defendant of the right to appeal from the final order disposing of the petition, and of the time within which the appeal must be taken.

[ (E) Failure of the judge to dispose of the petition within 90 days as required by paragraphs (C)(3) and (D) may result in the imposition of sanctions. ]

**Official Note:** Previous Rule 1509 adopted February 1, 1989, effective July 1, 1989; renumbered Rule 910 August 11, 1997, effective immediately. Present Rule 1509 adopted August 11, 1997, effective immediately; amended July 23, 1999, effective September 1, 1999; renumbered Rule 909 and amended March 1, 2000, effective April 1, 2001; amended \_\_\_\_\_, 2000, effective \_\_\_\_\_, 2000.

**Comment**

\* \* \* \* \*

[ It is intended that once a determination is made under this rule that an evidentiary hearing is required, the provisions of Rule 1508(c), (d), and (e) apply. ]

Paragraph (B)(3) permits the judge to continue the hearing when there is good cause, such as when the judge determines that briefing and argument are necessary on any of the issues, or when there is a problem with securing the defendant's appearance.

It is intended that once a determination is made under paragraph (B)(3) of this rule that an evidentiary hearing required, the provisions of Rule 908(C), (D), and (E) apply.

Paragraph (B)(4) was added in 2000 to permit the judge to enter an order for one 30-day extension of the 90-day time limit within which the judge must act pursuant to paragraphs (B)(2)(c) and (B)(3) of this rule. When the judge extends the time, the judge promptly must notify the clerk of courts of the extension order.

Paragraph (B)(5) addresses the situation in which the judge does not comply with the rule's time limits. The clerk of courts is required to give the judge notice that the 90-day time period has expired. Further non-compliance requires the clerk to bring the case to the attention of the Supreme Court, which is responsible for the administration of the unified judicial system.

It is expected, if there are extenuating circumstances why the judge cannot act within the time limits of the rule, the judge will provide a written explanation to the Supreme Court.

Paragraph (B)(7) requires the clerk to immediately notify the Prothonotary of the Supreme Court, the attorney for the Commonwealth, the defendant, and defense counsel, if any, that the petition has been denied. This notice is intended to protect the defendant's right to appeal.

The clerk of courts must comply with the notice and docketing requirements of Rule 114 with regard to any orders entered pursuant to this rule.

*Committee Explanatory Reports:*

\* \* \* \* \*

Report explaining the proposed amendments concerning extensions of time and sanctions published at 29 Pa.B. 6462 (December 25, 1999). Supplemental Report published at 30 Pa.B. 2578 (May 26, 2000).

#### SUPPLEMENTAL REPORT

#### Proposed Amendments to Pa.R.Crim.P. 1509

#### POST-CONVICTION COLLATERAL RELIEF PETITION—DEATH PENALTY CASES

#### DISPOSITION: TIME LIMITS; EXTENSIONS; SANCTIONS

##### I. Background

On December 25, 1999, the Committee published for comment a proposal for changes that (1) would have added to Rules 1507 and 1508 a 90-day time limit for disposition of petitions for post-conviction collateral relief in noncapital cases comparable to the time limits in Rule 1509 in capital cases, and (2) in both capital and noncapital cases, would have permitted the judge to grant a 30-day extension of the time limits and, when a judge fails to dispose of the petition within the time limits, provided the petition be deemed denied. The proposed deemed denied procedures were similar to the Rule 1410 (Post-Sentence Procedures; Appeal) deemed denied procedure, and were intended to insure the judge acted within the time limits set by the rules.

The Committee received a number of publication responses expressing concerns about the deemed denied portion of the proposal as it applied in death penalty cases. In view of these comments, the Committee agreed to take another look at the issue in the death penalty context. As a result of this reexamination, the Committee is proposing another approach to the problem of delays in the disposition of petitions for post-conviction collateral relief in death penalty cases, as explained in this Supplemental Report.<sup>5</sup>

##### II. Discussion

The Committee is proposing as an alternative to the deemed denied provision a procedure whereby the clerk of courts will notify the judge when the 90-day time limit for disposition of the petition, or the 30-day extension, if any, has expired. This notice will start another 30-day clock running. If the judge does not dispose of the petition within this 30-day grace period, the clerk will be required to notify the Supreme Court.<sup>6</sup> This procedure provides the judge with a "friendly" reminder in case the time just slipped by, and an opportunity to dispose of the petition before more severe consequences occur. In those few cases

<sup>5</sup> All the other proposed changes to Rule 1509 explained at 29 Pa.B. 6466 (December 25, 1999) remain the same, and are not re-discussed in this Supplemental Report.

in which a judge fails to comply within the time limits after notice, the procedure gets the case squarely before the governing authority charged with supervising judges and the unified judicial system—the Supreme Court. The Committee thinks this proposed procedure will work well to move cases along without the dire consequences of an automatic deemed denied provision.<sup>7</sup>

The Committee agreed the clerk of courts should be responsible for the notification since this is an issue of tracking cases, and it is reasonable for the clerk to remind the judge of the dead lines imposed by the Supreme Court. Furthermore, the clerk of courts is a judicial officer and already has similar responsibilities in the context of Rule 1410 with regard to tracking the time limits for post-sentence motions and issuing the orders. The members also noted that there are not that many death penalty cases, so adding this responsibility to the duties of the clerk of courts would not create an onerous burden, particularly outside Philadelphia.

The changes to implement the notice procedure would appear as new paragraphs (B)(5) and (6). Paragraph (5) would require the clerk of courts to send a notice to the judge, enter the date and time of the notice on the docket, and send a copy of the notice to the attorney for the Commonwealth, the defendant, and defense counsel, if any. Paragraph (6) would require the clerk to send a notice to the Supreme Court if the judge does not dispose of the petition within a 30-day grace period after the clerks' notice, and similarly requires entry of the date and time of the notice on the docket, and copies of the notice to the parties. The Comment suggests in those cases in which the judge has a justification for the non-compliance, it would be prudent for the judge to provide the Court with a written explanation for the delay.

During the Committee's discussions of the time limits and the notice procedures, we noted that the addition of the time limits has generated questions about whether a PCRA hearing may be continued to allow, for example, for briefing and argument on certain points or for time to have a defendant returned from a state prison facility, and what effect these "delays" would have on the time limits. The Committee agreed that the hearing could be continued without impacting on the time limits. Accordingly, as part of this proposal, we are adding a Comment provision explaining the judge may continue a hearing and the 90-day time limit would not start to run until after the hearing is concluded.

[Pa.B. Doc. No. 00-875. Filed for public inspection May 26, 2000, 9:00 a.m.]

<sup>6</sup> The Committee considered, but rejected, placing the notice requirements with the Commonwealth. We agreed that this notice procedure was one of judicial administration, a function that should not be placed on the attorney for the Commonwealth. In addition, there was some concern that the mere filing of a "failure to act" petition could result in some judges reacting negatively and taking action adverse to the Commonwealth.

<sup>7</sup> The Committee has limited this proposal to death penalty cases, and has tabled the deemed denied proposal as to all other PCRA cases until we see how the notice provisions in death penalty cases work in practice. If the proposed procedure accomplishes the goal of moving these cases along and reduces judicial delay in disposition of the petitions, the Committee may consider proposing this procedure for all PCRA cases. In the interim, as an aid to the Committee in monitoring the delays in disposition of PCRA petitions, arrangements are being made through the acting State Court Administrator and Chief Justice for the Administrative Office of Pennsylvania Courts to conduct a statewide survey concerning the amount of time that lapses between the filing of the PCRA petition and the hearing on the petition. (The post-hearing delay already is reported by judges on the judges R.J.A. 703 reports.)

# Title 252—ALLEGHENY COUNTY RULES

## ALLEGHENY COUNTY

### Rules of Court of Common Pleas; No. RD-1 of 2000 Rules Docket

#### Order of Court

*And Now*, to-wit, this 18th day of April, 2000, pursuant to action of the Board of Judges, the within local Rule 440 affecting the Civil Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

ROBERT A. KELLY,  
*President Judge*

#### Local Rule 440

#### Certificate of Service

(1) Copies of all legal papers other than original process that are required to be served on each party to the action pursuant to Pa.R.C.P. No. 440, shall include a Certificate of Service, which sets forth the date and manner of service.

(2) The Certificate of Service shall set forth the name of an attorney of record for each of the parties that is represented by counsel and the address at which service was made.

#### Note

The mere statement "Service upon all counsel of record" is not acceptable.

(3) If any parties are not represented by counsel, the Certificate of Service shall identify the party as being unrepresented by using a "pro se" designation and shall set forth the address at which service was made.

(4) The address listed in the Certificate of Service may be an e-mail address or telephone number used for a facsimile transmission where service was made in this fashion provided that such service is authorized under the Pennsylvania Rules of Civil Procedure.

[Pa.B. Doc. No. 00-876. Filed for public inspection May 26, 2000, 9:00 a.m.]

## ALLEGHENY COUNTY

### Rules of Court of Common Pleas; No. RD-2 of 2000 Rules Docket

#### Order of Court

*And Now*, to-wit, this 18th day of April, 2000, pursuant to action of the Board of Judges, the within local Rule 205.4 affecting the Civil Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

ROBERT A. KELLY,  
*President Judge*

#### Local Rule 205.4

(a) Except as otherwise provided by subsection (b) of this rule, parties may file legal papers, including original process, with the Prothonotary by means of electronic filing in any civil action or proceeding at law or in equity brought in or appealed to the court, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923. Parties may also file with the Prothonotary by means of electronic filing the following matters:

#### Reports

Annual Audit  
Bond of Tax Collector  
Cemetery Report  
Oath of Office  
Tax Collector Report

#### Liens/Scire Facias

Commercial Broker Lien  
Commonwealth Tax Lien  
Condominium Lien  
Declaration of Covenant Lien  
Environmental Resources Lien  
Federal Judgment Lien  
Foreign State Tax Lien  
Mechanic's Lien  
Municipal Lien  
No Lien Agreement  
Pension Benefit Lien  
Planned Community Lien  
Scire Facias sur Municipal Lien  
Scire Facias sur Tax Lien  
Unemployment Compensation Lien

#### Foreign Judgment/Execution

Foreign Execution  
Foreign Judgment  
Assurance of Voluntary Compliance

#### Note

A "legal paper" within the meaning of the first sentence of subsection (a) means a pleading or other paper filed in any civil action or proceeding at law or in equity.

(b) The following legal papers may not be filed with the Prothonotary by means of electronic filing:

(1) Legal papers relating to any action governed by Pa.R.C.P. Nos. 1901—1920.92 and any legal papers filed pursuant to Pa.R.C.P. Nos. 1930.1—1940.8.

#### Note

Subsection (b)(1) excludes Domestic Relations Matters. Local Rules governing the filing of legal papers by means of electronic filing in Domestic Relations Matters will be included in separate Allegheny County Local Rules relating to Domestic Relations Matters.

(2) A notice of appeal from an award of a board of arbitrators or a notice of appeal or other legal paper, the filing of which is prescribed by the Rules of Civil Procedure Governing Actions and Proceedings before District Justices.

#### Note

The legal papers described in this subsection (b)(2) cannot be filed through electronic filing. See Pa.R.C.P. No. 205.4(a)(2).

(3) Any legal papers relating to the revival and the enforcement of judgments other than legal papers filed

pursuant to Pa.R.C.P. Nos. 3031, 3117, 3118, 3119, 3142, 3143(d), (f), (g) and (h), 3144, 3145, 3146, and 3149.

*Note*

The legal papers described in subsection (b)(3) are excluded from electronic filing because of the Sheriff's involvement with these matters.

(4) Any original process other than (i) original process filed to commence an action or (ii) original process that will not be served by a Sheriff.

*Note*

It is feasible for the Prothonotary to collect the fees and costs for service by the Sheriff only for original process filed to commence the lawsuit. Subsection (b)(4) excludes from electronic filing original process that will be served by the Sheriff and which does not commence the action, including a reissued writ of summons, a reinstated complaint, a writ to join an additional defendant, and a complaint joining an additional defendant.

There are instances in which original process is not required to be served by a Sheriff, including original process filed in actions described in Pa.R.C.P. No. 400(b), original process that will be served outside the Commonwealth, and original process that will be served pursuant to an Acceptance of Service. Any original process may be filed electronically if the party filing the original process instructs the Prothonotary that the original process shall not be delivered electronically to the Sheriff by the Prothonotary. Under local practice, the Prothonotary does not deliver to the Sheriff original process commenced with a paper filing.

(5) In General Docket cases, (i) preliminary objections, (ii) motions for judgment on the pleadings, or (iii) motions for summary judgment.

*Note*

The matters described in subsection (b)(5) are excluded from electronic filing because at this time it is not feasible to alter the existing procedure under which these matters are presented to a motions clerk or an argument clerk before being filed in the Office of the Prothonotary.

(6) In compulsory arbitration cases, (i) preliminary objections, (ii) petitions, or (iii) motions.

**Note**

The matters described in subsection (b)(6) are excluded from electronic filing because of the practice of furnishing an argument date to the party filing the matter at the time of the filing.

(7) The following matters:

Health Department Judgments  
Housing Court Judgments  
Confession of Judgments  
ACBA Fee Dispute Judgments  
Judgment Rolls  
Orphan's Court Judgments  
PHEAA Judgments  
Pennsylvania Agency Judgments  
Workers' Compensation Judgments  
District Justice Transcripts  
Exemplification of Records  
Amicable Ejectments  
Petition for Name Change

*Note*

At this time, it is not feasible for the Prothonotary to receive through electronic filing the matters described in subsection (b)(7).

(c) The filing party shall maintain the original hard copy of any legal paper that is electronically filed.

(d) The Prothonotary shall provide electronic access at all times. The time and date of the filing and receipt shall be that registered by the Prothonotary's computer system.

(e) The website address of the Prothonotary is as follows: [www.PROTHONOTARY.COUNTY.ALLEGHENY.PA.US](http://www.PROTHONOTARY.COUNTY.ALLEGHENY.PA.US).

(f) Access to the website shall be available to an attorney by use of the attorney's Supreme Court identification number issued by the Court Administrator of Pennsylvania. Access is also available to any other user by the user selecting any numbers or letters that the user wishes to use as an identification number.

(g) The Prothonotary shall maintain an electronic and a hard copy file for the legal papers described in the first sentence of section (a). The Prothonotary is not required to maintain a hard copy file for the legal papers described in the second sentence of section (a).

*Note*

In the future, it may be feasible to eliminate the requirement that the Prothonotary maintain a hard copy file for every civil action or proceeding at law or in equity.

(h) The procedures for payment of the fees and costs of the Prothonotary and the fees and costs for service by the Sheriff shall be set forth on the Prothonotary's website.

(i) The Prothonotary shall provide a filing status message to the filing party setting forth the date of and time of acceptance of the filing or the fact that the filing has not been accepted. A legal paper is not considered filed if the Prothonotary responds to the filing by notifying the filing party that the filing party has not (i) maintained sufficient funds to pay the fees and costs described in subsection (h) or (ii) authorized payment by credit or debit card of these fees and costs.

*Note*

A filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the Prothonotary. See Pa.R.C.P. No. 205.4(e)(2). One of the risks is that the Prothonotary—either, correctly or incorrectly—determines that the filing party has not met its obligation for payment of the necessary fees and costs.

(j) Electronic filing, as authorized by this Local Rule, also may be effected through the website of THE EXTENDED COURTHOUSE, INC. (a not-for-profit corporation), the address of which is [www.techi.org](http://www.techi.org). Electronic service of legal papers other than original process may be made through this website.

(k) This rule shall be rescinded on December 31, 2001 unless Pa.R.C.P. No. 205.4(h) is modified or rescinded.

*Note*

Pa.R.C.P. No. 205.4(h) provides that this rule shall be rescinded on December 31, 2001.

[Pa.B. Doc. No. 00-877. Filed for public inspection May 26, 2000, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## DAUPHIN COUNTY

### Promulgation of Local Rules; No. 1689 S 1989

#### Order

And Now, this 2nd day of May, 2000, Dauphin County Local Rule of Civil Procedure 205.1 is amended as follows:

#### Rule 205.1. Filing Legal Papers; Removing Papers.

(a) All papers filed in the Office of the Prothonotary shall bear the name of the attorney or party filing them, and the address at which service can be made. **In all cases where a judge has been assigned to the matter in dispute, a courtesy copy of all pleadings, briefs or memoranda filed with the Prothonotary shall also be filed with the chambers of the assigned judge.** The size and other physical characteristics of all papers or other documents filed shall conform to standards set and established by the Pennsylvania Rules of Appellate Procedure for papers or other documents filed in an appellate court.

\* \* \* \* \*

It is also ordered that Dauphin County Rule of Criminal Procedure 9022 be promulgated as follows:

#### Rule 9022. Filing.

**All papers filed with the Clerk of Courts shall bear the name of the attorney or party filing them, and the address at which service can be made. In all cases where a judge has been assigned to the matter in dispute, a courtesy copy of all pleadings, briefs or memoranda filed with the Clerk of Courts shall also be filed with the chambers of the assigned judge. The size and other physical characteristics of all papers or other documents filed shall conform to standards set and established by the Pennsylvania Rules of Appellate Procedure for papers or other documents filed in an appellate court.**

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

By the Court

JOSEPH H. KLEINFELTER,  
President Judge

[Pa.B. Doc. No. 00-878. Filed for public inspection May 26, 2000, 9:00 a.m.]

## DAUPHIN COUNTY

### Promulgation of Local Rules; No. 1689 S 1989

#### Order

And Now, this 4th day of May, 2000, Dauphin County Local Rule of Civil Procedure 211 is amended as follows:

#### Rule 211. Argument Court.

##### C. LISTING AND BRIEFING CASES

- (1) Moving party

(a) Within [ 20 ] 30 days of the filing of any matter, the moving party shall file one original and three copies of a supporting brief together with affidavits, depositions, transcripts, or other supporting documents.

(b) The moving party shall serve copies of its brief on all opposing parties together with a notice to file a responsive brief within [ 20 ] 30 days of service.

(c) Upon the failure of the moving party to timely file and serve its brief, the court may sua sponte, or upon petition of the opposing party, order the matter withdrawn with prejudice.

#### (2) Opposition party

(a) Any party in opposition to the matter shall file one original and three copies of its responsive brief within [ 20 ] 30 days of service of the moving party.

(b) If an opposition party fails to file and serve its brief within the time period required, the court may consider such failure to be a waiver of opposition and shall sua sponte, or upon petition of the moving party, either 1) grant the relief requested, so long as such action does not result in dismissal of the case; or 2) exclude the opposition party from oral argument.

#### Comment to Amendment

This amendment reflects the Court's decision to amend its argument court briefing schedule to parallel the summary judgment motion response schedule set forth in Pa.R.C.P. 1035.3. While this Court does not view the prior deadlines as inconsistent under Pa.R.C.P. 239(b), it acknowledges that ease of function will occur with such amendment. The attendant delay of up to 10 days per side amounts to less than three weeks, a short period in the timespan of the average suit.

These amendments shall govern all matters submitted as of and including the August 17, 2000, argument court.

By the Court

JOSEPH H. KLEINFELTER,  
President Judge

[Pa.B. Doc. No. 00-879. Filed for public inspection May 26, 2000, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Mark D. Caswell, having been suspended from the practice of law in the State of New Jersey for a period of six months by Order of the Supreme Court of New Jersey dated March 23, 1999, the Supreme Court of Pennsylvania issued an Order dated May 9, 2000, that Mark D. Caswell is suspended from the practice of law in this Commonwealth for a period of six months. In accordance with the Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the

Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 00-880. Filed for public inspection May 26, 2000, 9:00 a.m.]

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## SUPREME COURT

**Exhaustion of State Remedies in Criminal and Post-Conviction Relief Cases; No. 218; Judicial Administration Docket No. 1**

### Order

*Per Curiam:*

*And Now*, this 9th day of May, 2000, we hereby recognize that the Superior Court of Pennsylvania reviews criminal as well as civil appeals. Further, review of a final order of the Superior Court is not a matter of

right, but of sound judicial discretion, and an appeal to this Court will only be allowed when there are special and important reasons therefor. Pa.R.A.P. 1114. Further, we hereby recognize that criminal and post-conviction relief litigants have petitioned and do routinely petition this Court for allowance of appeal upon the Superior Court's denial of relief in order to exhaust all available state remedies for purposes of federal habeas corpus relief.

In recognition of the above, we hereby declare that in all appeals from criminal convictions or post-conviction relief matters, a litigant shall not be required to petition for rehearing or allowance of appeal following an adverse decision by the Superior Court in order to be deemed to have exhausted all available state remedies respecting a claim of error. When a claim has been presented to the Superior Court, or to the Supreme Court of Pennsylvania, and relief has been denied in a final order, the litigant shall be deemed to have exhausted all available state remedies for purposes of federal habeas corpus relief. This Order shall be effective immediately.

[Pa.B. Doc. No. 00-881. Filed for public inspection May 26, 2000, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF VETERINARY MEDICINE

#### [49 PA. CODE CH. 31]

#### Examinations, Licensure, Fees

The State Board of Veterinary Medicine (Board) amends §§ 31.3, 31.11, 31.12 and 31.41 to replace the current uniform National examination for licensure, the National Board Examination (NBE) and the Clinical Competency Test (CCT), which will be administered for the final time on April 11–12, 2000, with the new uniform National examination; and to delete the requirement that applicants for licensure take the Pennsylvania Veterinary Legal Practice Examination (PVLPE). The NBE and CCT will be replaced with the North American Veterinary Licensing Examination (NAVLE), the uniform examination which will be required of applicants for licensure in the United States and Canada. The first administration of the NAVLE will be in late November–mid December, 2000.

Section 9 of the Veterinary Medicine Practice Act (63 P. S. § 485.9) (act) authorizes the Board to determine the license examinations to be required of applicants for licensure. Section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 9(b)(3) of the act provide that a National uniform examination may be used as the licensing examination. Section 5(6) of the act (63 P. S. § 485.5(6)), authorizes the Board to approve the qualifications of applicants for licensure.

#### *Replacement of NBE and CCT with NAVLE*

Public notice of intention to amend the regulations under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL), has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because the NAVLE is replacing the NBE and CCT as the uniform National licensing examination for veterinarians effective after the last administration of the NBE and CCT in April 2000. The NBE, CCT and NAVLE are administered by the National Board Examination Committee for Veterinary Medicine.

The change in the examination will also effect a change in the fee for candidates taking the examination in § 31.41 (relating to schedule of fees). Section 812.1(b) of The Administrative Code of 1929 requires that the fee charged cover the entire cost of the examination. The current fees of \$210 for the NBE and \$185 for the CCT, or \$350 if the tests are taken at one sitting, will be replaced with a single fee for the NAVLE of \$325. Applicants will continue to register for the test directly with the National Board Examination Committee and pay the fee for the examination directly to that Committee.

#### *Discontinuance of the PVLPE*

Public comment regarding the deletion of the PVLPE is likewise unnecessary under section 204(3) of the CDL. Sometime before August 1988, the PVLPE requirement

replaced a requirement that an applicant pass a practical or oral examination, or both. The requirement was proposed in a rulemaking published in the *Pennsylvania Bulletin*, which noted that "The Board has eliminated the oral examination and proposes to have reciprocal license applicants sit for its replacement, the Pennsylvania Legal Practice Exam." See 18 Pa.B. 3458, 3459 (August 6, 1988). The rule was made final upon publication at 19 Pa. B. 237 (January 21, 1989).

The PVLPE is a 1-hour examination consisting of 20 multiple choice questions based on the act. The purpose of the PVLPE is to assure that the applicant for licensure is somewhat familiar with the act which governs the practice of veterinary medicine in this Commonwealth. The exam is given in April and December of each year at the Commonwealth's Fort Washington, Pennsylvania exam site. Under current regulations, an applicant cannot be issued a permanent license until the applicant has taken and passed the exam.

Several problems regarding the PVLPE have become evident. First, as there is only one exam site, applicants for licensure may have the inconvenience and expense of driving in excess of 6 hours, plus overnight lodging in the Philadelphia area, or a 1 day round-trip flight. Second, depending on when they apply, applicants for licensure may have to wait up to 10 months between the date of their application and the date of the exam. The deadline to apply for the April examination is February 1. A candidate applying after February 1 would have to take the December examination.

The requirement is particularly onerous for licensees of other states who are seeking reciprocity in this Commonwealth. Under the current regulations, a licensee from another state is only entitled to reciprocal licensure if the licensee has practiced for 5 years immediately preceding application for licensure in this Commonwealth. These veterinarians may have to wait up to 10 months to obtain reciprocal licensure in this Commonwealth because of the delay in being able to schedule the PVLPE.

If a veterinarian licensed in a sister state wishes to practice in this Commonwealth pending passage of the PVLPE, the veterinarian must apply for a temporary permit. A temporary permit allows the veterinarian to practice only under the supervision of a current Pennsylvania licensee, even though the veterinarian may have been practicing independently for years in a sister state. In addition, if the veterinarian applies for the temporary permit but fails to submit the application to take the exam at the same time, per Board regulation, the temporary permit would automatically expire. The veterinarian would then have to begin the entire application process over and wait to take the PVLPE at its next scheduled administration. The Board has determined that requiring licensees of Pennsylvania's sister states to take the PVLPE does not promote the goals of the act.

The difficulties faced by applicants for licensure by the PVLPE requirement also burden the citizens of this Commonwealth, who are deprived the services of otherwise qualified veterinarians who must wait lengthy periods before they may practice in this Commonwealth, or who may be deterred from settling in this Commonwealth because of the onerous requirement. In contrast, the detriments which may result from eliminating the exam requirement are minimal, and may be further minimized by requiring applicants to verify that they have read the



act and the Board's regulations as part of the process of applying for a Pennsylvania license. The proposed verification would ensure that applicants for original and reciprocal licensure are familiar with law governing the practice of veterinary medicine in this Commonwealth.

Finally, elimination of the PVLPE will effect a reduction in the fees paid for Pennsylvania licensure by eliminating the \$87 charge for the examination in § 31.41. This section will be amended to reflect the deleted reference to the PVLPE.

#### *Compliance with Executive Order 1996-1*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under Executive Order 1996-1, Regulatory Review and Promulgation. The final-omitted regulations address a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

#### *Statutory Authority*

These amendments are adopted under section 812.1 of The Administrative Code of 1929 and section 9 of the act.

#### *Fiscal Impact and Paperwork Requirements*

The amendments will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to take the current uniform National examination and will be required to pay the actual costs of the examination.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on April 7, 2000, the Board submitted a copy of the rulemaking with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. On the same date, the final-omitted rulemaking was submitted to Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, the final-omitted rulemaking was deemed approved by the House and Senate Committees on April 27, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 11, 2000, and approved the final-omitted rulemaking.

#### *Additional Information*

Individuals who desire information are invited to submit inquiries to the Board Administrator, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7134.

#### *Findings*

The Board finds that:

(1) Public notice of intention to amend the regulations adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL. The Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL, is in this circumstance, unnecessary, because section 812.1 of The Administrative Code of 1929 permits the use of National uniform examinations and the National uniform examination for veterinary medicine will change after April 2000. In addition, the Board is authorized to determine licensure examinations and qualifications for licensure.

(2) Persons affected by the final-omitted rulemaking as adopted by this order have been given actual notice of the change in the uniform National examination for veterinary medicine and elimination of the PVLPE by the National Board Examination Committee, state boards or colleges of veterinary medicine in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

#### *Order*

The Board acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending §§ 31.3, 31.11 31.12 and 31.41 to read as set forth in Annex A.

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

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*, and shall apply to examinations administered after April 12, 2000.

BRIAN V. HARPSTER, V.M.D.,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 2688 (May 27, 2000).)*

**Fiscal Note:** 16A-5710. No fiscal impact; (8) recommends adoption.

#### **Annex A**

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

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

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

#### **CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE**

#### **GENERAL PROVISIONS**

#### **§ 31.3. Examinations.**

(a) The examination required as a prerequisite to original licensure as a veterinarian is the North American Veterinary Licensing Examination (NAVLE). The examination will be given at least annually and at other times deemed appropriate by the Board, in consultation with the National Board Examination Committee.

(b) Applications to take the licensing examinations, together with instructions for applicants, including deadlines for filing and paying fees, may be obtained from the Administrative Office of the Board by writing or telephoning the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389.

(c) Examination applications and the fee required by § 31.41 (relating to schedule of fees) shall be submitted directly to the professional testing organization designated by the Board at least 60 days prior to the examination date.

## LICENSURE

**§ 31.11. Application for licensure.**

(a) *Application forms.* Application forms for original or reciprocal licensure may be obtained from the Administrative Office of the Board by writing or telephoning the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389.

(b) *Original licensure.* As a prerequisite to original licensure as a veterinarian, an applicant shall submit the following documentation to the Board:

(1) Evidence of graduation from an approved school or college of veterinary medicine. The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or another program which may subsequently be approved by the American Veterinary Medical Association as proof of graduation from an approved school or college of veterinary medicine.

(2) North American Veterinary Licensing Examination (NAVLE) results as furnished through a national examination grade reporting service. The Board will accept an applicant's grades from the National Board Examination (NBE) and Clinical Competency Test (CCT) examinations if taken within the last 5 years as furnished through a National examination grade reporting service in lieu of the NAVLE, if the applicant passed these examinations with a score equivalent to or higher than the passing score then prevailing in this Commonwealth.

(3) A letter of good standing from the licensure board of each state where the applicant has held a license to practice veterinary medicine, reporting the outcome of disciplinary actions taken against the applicant, if any, in that state.

(4) A statement from the applicant that the applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction so that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations.

(iii) The applicant otherwise satisfies the qualifications contained in the act.

(c) *Reciprocal licensure.* An applicant for licensure by reciprocity who has held a valid license from another state and has been actively engaged in clinical practice in that state for 5 years immediately preceding application for licensure in this Commonwealth, may be granted a license to practice veterinary medicine in this Commonwealth after having paid the fee required by § 31.41 (relating to schedule of fees), and submitted the following documentation to the Board:

(1) An application form under subsection (a).

(2) A verification of clinical practice, completed by the applicant, describing in detail the applicant's clinical practice during the immediately preceding 5 years.

(3) A letter from the licensure board of the state wherein the applicant has been actively engaged in clinical practice during the immediately preceding 5 years, certifying 5 years of continued licensure in that state.

(4) Two certificates of recommendation from licensed veterinarians regarding the applicant's character and competence and attesting to the fact that the applicant has been in active clinical practice during the immediately preceding 5 years.

(5) A letter of good standing from each board office in which the applicant has held a license to practice veterinary medicine, reporting the outcome of disciplinary actions taken against the applicant, if any, in that state.

**§ 31.12. Temporary permits.**

(a) *Original licensure.* An applicant for original licensure who desires a temporary permit under section 10 of the act (63 P. S. § 485.10) may be granted a temporary permit to practice veterinary medicine upon graduation from an approved school or college of veterinary medicine, completion of an application form prescribed by the Board and payment of the fee required by § 31.41 (relating to schedule of fees). The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved school or college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or another program which may subsequently be approved by the American Veterinary Medical Association, as proof of graduation from an approved school or college of veterinary medicine.

(b) *Reciprocal licensure.* An applicant for reciprocal licensure who desires a temporary permit under section 10 of the act may be granted a temporary permit to practice veterinary medicine in this Commonwealth if the applicant completes an application form prescribed by the Board, pays the fee required by § 31.41, and otherwise meets the requirements of subsections (a) and (c) and section 10 of the act.

(c) *Temporary permit holder limitations.* A temporary permit holder shall be associated with a licensed doctor of veterinary medicine, shall limit his work to the practice of the licensed doctor of veterinary medicine and may not participate in any practice or operation of a branch office, clinic or allied establishment. The associating veterinarian shall be responsible for all veterinary activities of the temporary permit holder and shall be accessible to the temporary permit holder either by telephone or personal contact. When contact by telephone or personal contact is not possible as, for example, in the case of vacations or other travel, the associating veterinarian shall delegate the supervisory responsibilities to another licensed veterinarian. The associating veterinarian will continue to assume responsibility for the veterinary activities of the temporary permit holder in his absence. A temporary permit holder shall report to the next scheduled examination of the Board following the issuance of the temporary permit. The temporary permit shall expire on the day

following the announcement of the grades of the first examination given after the temporary permit is issued.

**FEES**

**§ 31.41. Schedule of fees.**

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

*Veterinarians:*

Application for original, reactivated, reissued or reciprocal license .....	\$35
North American Veterinary Licensing Examination .....	\$325
Application for continuing education program approval .....	\$35
Verification of licensure .....	\$10
Temporary permit .....	\$55
Biennial renewal .....	\$105
Late renewal fee per month or part of month ..	\$5

*Animal health technicians:*

Application for certification .....	\$35
Veterinary Technical National Examination (VTNE) (Effective January 1996) .....	\$125
Application for continuing education program approval .....	\$35
Verification of certification .....	\$10
Biennial renewal .....	\$30
Late renewal fee per month or part of month ..	\$5

[Pa.B. Doc. No. 00-882. Filed for public inspection May 26, 2000, 9:00 a.m.]

**STATE REAL ESTATE COMMISSION**

**[49 PA. CODE CH. 35]**

**Application Fees**

The State Real Estate Commission (Commission) amends § 35.203 (relating to fees) by revising certain application fees to read as set forth in Annex A.

This rulemaking amends fees for application, reapplication, verification and certification fees and creates reinspection fees to reflect the Board's actual cost of providing the services.

Notice of proposed rulemaking was published at 29 Pa.B. 4171 (August 7, 1999). Publication was followed by a 30-day public comment period during which the Board received public comment from the Pennsylvania Association of Realtors. Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

The following is a response to the comments:

*Certification and Verification Fee*

The HPLC questioned under what circumstances the Commission certifies an examination score. The HPLC and IRRC also requested an explanation of the difference

between a verification and certification and an explanation of what accounts for the differential in fees.

The certification of a score is made at the request of a licensee when the licensee is seeking to obtain licensure in another state based upon licensure in this Commonwealth which was issued on the basis of a uniform National or regional examination which was taken in this Commonwealth. Generally the state of original licensure is the only source of the score of the licensee as testing agencies do not maintain this information. The licensure laws of many states include provisions that licensure by reciprocity or endorsement based on licensure in another state will be granted only if the board or agency determines that the qualifications are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction at the time of original licensure. For this reason, these states require that the Commission and other boards certify the examination score the applicant achieved on the licensure examination.

As noted in proposed rulemaking, the difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. States request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The Bureau of Professional and Occupational Affairs (Bureau) has been able to create two documents from its records that will meet all of the needs of the requesting state. When the licensee applies to the other state, the licensee receives information as to what documentation and form is acceptable in the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee. In the case of a verification, the staff produces the requested documentation by a letter, usually computer generated, which contains the license number, date of original issuance and current expiration date and status of the license. The letters are printed from the Bureau's central computer records and sent to the Commission staff responsible for handling the licensee's application. The letters are sealed, folded and mailed in accordance with the directions of the requestor. The Bureau estimates the average time to prepare this document to be 5 minutes. The Bureau uses the term "certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment of training in another state. A certification document contains information specific to the individual requestor. It may include dates or location where examinations were taken, or scores achieved or hours and location of training. The information is entered on to a document which is usually supplied by the requestor. The average time to prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters must be retrieved and consulted to provide the information requested. The Commission staff then seals and issues this document.

*Administrative Overhead*

IRRC requested that the Bureau and the Commission: (1) itemize the overhead cost to be recouped by the fees; and (2) reexamine the method that is used to determine the administrative overhead factor for each fee.

IRRC commented that although the Bureau's method was reasonable, there was no assurance that the fees would recover the actual overhead cost because the

charge was not related to the service, and because the charge was based on the actual rather than the projected expenditures. IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the Commission's enabling statutes.

In computing overhead charges, the Commission and the Bureau include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific commission/board. Once determined the Bureau's total administrative charge is apportioned to each commission/board based upon that board's share of the total active licensee population. In turn, the commission's/board's administrative charge is divided by the number of active licensees to calculate a per application charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the regulatory review, the method was approved by the SCP/PLC, HPLC and IRRC as reasonable and consistent with the Legislative intent of statutory provisions which require the commission/board to establish fees which meet or exceed expenses.

IRRC suggested that within each commission/board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring 1/2 hour of processing time would pay one-half as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology the Bureau and the commissions/boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead of charge obtained by applying IRRC suggested time factor versus the current method. This review of a commissions'/boards' operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each commission/board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the commissions/boards noted that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past 10 years. During these 5 biennial cycles, the experience of both the commissions/boards and the Bureau has been that established and

verifiable data which can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the commissions/boards over an extended period. Similarly accounting, recordkeeping and swift processing of applications, renewals and other fees were the primary basis for "rounding up" the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

For these reasons, the Commission has not made changes in the method by which it allocates administrative expenditures and the resulting fees will remain as proposed.

IRRC also questioned why the administrative overhead costs for certification of history of licensure, registration or approval is \$3.80 less than the administrative overhead charged for the remaining application fees. The overhead cost for certification of licensure, registration or approval is divided among the licensing population for the entire Bureau, while the overhead cost for remaining application fees are divided among the licensing population for the Commission.

#### *Addition of satellite location or instructor for real estate school*

IRRC commented that, as published in the *Pennsylvania Bulletin*, the fee for the addition of satellite location or instructor for real estate school contained an unnecessary comma. The Commission made the correction accordingly.

#### *Private real estate schools*

IRRC requested a description of the application process and sought an explanation for the reduction in the fee for initial license application for private real estate school from \$325 to \$120.

After an application for licensure is received, the Commission staff reviews the application for completeness and contacts the applicant to obtain any missing information or documents, or both. The application is then sent to the Bureau of Enforcement and Investigation (BEI) for an inspection to determine compliance with regulations. Following an inspection, the BEI sends a report to the Commission administrator. Once the information is obtained, the Commission's Education Committee reviews the application and makes a recommendation to the full Commission at its meeting. The Commission discusses the recommendation and votes to approve or deny the request. If the Commission approves the application, an approval letter is sent to the applicant. If the Commission denies the application, a denial letter is sent.

The \$325 application fee was based upon a full Commission review of the application. The Commission found that a more efficient review could be accomplished by the Education Committee. Since less members of the Commission are reviewing the application, the fee is being reduced by \$205.

#### *Fee report forms*

IRRC identified three errors in the fee report forms: (1) the form for certification of history of licensure should include registration or approval; (2) the form for ownership change-private real estate school contains a typographical error in that it inaccurately reflects the administrative overhead fee as \$3.56, rather than \$13.56; (3) the form for name change-private real estate school and

initial license application-private real estate school contains a typographical error in that two different Commission review fees are used. The Commission has amended the fee report forms accordingly.

The Commission has also provided a survey of costs of other states in a revised Regulatory Analysis Form at the request of the HPLC which is available to the public on request.

*Compliance with Executive Order 1996-1, Regulatory Review and Promulgation*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

*Fiscal Impact and Paperwork Requirements*

The amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Commission. The amendment will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Statutory Authority*

The amendment is authorized under section 407(a) of the Real Estate Licensing and Registration Act (act) (63 P. S. § 455.407(a)).

*Sunset Date*

The Commission continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 4171, to the IRRC and the Chairpersons of the HPLC and the SCP/PLC (Committees) for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of all comments received, as well as other documentation. In preparing this final-form regulation, the Commission has considered the comments received from the Committees, IRRC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), this final-form regulation was approved by the HPLC on April 18, 2000, and deemed approved by the SCP/PLC on April 26, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 27, 2000, and approved the final-form regulation.

*Contact Person*

Further information may be obtained by contacting Deborah A. Sopko, Administrative Assistant, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3658.

*Findings*

The Commission finds that:

(1) Public notice of proposed rulemaking 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 promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and the comments were considered.

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 29 Pa.B. 4171.

(4) This amendment is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 35, are amended by amending § 35.203 to read as set forth in Annex A.

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

(c) The Board 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*.

RITA HALVERSON,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 2430 (May 13, 2000)*

**Fiscal Note:** Fiscal Note 16A-566 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 35. STATE REAL ESTATE COMMISSION**

**APPLICATION FEES**

**§ 35.203. Fees.**

The following fees are charged by the Commission:

Licensing examination for broker, cemetery broker, salesperson, builder-owner salesperson or rental listing referral agent . . . .	\$45
Review of qualifications of candidate for broker or cemetery broker licensing examination . . . . .	\$40

Application for licensure of:

- (i) Broker, cemetery broker or rental listing referral agent ..... \$75
- (ii) Branch office ..... \$65
- (iii) Associate broker, salesperson, cemetery associate broker, builder-owner salesperson, time-share salesperson, campground membership salesperson, or broker of record, partner or officer for a partnership, association or corporation ..... \$25
- (iv) Cemetery salesperson ..... \$20

Application for registration of cemetery company ..... \$25

Initial licensure for broker, cemetery broker, branch office, rental listing referral agent, or broker of record, partner or officer for a partnership, association or corporation:

- (i) If issued in first half of biennial period..... 100% of biennial renewal fee
- (ii) If issued in second half of biennial period..... 50% of biennial renewal fee

Initial registration for cemetery company or initial licensure for associate broker, salesperson, cemetery associate broker, cemetery salesperson, builder-owner salesperson, time-share salesperson or campground membership salesperson:

- (i) If issued in first half of biennial period..... 100% of biennial renewal fee
- (ii) If issued in second half of biennial period..... 50% of biennial renewal fee

Biennial renewal of license of broker, cemetery broker, branch office, rental listing referral agent, or broker of record, partner or officer for a partnership, association or corporation ..... \$84

Biennial renewal of cemetery company registration or license of associate broker, salesperson, cemetery associate broker, cemetery salesperson or campground membership salesperson..... \$64

Registration of promotional real estate ..... \$120

Annual renewal of registration of promotional real estate ..... \$75

Approval of real estate school..... \$120

Reinspection of real estate school after first failure..... \$65

Annual renewal of approval of real estate school for each satellite location, course and instructor... \$250 plus \$10 for each satellite location, course and instructor

Change of name or office location of broker, cemetery broker or rental listing referral agent..... \$75

Change of name or address for cemetery company or change of employer, change of employer's name or change of employer's address for associate broker, cemetery associate broker, salesperson, cemetery salesperson, build-owner salesperson, time-space salesperson, campground membership salesperson, or broker of record, partner or officer for a partnership, association or corporation ..... \$20

Reinspection after failure for change of name or office location of broker, cemetery broker or rental listing referral agent ..... \$55

Change of ownership or directorship of real estate school ..... \$75

Change of name of real estate school..... \$45

Change of location of real estate school.... \$70

Addition of satellite location or instructor for real estate school..... \$20

Addition of course for real estate school .... \$25

Certification of current status of licensure, registration or approval ..... \$15

Certification of history of licensure, registration or approval ..... \$40

Duplicate license..... \$5

Late renewal of license. .... In addition to the prescribed renewal fee, \$5 for each month or part of the month beyond the renewal date

[Pa.B. Doc. No. 00-883. Filed for public inspection May 26, 2000, 9:00 a.m.]

**STATE REGISTRATION BOARD  
FOR PROFESSIONAL ENGINEERS, LAND  
SURVEYORS AND GEOLOGISTS  
[49 PA. CODE CH. 37]  
Verification/Certification Fees**

The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) proposes to amend § 37.17 (relating to schedule of fees), pertaining to fees for verification and certification of licensure records to read as set forth in Annex A.

*A. Effective Date*

The amendment will be effective upon publication in the *Pennsylvania Bulletin*.

*B. Statutory Authority*

The Board is authorized to set fees by regulation under section 9 of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 156).

*C. Purpose*

The statutory provision requires that the Board increase fees to meet or exceed projected expenditures. Biennial renewal fees support general administrative and enforcement costs. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested.

The fees in this rulemaking represent the cost of providing an official sealed document of Board records. By this amendment, the cost of providing the service will be apportioned to users.

This rulemaking results from a recent systems audit of the existing fees for services of the State boards within the Bureau of Professional and Occupational Affairs (Bureau). The audit determined that the current service fees for the State boards were adequate to cover their cost, with the exception of fees charged for verification and certification of license records.

#### *D. Summary of Comments and Responses to Proposed Rulemaking*

The proposed amendment was published at 29 Pa.B. 1897 (April 10, 1999). No public comments were received. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The following is the Board's response to those comments:

##### *Certification and Verification Fee*

The HPLC questioned under what circumstances the Board "certifies" an examination score. The HPLC and IRRC also requested an explanation of the difference between a verification and certification and an explanation of what accounts for the differential in fees.

The certification of a score is made at the request of a licensee when the licensee is seeking to obtain licensure in another state based upon licensure in this Commonwealth which was issued on the basis of a uniform National or regional examination which was taken in this Commonwealth. Generally the state of original licensure is the only source of the score of the licensee as testing agencies do not maintain this information. The licensure laws of many states include provisions that licensure by reciprocity or endorsement based on licensure in another state will be granted only if the board or agency determines that the qualifications are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction at the time of original licensure. For this reason, these states require that the State boards of the Commonwealth certify the examination score the applicant achieved on the licensure examination.

As noted in proposed rulemaking, the difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. States request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The Bureau has been able to create two documents from its records that will meet all of the needs of the requesting state. The licensee, when applying to the other state, receives information as to what documentation and form is acceptable in the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee. In the case of a verification, the staff produces the requested documentation by a letter, usually computer generated, which contains the license number, date of original issuance and current expiration date and status of the license. The letters are printed from the Bureau's central computer records and sent to the State boards' staff responsible for handling the licensees application. The letters are sealed, folded and mailed in accordance with the directions of the requestor. The Bureau estimates the average time to prepare this document to be 5 minutes. The Bureau uses the term

"certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment of training in another state. A certification document contains information specific to the individual requestor. It may include dates or location where examinations were taken, or scores achieved or hours and location of training. The information is entered onto a document which is usually supplied by the requestor. The average time to prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters must be retrieved and consulted to provide the information requested. The State boards' staff then seals and issues this document.

##### *Administrative Overhead*

IRRC requested that the Bureau and the State boards: (1) itemize the overhead cost to be recouped by the fees; and (2) reexamine the method that is used to determine the administrative overhead factor for each fee.

IRRC commented that although the Bureau's method was reasonable, there was no assurance that the fees would recover the actual overhead cost because the charge was not related to the service, and because the charge was based on the actual rather than the projected expenditures. IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the State boards' enabling statutes.

In computing overhead charges, the State boards and the Bureau, include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific State board. Once determined the Bureau's total administrative charge is apportioned to each State board based upon that board's share of the total active licensee population. In turn, the State boards' administrative charge is divided by the number of active licensees to calculate a per application charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the regulatory review, the method was approved by the HPLC, the Senate Consumer Protection and Professional Licensure Committee (SCPPLC) and IRRC as reasonable and consistent with the Legislative intent of statutory provisions which require the State boards to establish fees which meet or exceed expenses.

IRRC suggested that within each State board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring 1/2 hour of processing time would pay one-half as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology, the Bureau and the State boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead of charge obtained by applying IRRC suggested time factor versus the current method. This review of the State boards'

operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each State board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the State boards noted that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past 10 years. During these five biennial cycles, the experience of both the State boards and the Bureau has been that established and verifiable data which can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the State boards over an extended period. Similarly accounting, recordkeeping and swift processing of applications, renewals and other fees were the primary basis for rounding up the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

For these reasons, the State boards have not made changes in the method by which it allocates administrative expenditures and the resulting fees will remain as proposed. Additionally, the HPLC requested further information on fees of other states which are comparable in response to Regulatory Analysis Item 25. This has been added to the analysis and is available to the public on request.

The HPLC also requested with respect to Bureau fees generally that additional information be provided to the Regulatory Analysis Form filed with the HPLC, SCPPLC and IRRC. This information concerned comparable fees of other states (Item 25). Additional information has been provided and a copy of the Regulatory Analysis Form is available to the public upon request.

*E. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 29, 1999, the Board submitted a copy of this proposed rulemaking to the Chairpersons of the HPLC and SCPPLC for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provide additional documentation. In preparing the final-form regulation, the Board considered the comments from the HPLC, SCPPLC and IRRC.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-form regulation was deemed approved by the HPLC and SCPPLC on April 11, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 27, 2000, and approved the final-form regulation.

*F. Compliance with Executive Order 1996-1*

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation, the Board considered the least restrictive alternative to regulate costs for services for certification or verification of licensure.

*G. Fiscal Impact and Paperwork Requirements*

The final-form regulation will have no fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who request certification or verification services from the Board. The amendment will impose no additional paperwork requirement upon the Commonwealth, political subdivisions or the private sector.

*H. Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

*I. Contact Persons*

The contact person is Shirley Klinger, Administrator, State Registration Board for Professional Engineers, Land Surveyors and Geologists, P. O. Box 2649, Harrisburg, PA 17105-2649.

*Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given as required by sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202).

(2) A public comment period was provided as required by law.

(3) The amendment does not enlarge the scope of proposed rulemaking at 29 Pa.B. 1897.

(4) The amendment is necessary and appropriate to administer and enforce the Board's enabling statute.

*Order*

The Board, acting under the authority of its enabling statute order that:

(a) The regulations of the Board, 49 Pa. Code Chapter 37, are amended by amending § 37.17 to read as set forth in Annex A.

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

(c) The Board 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 on publication in the *Pennsylvania Bulletin*.

LOUIS A. GUZZI, P.E.,  
*President*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 2430 (May 13, 2000).)*

**Fiscal Note:** Fiscal Note 16A-477 remains valid for the final adoption of the subject regulation.



Annex A

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS**

**QUALIFICATIONS FOR LICENSURE**

**§ 37.17. Schedule of fees.**

(a) *Professional engineers and professional land surveyors.* The Board will charge the following fees:

Examination for licensure as a professional engineer .....	\$105
October 1998 examination and thereafter.....	\$120
Professional Engineer Exam Review (Optional) ..	\$75
Examination for licensure as a professional land surveyor .....	\$187
October 1998—April 1999 examination.....	\$227
October 1999 examination and thereafter.....	\$252
Pennsylvania Fundamentals of Land Surveying Portion.....	\$42
N.C.E.E.S. Fundamentals of Land Surveying Portion.....	\$40
October 1998 examination and thereafter.....	\$65
N.C.E.E.S. Principles and Practice of Land Surveying .....	\$60
October 1998-April 1999 examination .....	\$75
October 1999 examination and thereafter.....	\$100
Administration (to be added to total parts taken at one sitting) .....	\$45
Examination for certification as engineer-in-training .....	75

(b) *Professional geologists.* The Board will charge the following fees:

Application for registration.....	\$50
Biennial renewal fee .....	\$25
Temporary permit fee .....	\$25
Fundamentals of Geology Examination.....	\$150
Principles/Practice of Geology Examination .....	\$150
Examination Access Fee (to be added to each examination taken) .....	\$25
Administration (to be added to total parts taken at one sitting) .....	\$45

(c) *Other fees.* The Board will charge the following fees:

Certification of license, registration, permit or scores.....	\$25
Verification of license, registration or permit.....	\$15

[Pa.B. Doc. No. 00-884. Filed for public inspection May 26, 2000, 9:00 a.m.]

**STATE BOARD OF PHYSICAL THERAPY**

**[49 PA. CODE CH. 40]**

**Fees**

The State Board of Physical Therapy (Board) amends § 40.5 (relating to fees) pertaining to increased fees for July 1, 2000, and subsequent examinations for licensure of physical therapists and registration of physical therapy assistants to read as set forth in Annex A. The fee for the physical therapist examination will increase from \$245 to \$345 for physical therapists and from \$230 to \$330 for assistants.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 8 of the Physical Therapy Practice Act (63 P. S. § 1308), examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. The Board contracts with the Federation of State Boards of Physical Therapy which subcontracts with Sylvan Technology Centers which administer the examination at eight locations in this Commonwealth and nearly 200 locations Nationwide. The computer-based examination is available throughout the year. The Federation of State Boards of Physical Therapy has increased contract costs for examination services on and after July 1, 2000.

Public notice of intention to amend the regulation under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL), has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. Persons affected by the amendment have been given actual notice of the Board's intention to amend § 40.5 in advance of final rulemaking under section 204(2) of the CDL.

*Compliance with Executive Order 1996-1*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and regulated population under Executive Order 1996-1, Regulatory Review and Promulgation. The final-omitted rulemaking addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

*Statutory Authority*

This amendment is adopted under section 812.1 of The Administrative Code of 1929 and section 8 of the Physical Therapy Practice Act.

*Fiscal Impact and Paperwork Requirements*

The final-omitted rulemaking will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to pay an increased fee to cover contract costs for the examination.

*Regulatory Review*

Under section 5.1(f) of the Regulatory Review Act (71 P. S. § 745.5a(f)), on April 13, 2000, a copy of the final-omitted rulemaking was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the final-omitted rulemaking was submitted

to the Office of the Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, the final-omitted regulation was deemed approved by the House and Senate Committees on May 3, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC approved the final-omitted rulemaking on May 11, 2000.

*Additional Information*

Individuals who desire information are invited to submit inquiries to Robert Kline, Board Administrator, State Board of Physical Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7134.

*Findings*

The Board finds that:

(1) Public notice of intention to amend the regulation as adopted by this order under sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL. The Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL, is in this circumstance, unnecessary. In addition, section 812.1 of The Administrative Code of 1929 requires candidate fees cover the cost of the examination.

(2) Persons affected by the amendment as adopted by this order have been given actual notice of the Board's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulation of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 40, are amended by amending § 40.5 to read as set forth in Annex A.

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

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*, and shall apply to examinations administered after the effective date of this amendment.

JAMES J. IRRGANG,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, See 30 Pa.B. 2688 (May 27, 2000).)*

**Fiscal Note:** 16A-657. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY**

**Subchapter A. PHYSICAL THERAPISTS**

**GENERAL PROVISIONS**

**§ 40.5. Fees.**

The following fees are charged by the Board:

*Physical therapist:*

Application for licensure by examination . . . . .	\$20
Application for licensure by endorsement . . . . .	\$20
Application for licensure by foreign training . . . . .	\$160

*Physical therapy examination:*

Physical therapist examination (effective 7-00). . . . .	\$345
Physical therapy assistant examination (effective 7-00) . . . . .	\$330
Temporary license . . . . .	\$15
Biennial renewal . . . . .	\$37

*Athletic trainer:*

Application for certification . . . . .	\$20
Athletic trainer examination . . . . .	\$83.75
Biennial renewal . . . . .	\$37
Physical therapist assistant listing . . . . .	\$15
Certification of examination scores or certification of licensure . . . . .	\$15
Verification of licensure or certification . . . . .	\$10

[Pa.B. Doc. No. 00-885. Filed for public inspection May 26, 2000, 9:00 a.m.]

**STATE BOARD OF PSYCHOLOGY**

**[49 PA. CODE CH. 41]**

**Sexual Intimacies**

The State Board of Psychology (Board) amends § 41.1 (relating to definitions) and adopts §§ 41.81—41.85 (relating to sexual intimacies) to read as set forth in Annex A.

The amendments are intended to better protect consumers of psychological services and provide guidance to the profession on issues relating to: (1) sexual intimacies between a psychologist and a current or former client/patient, and an immediate family member of a current or former client/patient; (2) former sexual partners as client/patients; and (3) sexual intimacies between a psychologist and a psychological trainee, student or research participant. The amendments will also put psychologists on notice that the consent of an individual to engage in sexual intimacies with the psychologist may not be a defense in any disciplinary proceedings brought under §§ 41.81—41.83, and that a psychologist who engages in conduct prohibited by the amendments will not be eligible

for placement into an impaired professional program in lieu of disciplinary or corrective action.

Notice of proposed rulemaking was published at 28 Pa.B. 1421 (March 21, 1998). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Psychological Association (PPA). Following the close of the public comment period, the Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) offered no comments, suggestions or objections regarding the amendments.

The amendments reflected in Annex A are responsive to the comments and suggestions received by all commentators. In addition, the Board considered this rulemaking and its purpose under the directives of Executive Order 1996-1, Regulatory Review and Promulgation.

For ease of reference, the Board will address the comments in the order in which the amendments appear.

*§ 41.1. Definitions.*

IRRC commented that § 41.81(a) provides examples of who will be considered immediate family, but, that no actual definition of the term is provided. IRRC suggested that rather than provide examples, the Board should define "immediate family" under § 41.1. The Board has followed this suggestion. For purposes of these amendments, the term "immediate family member" will include a parent/guardian, child, sibling or spouse or family member with whom the child lives.

Commentators objected to the proposed definition of "sexual intimacies" on the ground that the wording does not sufficiently clarify that verbal and nonverbal communications, kissing, hugging, touching, physical contact and self-disclosure refers to romantic, sexually suggestive, sexually demeaning or erotic behavior. The PPA pointed out that a psychologist should not be prohibited from or disciplined for engaging in an occasional hug or touching a patient as part of a normal social interaction. For example, some patients (especially children) may feel offended if a psychologist avoids a hug or withdraws quickly from a handshake or an accidental physical touch. The PPA opined that the proposed definition could lead to consistent misinterpretations by psychologists and patients. The PPA suggested that the definition be reworded to clarify that sexualized or eroticized hugging, touching, physical contact or self-disclosure constitute prohibited conduct. Both the HPLC and IRRC expressed similar opinions. In response to these comments, the Board has revised the definition of "sexual intimacies" accordingly.

*§ 41.81. Prohibited conduct.*

Consistent with the amendments to § 41.1, subsection (a) has been amended by deleting the examples of who will be considered "immediate family."

Subsection (b) has also been amended at the suggestion of IRRC to prohibit sexual intimacies between a psychologist and a psychology trainee, student or research participant. IRRC expressed concern that the phrase "supervisory, . . . or other authority" and the term "supervisee" in the proposed wording of this subsection could be interpreted to prohibit a psychologist from having a relationship with an office administrator or receptionist. The intent of the original wording was to prohibit a relationship between a psychologist and a student, a research participant, an individual who is fulfilling the supervised experience requirements for licensure, or an applicant for

licensure who is continuing in training under § 41.31(c)(5) (relating to qualifications for taking licensing examination). Since the term "psychology trainee" is already defined under § 41.1 to cover this group of individuals, the amendments more clearly describe the intended prohibition.

*§ 41.83. Sexual intimacies with a former client/patient, or an immediate family member of a former client/patient.*

IRRC expressed three concerns about proposed § 41.83. First, IRRC commented that § 41.84 needs to clarify that the factors contained in § 41.83(b) must be demonstrated only after an order to show cause has been issued, and prior to or at the time of initiation of the relationship. IRRC commented that a psychologist would not be required to present proof there has been no exploitation until after an order to show cause has been issued. A psychologist who desires to commence a relationship with a former client/patient 2 years following the termination of the professional relationship must satisfy himself, prior to engaging in the relationship, that there will be no exploitation of the client/patient.

Sexual relationships with former clients are generally deemed to be inappropriate because of the many ongoing responsibilities that a psychologist has to his client after termination. For example, psychologists have an ongoing responsibility to maintain a client's privacy, confidentiality and privilege after termination. Psychologists are responsible for maintaining professional records beyond termination. Psychologists may be subpoenaed to offer expert witness testimony beyond termination. Additionally, psychologists must be cognizant of the fact that initiating or agreeing to a posttherapy sexual relationship with a client interferes with the client's option to return to therapy and may interfere with the integration and consolidation of the transference phenomena and therapeutic work.

In light of these ongoing ethical responsibilities, a psychologist who desires to commence a sexual relationship with a client/patient after 2 years must satisfy himself prior to engaging in the relationship that there has been no exploitation of the client/patient. The seven factors listed in subsection (b) assist the licensee, prior to entering the relationship, and Board when evaluating the relationship, in determining whether exploitation occurs.

Second, IRRC requested the Board to explain why each factor contained in subsection (b)(1)—(7) is necessary in each type of relationship.

The first factor requires a psychologist to consider the amount of time that has passed since the professional relationship terminated. The longer the period following the termination of the professional relationship, the less likely an exploitation occurs.

The second factor recognizes that there are differences between the intensity and depth of different therapies, such as intensive psychodynamic therapy versus biofeedback for headaches. Therapy which consists of one or two sessions differs substantially from therapy which spans several years. Thus, psychologists must consider the nature and the duration of the therapy to fully determine whether a past therapeutic relationship would exploit the client's trust and dependency. The more intensive the therapeutic relationship, the more likely an exploitation occurs.

The third factor recognizes that circumstances surrounding termination may have a large bearing on the likelihood of a posttherapy sexual relationship ever occur-

ring without exploitation or harm, or both, to the client/patient. Examples of circumstances when exploitation may occur include abrupt or explosive terminations of therapy or therapeutic relationships in which transference or counter transference issues are not manageable.

The fourth factor requires the psychologist to consider the client/patient's personal history. This factor recognizes that unique vulnerabilities of a client/patient may increase the risk of vulnerability and harm to the client/patient if a sexual relationship with a former therapist were to develop. The more vulnerable the client, the more likely an exploitation occurs.

The fifth factor requires a psychologist to consider the client/patient's current mental status, that is, state of mind. For example, an individual who is struggling with mental conflicts may be more easily exploited or harmed than a person whose mental status is stable.

The sixth factor requires consideration into whether or not the psychologist had suggested to the client/patient during therapy that a romantic relationship between them would be possible at the end of 2 years.

Finally, the seventh factor requires consideration of whether or not a posttherapy sexual relationship would likely adversely affect the client/patient or immediate family members of the client/patient. IRRC requested an example of an adverse impact under § 41.83(b)(7). The following hypothetical is illustrative of how a post-therapy sexual relationship with a family member of a former client can adversely affect the client.

The mother of a 7 year old child client/patient takes the child to a psychologist for help in dealing with multiple losses experienced by the child. (Two of the child's older siblings with whom the child was especially close died instantly in a tragic accident; the child's parents could not cope with the loss and divorced. In addition, the child's pet dog and "best friend" was struck by a car and died). Through therapy, the psychologist was successful in helping the child deal with his losses. Two years after therapy terminated, the psychologist and the child's mother run into each other at a social event hosted by a mutual friend. The psychologist and mother start dating. The child, now 10 years old, forms a close bond with the psychologist. One year later, the relationship between mother and psychologist ends. The child falls apart because of another loss. In this hypothetical, consideration by the psychologist of the child client/patient's personal history would have ruled out the possibility of the psychologist commencing a relationship with the child's mother.

*§ 41.84. Disciplinary proceedings.*

IRRC again commented that the Board should clarify that the psychologist's burden of proof occurs only after an order to show cause has been issued. As previously explained, the psychologist is not required to provide the Board with proof until a disciplinary action commences. Nonetheless, the psychologist must consider the seven factors contained in § 41.83(b) prior to entering into the relationship. The Board believes that no revision is necessary to subsection (c) as disciplinary proceedings require the filing of an order to show cause unless settled in advance through a consent agreement between the parties.

*Compliance with Executive Order 1996-1, Regulatory Review and Promulgation*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the

regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulations address a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

*Fiscal Impact and Paperwork Requirements*

The amendments should have no fiscal impact on the Commonwealth or its political subdivisions. Likewise, the amendments should not necessitate any legal, accounting, reporting or other paperwork requirements.

*Statutory Authority*

The amendments are adopted under the authority of section 3.2(2) of the Professional Psychologist's Practice Act (63 P. S. § 1203.2(2)).

*Sunset Date*

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 1421, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing these final-form regulations, the Board has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were approved by the HPLC on April 18, 2000, and deemed approved by the SCP/PLC on April 26, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 27, 2000, and approved the final-form regulations.

*Contact Person*

Further information may be obtained by contacting Melissa Wilson, Administrative Assistant, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7155.

*Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) These amendments do not enlarge the purpose of proposed rulemaking published at 28 Pa.B. 1421.
- (4) These amendments are necessary and appropriate for administration and enforcement of the Board's authorizing statute.

*Order*

The Board, acting under its authorizing statute, orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 41, are amended by amending § 41.1 and adding

§§ 41.81—41.85 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Board 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*.

YVONNE E. KEAIRNS, Ph.D.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 2430 (May 13, 2000)).*

**Fiscal Note:** Fiscal Note 16A-633 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 41. STATE BOARD OF PSYCHOLOGY**

**GENERAL**

**§ 41.1. Definitions.**

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

\* \* \* \* \*

*Client/patient*—A person, system, organization, group or family for whom a psychologist provides psychological services. In the case of individuals with legal guardians, including minors and legally incapacitated adults, the legal guardian shall be the client/patient for decisionmaking purposes. The minor, legally incapacitated adult or other person actually receiving the service shall be the client/patient for issues specifically reserved to the individual, such as confidential communications in a therapeutic relationship and issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitive dual relationships.

\* \* \* \* \*

*Immediate family member*—Parent/guardian, child, sibling, spouse or other family member with whom the client/patient lives.

\* \* \* \* \*

*Professional relationship*—A therapeutic relationship which shall be deemed to exist for a period of time beginning with the first professional contact or consultation between a psychologist and a client/patient and continuing thereafter until the last date of a professional service. If a psychologist sees a client/patient on an intermittent basis, the professional relationship shall be deemed to start anew on each date that the psychologist provides a professional service to the client/patient.

\* \* \* \* \*

*Psychologist*—A person who holds a license issued under the act to engage in the practice of psychology.

\* \* \* \* \*

*Sexual intimacies*—Romantic, sexually suggestive, sexually demeaning or erotic behavior. Examples of this behavior include, but are not limited to, sexual intercourse, nontherapeutic verbal communication or inappropriate nonverbal communications of a sexual or romantic nature, sexual invitations, soliciting a date from a client/patient, masturbating in the presence of a client/patient (or encouraging a client/patient to masturbate in the presence of the psychologist), exposure, kissing or hugging, touching, physical contact or self-disclosure of a sexual or erotic nature.

**SEXUAL INTIMACIES**

**§ 41.81. Prohibited conduct.**

(a) Sexual intimacies between a psychologist and a current client/patient, or an immediate family member of a current client/patient, are prohibited.

(b) Sexual intimacies between a psychologist and a psychology trainee, student or research participant are prohibited.

**§ 41.82. Former sexual partners as client/patients.**

Psychologists may not accept as client/patients persons with whom they have engaged in sexual intimacies.

**§ 41.83. Sexual intimacies with a former client/patient, or an immediate family member of a former client/patient.**

(a) Sexual intimacies between a psychologist and a former client/patient, or an immediate family member of a former client/patient are prohibited for at least 2 years following the termination of the professional relationship, and then only under very limited circumstances.

(b) Following the passage of the 2-year period, psychologists who engage in sexual intimacies with a former client/patient, or an immediate family member of a former client/patient shall have the burden of demonstrating that there has been no exploitation of the client/patient in light of all relevant factors, including:

- (1) The amount of time that has passed since the professional relationship terminated.
- (2) The nature and duration of the therapy.
- (3) The circumstances of termination.
- (4) The client/patient's personal history, for example, unique vulnerabilities.
- (5) The client/patient's current mental status.
- (6) Statements or actions made by the psychologist during the course of therapy suggesting or inviting the possibility of a posttermination sexual or romantic relationship with the client/patient.
- (7) The likelihood of adverse impact on the client/patient and immediate family members of the client/patient.

**§ 41.84. Disciplinary proceedings.**

(a) The consent of an individual to engage in sexual intimacies with the psychologist may not be a defense in any disciplinary action brought under §§ 41.81—41.83 (relating to prohibited conduct; former sexual partners as client patients; and sexual intimacies with a former client/patient or, an immediate family member of a former client/patient).

(b) With the exception of information contained in a professional record, neither opinion evidence, reputation evidence nor specific instances of the past sexual conduct

of an individual may be admissible in a disciplinary action brought under §§ 41.81—41.83.

(c) In a disciplinary proceeding brought under §§ 41.81—41.83, the psychologist shall have the burden of proving that there has been no exploitation of the client/patient in light of all of the relevant factors enumerated under § 41.83(b)(1)—(7).

**§ 41.85. Impaired professional program.**

When the Board takes disciplinary or corrective action against a psychologist under section 8(a) of the act (63 P. S. § 1208(a)), for conduct prohibited by §§ 41.81—41.83 (relating to sexual intimacies with a former client/patient, or an immediate family member of a former client/patient) the psychologist will not be eligible for placement into an impaired professional program in lieu of disciplinary or corrective actions.

[Pa.B. Doc. No. 00-886. Filed for public inspection May 26, 2000, 9:00 a.m.]

**STATE BOARD OF OCCUPATIONAL  
THERAPY EDUCATION AND LICENSURE**

**[49 PA. CODE CH. 42]**

**Fees**

The State Board of Occupational Therapy Education and Licensure (Board) amends § 42.17 (relating to licensure fees), pertaining to fees for verification and certification of licensure records to read as set forth in Annex A.

*A. Effective Date*

The amendment will be effective upon publication in the *Pennsylvania Bulletin*.

*B. Statutory Authority*

The Board is authorized to set fees by regulation under section 17 of the Occupational Therapy Practice Act (63 P. S. § 1517).

*C. Purpose*

The statutory authority requires that the Board increase fees to meet or exceed projected expenditures. Biennial renewal fees support general administrative and enforcement costs. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested.

The fees in this rulemaking represent the cost of providing an official sealed document of Board records. By this amendment, the cost of providing the service will be apportioned to users.

This rulemaking results from a recent systems audit of the existing fees for services of the State boards within the Bureau of Professional and Occupational Affairs (Bureau). The audit determined that the current service fees for the State boards were adequate to cover their cost, with the exception of fees charged for verification and certification of license records.

*D. Summary of Comments and Responses to Proposed Rulemaking*

The proposed amendment was published at 29 Pa.B. 1896 (April 10, 1999). No public comments were received. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent

Regulatory Review Commission (IRRC). The following is the Board's response to those comments.

*Certification and Verification Fee*

The HPLC questioned under what circumstances the Board "certifies" an examination score. The HPLC and IRRC also requested an explanation of the difference between a verification and certification and an explanation of what accounts for the differential in fees.

The certification of a score is made at the request of a licensee when the licensee is seeking to obtain licensure in another state based upon licensure in this Commonwealth which was issued on the basis of a uniform National or regional examination which was taken in this Commonwealth. Generally the state of original licensure is the only source of the score of the licensee as testing agencies do not maintain this information. The licensure laws of many states include provisions that licensure by reciprocity or endorsement based on licensure in another state will be granted only if the board or agency determines that the qualifications are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction at the time of original licensure. For this reason, these states require that the State boards of the Commonwealth certify the examination score the applicant achieved on the licensure examination.

As noted in proposed rulemaking, the difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. States request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The Bureau has been able to create two documents from its records that will meet all of the needs of the requesting state. The licensee, when applying to the other state, receives information as to what documentation and form is acceptable in the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee. In the case of a verification, the staff produces the requested documentation by a letter, usually computer generated, which contains the license number, date of original issuance and current expiration date and status of the license. The letters are printed from the Bureau's central computer records and sent to the State boards' staff responsible for handling the licensees application. The letters are sealed, folded and mailed in accordance with the directions of the requestor. The Bureau estimates the average time to prepare this document to be 5 minutes. The Bureau uses the term "certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment of training in another state. A certification document contains information specific to the individual requestor. It may include dates or location where examinations were taken, or scores achieved or hours and location of training. The information is entered onto a document which is usually supplied by the requestor. The average time to prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters must be retrieved and consulted to provide the information requested. The State Boards' staff then seals and issues this document.

*Administrative Overhead*

IRRC requested that the Bureau and the State boards: (1) itemize the overhead cost to be recouped by the fees;

and (2) reexamine the method that is used to determine the administrative overhead factor for each fee.

IRRC commented that although the Bureau's method was reasonable, there was no assurance that the fees would recover the actual overhead cost because the charge was not related to the service, and because the charge was based on the actual rather than the projected expenditures. IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the State boards' enabling statutes.

In computing overhead charges, the State boards and the Bureau include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific State board. Once determined, the Bureau's total administrative charge is apportioned to each State board based upon that board's share of the total active licensee population. In turn, the State boards' administrative charge is divided by the number of active licensees to calculate a per application charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the regulatory review, the method was approved by the HPLC, the Senate Consumer Protection and Professional Licensure Committee (SCPPLC) and IRRC as reasonable and consistent with the Legislative intent of statutory provisions which require the State boards to establish fees which meet or exceed expenses.

IRRC suggested that within each State board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring 1/2 hour of processing time would pay one-half as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology, the Bureau and the State boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead of charge obtained by applying IRRC suggested time factor versus the current method. This review of the State boards' operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the State boards noted that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past 10 years. During these 5 biennial cycles, the experience of both the State boards and the Bureau has been that established and verifiable data which can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the State boards over an extended period. Similarly accounting, recordkeeping and swift processing of applications, renewals and other fees were the primary basis for rounding up the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

For these reasons, the State boards have not made changes in the method by which they allocate administrative expenditures and the resulting fees will remain as proposed. Additionally, the HPLC requested further information on fees of other states which are comparable in response to Regulatory Analysis Item 25. This has been added to the analysis and is available to the public on request.

The HPLC also requested with respect to Bureau fees generally that additional information be provided to the Regulatory Analysis Form filed with the HPLC, SCPPLC and IRRC. This information concerned comparable fees of other states (Item 25). Additional information has been provided and a copy of the Regulatory Analysis Form is available to the public upon request.

#### E. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 29, 1999, the Board submitted a copy of the proposed rulemaking to the Chairpersons of the HPLC, SCPPLC and IRRC for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provide additional documentation. In preparing the final-form regulation the Board considered the comments from the HPLC, SCPPLC and IRRC.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-form regulation was deemed approved by the HPLC and SCPPLC on April 11, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 27, 2000, and approved the final-form regulation.

#### F. *Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the final-form regulation the Board considered the least restrictive alternative to regulate costs for services for certification or verification of licensure.

#### G. *Fiscal Impact and Paperwork Requirements*

The final-form regulation will have no fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who request certification or verification services from the Board. The amendment will impose no additional paperwork requirement upon the Commonwealth, political subdivisions or the private sector.

H. *Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

I. *Contact Persons*

The contact person is Clara Flinchum, Administrator, State Board of Occupational Therapy Education and Licensure, P. O. Box 2649, Harrisburg, PA 17105-2649.

*Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking was given as required by sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202).
- (2) A public comment period was provided as required by law.
- (3) The amendment does not enlarge the scope of proposed rulemaking at 29 Pa.B. 1896.
- (4) The amendment is necessary and appropriate to administer and enforce the Board's enabling statute.

*Order*

The Board, acting under the authority of its enabling statute, orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 42, are amended by amending § 42.17 to read as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General as required by law.
- (c) The Board 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 on publication in the *Pennsylvania Bulletin*.

HANNA GRUEN,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 2430 (May 13, 2000).)*

**Fiscal Note:** Fiscal Note 16A-672 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE**  
**LICENSURE**

**§ 42.17. Licensure fees.**

(a) The fee schedule for licensure as an occupational therapist shall be as follows:

Application for license .....	\$30
Biennial renewal of license .....	\$55
Temporary license .....	\$20
Verification of licensure .....	\$15
Certification of license, scores or hours .....	\$25

(b) The fee schedule for licensure as an occupational therapy assistant shall be as follows:

Application for license .....	\$30
Biennial renewal of license .....	\$45
Temporary license .....	\$20
Verification of licensure .....	\$15
Certification of license, scores or hours .....	\$25

[Pa.B. Doc. No. 00-887. Filed for public inspection May 26, 2000, 9:00 a.m.]

**STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE**  
**[49 PA. CODE CH. 42]**  
**Oral Orders**

The State Board of Occupational Therapy Education and Licensure (Board) adopts § 42.25 (relating to oral orders) to read as set forth in Annex A.

*A. Effective Date*

The amendment takes effect upon publication in the *Pennsylvania Bulletin*.

*B. Statutory Authority*

The Board has authority to adopt regulations not inconsistent with the Occupational Therapy Practice Act (act) (63 P.S. §§ 1501—1519) as it deems necessary for the performance of its duties and the proper administration of the law under section 5(b) of the act (63 P.S. § 1505(b)).

*C. Purpose*

Section 14 of the act (63 P.S. § 1514) specifies that implementation of direct occupational therapy to an individual for a specific medical condition must be based on a referral from a licensed physician or a licensed podiatrist. The Board has long construed this to include services ordered orally by a licensed physician or licensed podiatrist. The purpose of this rulemaking is to codify the Board's interpretation of the act and outline the conditions under which an occupational therapist may implement therapy based on an oral order.

Under the regulation an occupational therapist receives written orders to implement therapy under ordinary circumstances but may accept an oral order if the urgency of the medical circumstances requires treatment to begin immediately. The occupational therapist will be required to immediately transcribe an oral order and obtain the countersignature of the prescriber within a specified period of time, either 5 days in a private setting, or in accordance with regulations of the Department of Health (Department) in a facility licensed by the Department. A detailed explanation of the purpose and background of the rulemaking may be found in the proposed rulemaking at 29 Pa.B. 3070 (June 18, 1999).

*D. Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the amendment, the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the profession, educational institutions and interested individuals.



### E. Summary of Comments and Responses to Proposed Rulemaking

The proposal was published at 29 Pa.B. 3070. The Board received two public comments and comments from the Independent Regulatory Review Commission (IRRC). The following is the Board's response to those comments:

The Pennsylvania Occupational Therapy Association (POTA) expressed unequivocal support for the proposed rulemaking. The POTA pointed out that under current law and regulations an occupational therapist was not prohibited from receiving an oral order in any setting except a hospital. The POTA expressed the opinion that many occupational therapists wrongly believed that they were unable to implement therapy based on an oral order in any setting. The POTA stated that when an occupational therapist is unable to receive an oral order, another professional, untrained in occupational therapy, must serve as an intermediary between the prescriber and the occupational therapist, causing delay in treatment.

The Pennsylvania Medical Society (PMS) and IRRC addressed the requirement in § 42.25(b) that the prescriber countersign the orally delivered order within 5 days. The PMS pointed out that in private settings the site of occupational therapy might be independent of the prescriber's office and the prescriber would not typically visit the facility of the occupational therapist to countersign the order. The PMS and IRRC suggested that the regulation permit the use of a faxed or mailed copy of the order to be sent after the order is given orally. The Board has adopted this suggestion and has revised § 42.25(b) accordingly.

IRRC noted that the proposed amendment did not state what the occupational therapist should do if a timely countersignature from the physician or podiatrist was not obtained and expressed the view that the regulation should state what the occupational therapist should then do. The Board declined to adopt this suggestion. The Board notes that the regulations of the Department pertaining to oral and telephone orders in long-term nursing care facilities require the physician to countersign orders which were delivered orally, but do not specify what the health care professional is to do if the physician does not timely countersign. See 28 Pa. Code § 211.3(b) (relating to oral and telephone orders). Similarly, the licensed health care professional in a home health care agency who receives an oral order for medication and treatment is required to obtain the physician's countersignature on the order which was delivered orally, but is not required to follow a procedure specified by regulation if the physician does not timely countersign. See 28 Pa. Code § 601.31(d) (relating to acceptance of patients, plan of treatment and medical supervision). The Board does not believe that obtaining the signature of the physician or podiatrist is likely to be a problem and, if the signature is not timely obtained, the course of action should be left to the professional judgment of the therapist based on the facts of the situation, as well as the policies of the institution or setting in which the service is rendered.

IRRC also requested that the rulemaking refer to the specific regulations of the Department for time limits for obtaining a prescriber's countersignature in a long-term nursing care facility and in a home health care agency. The Board has added these references in § 42.25(c).

Additionally, the Board has made minor revisions to the final-form rulemaking to eliminate redundant phrases.

### F. Fiscal Impact and Paperwork Requirements

*Commonwealth*—There will be no adverse fiscal impact or paperwork requirements imposed.

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

*Private sector*—There is no adverse fiscal impact associated with this amendment. The regulation's requirement that an oral order must be immediately transcribed in the patient's medical record and countersigned by the ordering physician or podiatrist places a minimal burden, in terms of paperwork requirements, on the licensee and the ordering physician or podiatrist. Because careful and detailed recordkeeping is an essential aspect of all health care practice and because the Department regulations already require oral orders to be countersigned within a specific period of time, licensees and ordering physicians or podiatrists would keep the records even in the absence of the specific regulation imposing the requirement.

### G. Sunset Date

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

### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 3070, to IRRC and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received as well as other documentation. In preparing this final-form regulation, the Board has considered the comments received from IRRC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-form regulation was deemed approved by the House and Senate Committee on April 18, 2000. IRRC met on May 11, 2000, and approved the amendment in accordance with section 5.1(e) of the Regulatory Review Act.

### I. Contact Person

Further information may be obtained by contacting Clara Flinchum, Administrative Assistant, State Board of Occupational Therapy Education and Licensure, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389.

### J. Findings

The Board finds that:

(1) Public notice of proposed rulemaking 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 promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 29 Pa.B. 3070.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing act identified in Part B of this Preamble.

K. Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 42, are amended by adding § 42.25 to read as set forth in Annex A.

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

(c) The Board 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 on publication in the *Pennsylvania Bulletin*.

HANNA GRUEN,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 2688 (May 27, 2000).)*

**Fiscal Note:** Fiscal Note 16A-673 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE**

**MINIMUM STANDARDS OF PRACTICE**

**§ 42.25. Oral orders.**

(a) An occupational therapist shall accept a referral in the form of a written order from a licensed physician or licensed podiatrist in accordance with section 14 of the act (63 P. S. § 1514) unless the urgency of the medical circumstances requires immediate treatment. In these circumstances, an occupational therapist may accept an oral order for occupational therapy from a licensed physician or licensed podiatrist, if the oral order is immediately transcribed, including the date and time, in the patient's medical record and signed by the occupational therapist taking the order.

(b) The countersignature of the licensed physician or licensed podiatrist shall be obtained within 5 days of receipt of the oral order in the case of an occupational therapist providing ordered services in a private office setting. In the case of an occupational therapist providing services in a setting that is independent of the prescribing physician's or podiatrist's office, the countersignature on a written copy of the order may be mailed or faxed to the occupational therapist.

(c) In the case of an occupational therapist providing services in a facility licensed by the Department of Health, the countersignature of the licensed physician or licensed podiatrist shall be obtained in accordance with applicable regulations of the Department of Health governing the facility, including 28 Pa. Code §§ 211.3 and

601.31 (relating to oral and telephone orders; and acceptance of patients, plan of treatment and medical supervision).

[Pa.B. Doc. No. 00-888. Filed for public inspection May 26, 2000, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION**

**[58 PA. CODE CH. 141]**

**Hunting and Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 4, 2000, meeting adopted the following change: Amend Chapter 141 (relating to hunting and trapping):

*Subchapter A (relating to general):*

§ 141.1 (relating to special regulations areas), to allow the .410 shotgun with single projectile ammunition for deer hunting in the special regulations areas, and clarify that the 20 gauge shotgun or larger would continue to be lawful for buckshot in the Southeast special regulations areas.

§ 141.4 (relating to hunting hours), to allow the hunting of bobcat any hour, day or night.

§ 141.5 (relating to furbearer tagging requirements), to require the tagging of bobcat taken under a special permit.

§ 141.6 (relating to illegal devices), to allow the hunting of bobcat by the use of electronic calls, and permitting snares to be completely or partially submerged in water to be used to take beaver.

*Subchapter B (relating to small game):*

§ 141.21 (relating to hen ringneck pheasant), to expand the male and female pheasant area to include additional counties with low wild pheasant populations and low capability (due to natural succession and land use practices) to support a long-term wild pheasant population.

*Subchapter C (relating to big game):*

§ 141.43 (relating to deer), to address hunting safety concerns by requiring fluorescent orange during the overlap with the flintlock muzzleloading season that precedes the regular firearms season for deer, and to allow the use of muzzleloading pistols and expand types of lawful ammunition.

§ 141.45 (relating to turkey), by limiting lawful hunting devices to shotguns and archery in certain turkey management areas.

*Subchapter D (relating to trapping):*

§ 141.63 (relating to definitions), by changing the stop location to allow the snare loop to close to a minimum circumference of 7 inches.

These amendments are adopted under the authority of 34 Pa.C.S. §§ 101—2965 (relating to Game and Wildlife Code) (code).

*Amendment to § 141.1*

1. *Introduction*

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

on January 11, 2000, proposed, and at its April 4, 2000, meeting finally adopted changing § 141.1 to allow the use of the .410 shotgun with single projectile ammunition for deer hunting in special regulations areas. This will allow more flexibility for muzzleloaders in special regulations areas and create more consistency with what exists in the rest of this Commonwealth. These changes are adopted under authority contained in section 2102 of the code (relating to regulations).

### 2. Purpose and Authority

The .410 shotgun with single projectile ammunition can currently be lawfully used to hunt deer through most of this Commonwealth. Section 141.1 has a limitation that at least a 20 gauge long gun or shotgun propelling a single projectile shall be used. This has led to confusion for deer hunters who hunt both inside and outside of special regulations areas. The adopted changes will eliminate this limitation with regard to single projectile ammunition in special regulations areas but retain the requirement when using buckshot.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning ... the ways, manner, methods, and means of hunting or furtaking..." Section 2102(d) also directs the Commission to promulgate regulations stipulating "... the type of firearms and ammunition and other devices which may be used..." The changes were adopted under this authority.

### 3. Regulatory Requirements

The amendment will relax current requirements.

### 4. Persons Affected

Individuals wishing to hunt deer in special regulations areas with muzzleloading long guns or shotguns using single projectile ammunition will be affected by the amendment.

#### Amendments to §§ 141.1, 141.5 and 141.6

##### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on January 11, 2000, proposed, and at its April 4, 2000, meeting finally adopted having a bobcat hunting and trapping season and also proposed changing §§ 141.4—141.6 to regulate the taking and tagging of bobcats. The Commission also adopted changing § 141.6 to permit partially submerged snares to be used to take beaver. These changes were adopted under sections 322 and 2102(a) of the code (relating to powers and duties of the the Commission and regulations).

##### 2. Purpose and Authority

After some years of studying bobcats and bobcat populations in this Commonwealth, the Commission biologists have concluded that limited numbers of bobcats can be safely harvested by hunting and trapping. The Commission has therefore proposed a bobcat season as part of its seasons and bag limit proposals for 2000—2001. To regulate the taking of bobcats, other changes to 58 Pa. Code will be required.

Under the amendments, § 141.4 will be changed to specify hunting hours for bobcats. Also, under the changes, § 141.5 is changed to require tagging of bobcats. Finally, § 141.6 is changed to allow use of electronic devices to take bobcats.

In addition, the Commission has changed § 141.6 to allow partially submerged snares to be used to take

beaver. This change should increase snare capture efficiency and eliminate problems caused by fluctuating water levels.

Section 322(c) of the code empowers the Commission to fix daily shooting or taking hours and devices that can be used. Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The changes were adopted under this authority.

### 3. Regulatory Requirements

The changes set hours for hunting bobcats, require tagging of harvested bobcats and allow the use of electronic devices to take bobcats.

### 4. Persons Affected

Individuals wishing to hunt or trap bobcats or trap beavers will be affected.

#### Amendment to § 141.21

##### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 11, 2000, meeting proposed, and at its April 4, 2000, meeting finally adopted changing § 141.21 to allow the taking of female pheasants in a larger area of this Commonwealth. This change was adopted under sections 322(c)(1) and 2102(b)(1) of the code.

##### 2. Purpose and Authority

The Commission is required to set hunting and furtaking season and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to fix seasons for any species of game or wildlife. Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

It has become apparent that a larger area of this Commonwealth, for various reasons, is incapable of supporting a long-term wild pheasant population. Pheasants that are harvested in that area are essentially birds that were stocked by the Commission. To maximize the benefit of those stocked pheasants, the Commission has adopted allowing pheasants of either sex to be taken in the shaded areas of the map, a larger area than the prior regulation.

### 3. Regulatory Requirements

The change will relax current regulatory requirements.

### 4. Persons Affected

Hunters wishing to hunt pheasants in this Commonwealth will be affected by the change.

#### Amendment to § 141.43

##### 1. Introduction

To provide for the safety of hunters in the field and to provide more options to hunters wishing to take advantage of the muzzleloader deer season, the Commission at its January 11, 2000, meeting proposed, and at its April 4, 2000, meeting finally adopted changes to § 141.43 to require archers to wear daylight fluorescent orange-colored material during the proposed early flintlock muzzleloader season and to allow the use of muzzleloading pistols and maxi and mini ball ammunition during muzzleloading season. These changes were adopted under the authority contained in section 2102 of the code.

##### 2. Purpose and Authority

As part of the 2000—2001 seasons and bag limits, the Commission decided to include a 3-day early flintlock

muzzleloader antlerless deer season. Since this season would overlap the archery deer season and at some time in the future may overlap turkey season, it was decided to require archers to wear or display daylight fluorescent orange-colored material. This necessitated changing § 141.43. In addition, to expand the variety of firearms and ammunition available during the muzzleloader deer season, the Commission has changed § 141.43 to allow the use of pistols and mini and maxi balls.

Section 2101(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning ... the ways, manner, methods, and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife ..." This provision provides the authority for the changes.

3. *Regulatory Requirements*

The adopted changes require archery deer hunters to wear or display daylight fluorescent orange-colored material during the early flintlock muzzleloader antlerless deer season. The other changes relax current restrictions.

4. *Persons Affected*

Those desiring to hunt that part of the archery deer season that overlaps with the early flintlock muzzleloader antlerless deer season will be affected by the changes.

*Amendment to § 141.45*

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 11, 2000, meeting proposed, and at its April 4, 2000, meeting finally adopted changing § 141.45 to allow for the fact that Turkey Management Areas 1 and 9 have been split into Turkey Management Areas 1-A and 1-B and 9-A and 9-B. This change was adopted under authority contained in sections 322(c)(4) and 2102(a) of the code.

2. *Purpose and Authority*

To better manage turkey populations in this Commonwealth, the Commission has split the turkey management areas, Nos. 1 and 9 in the more populous parts of the State, each into areas A and B, as is shown on the map in Chapter 141, Appendix C. The provision of § 141.45 prohibiting single projectile ammunition in those areas was not changed accordingly. The adopted change will make this adjustment.

Section 322(c)(4) of the code authorizes the Commission to define geographic limitations or restrictions. Section 2102(a) of the code directs the Commission to promulgate these regulations as it deems necessary and appropriate concerning hunting or furtaking. The change was adopted under this authority.

3. *Regulatory Requirements*

The amendment will not change any regulatory requirements.

4. *Persons Affected*

Since the change is essentially editorial, it will have no real impact.

*Amendment to § 141.63*

1. *Introduction*

To more effectively manage the wildlife resources of the Commonwealth, the Commission at its meeting held on January 11, 2000, proposed, and at its April 4, 2000, meeting finally adopted changing § 141.63 to reduce the minimum circumference of snare loops used in trapping

beaver from 20 inches to 7 inches. This change was adopted under authority contained in sections 322(c)(5) and 2102(a) of the code.

2. *Purpose and Authority*

In 1998, the Commission changed its trapping regulations to allow snaring of beaver but required that the snare be crimped so it closed to a minimum circumference of 20 inches. This minimum circumference has been very inefficient in snaring beaver. As a result, the Commission has reduced the circumference to 7 inches.

Section 322(c)(5) of the code directs the Commission to: "Fix the type and number of devices which may be used to take game or wildlife." Section 2102(a) of the code directs the Commission to promulgate regulations concerning the "... ways, manner, methods and means of hunting or furtaking." The change was adopted under this authority.

3. *Regulatory Requirements*

The adopted change relaxes a restriction and should enable beaver trappers to be more successful.

4. *Persons Affected*

Individuals wishing to trap beaver with snares are affected by the change.

*Comment and Response Summary*

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

*Cost and Paperwork Requirements*

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

*Effective Date*

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

*Contact Person*

For further information on the changes, contact William L. Hutson, Director, Bureau of Law Information, 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 Chapter 141, are amended by amending §§ 141.1, 141.4—141.6, 141.21, 141.43, 141.45 and 141.63, to read as set forth at 30 Pa.B. 1262 (March 4, 2000).

(b) The Executive Director of the Commission shall submit this order and 30 Pa.B. 1262 (March 4, 2000) and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending §§ 141.1, 141.4—141.6, 141.21, 141.43, 141.45 and 141.63 shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-119 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 00-889. Filed for public inspection May 26, 2000, 9:00 a.m.]

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# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 62]

[L-00000149]

### Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers

The Pennsylvania Public Utility Commission (Commission) on March 2, 2000, adopted a proposed rulemaking order establishing regulations governing information provided on customer bills. The contact persons are Ahmed Kaloko, Bureau of Conservation, Economics and Energy Planning, (717) 787-2139 and Lawrence Barth, Law Bureau, (717) 772-8579.

#### *Executive Summary*

On June 22, 1999, Governor Tom Ridge signed into law the Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—2212 (act). The act revised the Public Utility Code, 66 Pa.C.S. §§ 101—3316 (code), so that the natural gas industry would be restructured so as to allow the retail sale of natural gas in an open market. In short, individual customers would be able to choose from independent suppliers of gas who would not necessarily be affiliated with the local gas utility.

In enacting this legislation, the General Assembly made it clear that information provided on customer bills and released to other parties should continue to be a matter for Commission oversight. See 66 Pa.C.S. §§ 2205(c)(2) and 2206(c). To fulfill this obligation, the Commission convened a working group to develop suggestions which would assist the Commission in this area. Based upon the product of that group and upon our experience in the restructuring of the electric industry, we issued interim customer information guidelines.<sup>1</sup> The regulation now proposed is intended to supplant the Interim Guidelines and govern the provision of customer information in the retail natural gas industry.

In order for retail natural gas users to enjoy the potential benefits available through competition, they not only must be able to compare prices, but to understand the terms of their natural gas service and, where possible, to compare the terms and conditions of service offered by different providers. The regulation will ensure that, to the greatest extent possible, these terms and conditions of service will be provided in a uniform fashion across the Commonwealth so as to ensure a smooth transition to full retail choice through the implementation of uniform Statewide procedures.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed rulemaking, the Commission has provided IRRC and the

Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Legislative Committees have objections to any portion of the proposal, they will notify the Commission within 10 days of the close of the Committees' review period. If IRRC has objections to any portion of the proposal, it will notify the Commission within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor of objections raised.

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting held  
March 2, 2000

*Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers; Doc. No. L-00000149*

### Proposed Rulemaking Order

#### *By the Commission:*

On June 22, 1999, Governor Tom Ridge signed into law the act. The act revised the code so that the natural gas industry would be restructured so as to allow the retail sale of natural gas in an open market. In short, individual customers would be able to choose from independent suppliers of gas who would not necessarily be affiliated with the local gas utility.

The Commission is the agency charged with regulating the natural gas industry within this Commonwealth and with implementing the act. In that regard, the General Assembly has made it clear that information provided on customer bills and released to other parties should continue to be a matter for Commission oversight. 66 Pa.C.S. §§ 2205(c)(2) and 2206(c).

Section 2206(c) states that:

The Commission shall, by order or regulation, establish requirements that each natural gas distribution company and natural gas supplier provide adequate, accurate customer information to enable retail gas customers to make informed choices regarding the purchase of all natural gas services offered by that provider. Information shall be provided to retail gas customers in an understandable format that enables retail gas customers to compare prices and services on a uniform basis.

Moreover, section 2205(c)(2) of the act sets forth in greater detail the minimum informational requirements for bills rendered by natural gas distribution companies and natural gas suppliers.

As natural gas distribution companies began to restructure their services in this Commonwealth, we issued interim customer information guidelines.<sup>2</sup> Through this Order and the regulations in Annex A, we intend to

<sup>1</sup> *Interim Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers*, Docket No. M-00991249F0005, Order (Entered October 20, 1999).

<sup>2</sup> *Interim Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers*, Docket No. M-00991249F0005, Order (Entered October 20, 1999).

promulgate permanent regulations to supplant the Interim Guidelines. These regulations, when approved, will govern the provision of customer information in the retail natural gas industry.

In order for retail natural gas users to enjoy the potential benefits available through competition they not only must be able to compare prices, but to understand the terms of their natural gas service and, where possible, to compare the terms and conditions of service offered by different providers. These regulations will ensure that, to the greatest extent possible, these terms and conditions of service will be provided in a uniform fashion.

We are interested in obtaining comments from interested parties on these regulations. It is important that these regulations help to promote and not impede the open market for natural gas. If anyone foresees a problem, they should bring it to our attention under the comment provisions in the following paragraph no. 7.

It should also be noted that the Commission reserves the right to waive any or all requirements of these regulations upon petition by an affected party under 52 Pa. Code § 5.43 (relating to petitions for issuance, amendment, waiver or repeal of regulations).

*Accordingly*, under section 501 of the code, and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1—7.4, we amend the regulations in 52 Pa. Code by proposing to add §§ 62.71—62.80 as previously noted and to read as set forth in Annex A; *Therefore, It Is ordered That:*

1. A Rulemaking Docket shall be opened to consider regulations to read as set forth in Annex A.

2. The Secretary shall submit a copy of this order and Annex A to the Office of the Attorney General for review as to form and legality.

3. The Secretary shall submit a copy of this order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for formal review and comments by the Independent Regulatory Review Commission.

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

6. A copy of this final proposed rulemaking order and any accompanying statements of the Commissioners be served upon all jurisdictional natural gas companies, the Office of Consumer Advocate, the Office of Small Business Advocate, all licensed natural gas suppliers, all persons who have applied to be licensed as natural gas suppliers and the Natural Gas Competition Legislative Stakeholders.

7. Within 45 days of the publication of this order and Annex A in the *Pennsylvania Bulletin*, an original and 15 copies of any comments concerning this order and Annex A should be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JAMES J. MCNULTY,  
Secretary

**Fiscal Note:** 57-215. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

##### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE

##### Subchapter C. CUSTOMER INFORMATION DISCLOSURE

Sec.	
62.71.	Purpose.
62.72.	Definitions.
62.73.	Standards and pricing practices for retail natural gas service.
62.74.	Bill format for residential and small business customers.
62.75.	Disclosure statement for residential and small business customers.
62.76.	Request for information.
62.77.	Marketing/sales activities.
62.78.	Privacy of customer information.
62.79.	Complaint handling process.
62.80.	Common natural gas competition terms.

##### § 62.71. Purpose.

(a) The purpose of this subchapter is to require that all natural gas providers enable customers to make informed choices regarding the purchase of all natural gas services offered by providing adequate and accurate customer information. Information shall be provided to customers in an understandable format that enables customers to compare prices and services on a uniform basis.

(b) As to the scope of this subchapter, this section and §§ 62.72 and 62.73 (relating to definitions; and standards and pricing practices for retail natural gas service) apply to all customers, including large commercial and industrial customers. Sections 62.74—62.79 apply only to residential and small business customers, as defined in § 62.72. Section 62.80 (relating to common natural gas competition terms) applies as described in § 62.73(d).

##### § 62.72. Definitions.

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

*Basic services*—Services necessary for the physical delivery of natural gas to a retail customer, consisting of natural gas distribution services and natural gas supply services.

*City gate*—The point where interstate pipelines deliver gas into natural gas distribution company facilities.

*Commission*—The Pennsylvania Public Utility Commission.

*Commodity charges or natural gas supply charges*—Basic service charges for natural gas supply services to retail customers, excluding charges for natural gas distribution services.

*Consumer*—A retail gas customer.

*Consumer contract*—The written disclosure statement of the terms of service between a customer and NGS which satisfies the definition of consumer contract in section 3 of the Plain Language Consumer Contract Act (73 P. S. § 2203).

*Customer*—A person that buys retail natural gas.

*Customer information*—Written, oral or electronic communications used by natural gas providers to communicate to consumers prices and terms of service.

*Distribution charges*—Basic service charges for the delivery of natural gas to a retail customer from the point of receipt into the NGDC's distribution system. These charges include basic service under § 56.15(4) (relating to billing information) and universal service, as applicable.

*Historical billing data*—The minimum of 12 months of data as recorded by the NGDC, which contains usage data and dollar amount billed, unless 12 months of this data is not available, in which case the NGDC shall provide as much billing data as is available. This data is thousand cubic feet (Mcf), hundred cubic feet (ccf), or dekatherms (Dth) consumption at some prescribed interval of consumption and associated cost.

*NGDC—natural gas distribution company*—A public utility that provides natural gas services and which may provide natural gas supply services and other services. For purposes of this subchapter, the term does not include either of the following:

(i) A public utility subject to the jurisdiction of the Commission which has annual gas operating revenues of less than \$6 million per year, except when the public utility voluntarily petitions the Commission to be included within this definition or when the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory.

(ii) A natural gas public utility subject to the jurisdiction of the Commission that is not interconnected to an interstate gas pipeline by means of a direct connection or an indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

*NGS—natural gas supplier*—An entity other than an NGDC, but including NGDC marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of an NGDC that provides NGS services outside its certificate service territories. The term includes a municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide NGS services to retail customers located outside of its corporate or municipal limits, as applicable, other than the following:

(i) As provided prior to \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), pursuant to a certificate of public convenience if required under this title.

(ii) Total natural gas supply services in de minimis amounts.

(iii) Natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided.

(iv) Natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of September 1, 1999, to the extent permitted by applicable law independent of 66 Pa.C.S. Chapter 22 (relating to the Natural Gas Choice and Competition Act).

(A) The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease.

(B) Notwithstanding another provision of this title, a NGS that is not an NGDC is not a public utility as defined in 66 Pa.C.S. § 102 (relating to definitions) to the extent that the NGS is utilizing the jurisdictional distri-

bution facilities of an NGDC or is providing other services authorized by the Commission.

*Natural gas distribution service*—The delivery of natural gas to retail gas customers utilizing the jurisdictional facilities of the NGDC.

*Natural gas providers*—The term refers collectively to the NGDC, NGS, marketer, aggregator or broker, or both, as well as any third party acting on behalf of these entities.

*Natural gas supply charges or commodity charges*—Basic service charges for natural gas supply services to retail customers, excluding charges for natural gas distribution services.

*Natural gas supply services*—The term includes the sale or arrangement of the sale of natural gas to retail customers and services that may be unbundled by the Commission under 66 Pa.C.S. § 2203(3) (relating to standards for restructuring of natural gas utility industry). The term does not include distribution service.

*Nonbasic services*—Optional recurring services which are distinctly separate and clearly not required for the physical delivery of natural gas service.

*Retail gas customer*—A direct purchaser of natural gas supply services or natural gas distribution services, other than an NGS. The term excludes an occupant of a building or facility where the owner/operators manage the internal distribution system serving the building or facility and supply natural gas and other related services to occupants of the building or facility; when the owners/operators are direct purchasers of natural gas supply service; and when the occupants are not direct purchasers.

*Small business customer*—The term refers to a person, sole proprietorship, partnership, corporation, association or other business entity that receives natural gas service under a small commercial, small industrial or small business rate classification, and whose aggregate maximum registered annual consumption with the NGDC was less than 300 Mcfs, or equivalent, over the last 12 months.

#### **§ 62.73. Standards and pricing practices for retail natural gas service.**

In furnishing retail natural gas service, NGDCs and NGSs or any entity that otherwise provides retail natural gas service information to customers, shall comply with the following:

(1) Use common and consistent terminology in customer communications, including marketing, billing and disclosure statements and use the standard pricing unit of the NGDC. The three standard pricing units that are currently used by NGDCs are ccf, Mcf and Dth.

(2) Use the term NGDC as described in § 62.72 (relating to definitions) as a standard term.

(3) Use the terms as defined in the Commission's "Consumer's Dictionary for Natural Gas Competition" (Dictionary), maintained on file in the Commission's Office of Communications. NGDCs shall provide this Dictionary upon customer request, and the "Common Natural Gas Competition Terms" as described in paragraph (4) shall indicate the phone number and address to request the Dictionary.

(4) Each NGDC will distribute the "Common Natural Gas Competition Terms," found in § 62.80 (relating to common natural gas competition terms), as part of its



consumer education program, as a bill insert or in a separate mailing once per year for the life of the NGDC's choice education campaign.

**§ 62.74. Bill format for residential and small business customers.**

(a) NGS prices billed shall reflect the marketed prices and the agreed upon prices in the disclosure statement.

(b) The following requirements apply only to the extent to which an entity has responsibility for billing customers, and to the extent that the charges are applicable. Duplication of billing for the same or identical charges by both the NGDC and NGS is not permitted.

(1) NGDC charges shall appear separately from NGS charges.

(2) Charges for basic services shall appear before charges for nonbasic services, and appear distinctly separate.

(3) Customer bills shall contain the following charges, if these charges are applicable, and these charges shall appear in a distinct section of the bill. The designation or label of each charge as either a basic charge or nonbasic charge appears in parenthesis following the name of the charge. This label of either basic or nonbasic is not required to accompany the name of the charge on the bill.

(i) Commodity charges (basic).

(A) Commodity charges shall be presented in the standard pricing unit for natural gas of the NGDC in actual dollars or cents per standard pricing unit or actual average dollars or cents per standard pricing unit.

(B) Commodity charges shall appear first among the basic charges with one exception. NGDCs may place the customer charge first among the basic charges.

(ii) Distribution charges (basic).

(iii) Customer charge or basic charge (charge for basic service in § 56.15 (relating to billing information)) (basic).

(iv) Gas cost adjustment charges (basic).

(v) Taxes (shall comply with § 56.15) (basic).

(vi) Late payment charges (basic).

(vii) Security deposit (basic).

(viii) Reconnection fee (basic).

(ix) Itemization of nonbasic charges (nonbasic).

(x) Overall billing total.

(4) The entity reading the meter for billing purposes shall provide the following natural gas use data figures:

(i) The total annual natural gas use for the past 12 months in the standard pricing unit of the NGDC including the current billing cycle. This is a single cumulative number.

(ii) The average monthly natural gas use for the past 12 months in the standard pricing unit of the NGDC including the current billing cycle. This is a single cumulative number.

(5) The requirements of § 56.15 shall be incorporated in customer bills to the extent that they apply.

(6) Definitions for the following charges and terms are required in a customer's bill, if they appear as billing items, as contained in § 62.80 (relating to common natural gas competition terms), and shall be in a distinctly separate section of the bill:

(i) Commodity charges.

(ii) Distribution charges.

(iii) Customer charge/basic charge (charge for basic service in § 56.15).

(iv) Gas cost adjustment charges.

(v) The standard pricing unit of the NGDC, either ccf, Mcf or Dth.

(7) "General Information" is the required title for customer contact information in a customer's bill.

(i) The name, address, telephone number and Internet address for the NGS and NGDC shall be included.

(ii) Both NGDC and NGS information in subparagraph (i) is required on all customer bills with the billing entity's information first.

(8) When a customer chooses the option to receive a separate bill for competitive natural gas supply, the NGDC shall include in a customer's bill the following information where the NGS charges would normally appear:

(i) The NGS's name.

(ii) A statement that the customer's NGS is responsible for the billing of NGS charges.

(9) When a customer chooses the option to receive a single bill from the NGDC, the NGDC shall include in the customer's bill the name of the NGS where the NGS charges appear.

(10) For customers who have chosen to receive gas supply from a competitive supplier, the customer's bill shall include the following statements which may appear together in a paragraph:

(i) "Commodity prices and charges are set by the natural gas supplier you have chosen."

(ii) "The Public Utility Commission regulates distribution prices and services."

(c) The billing entity shall provide samples of customer bills to the Commission for review prior to issuance to customers.

**§ 62.75. Disclosure statement for residential and small business customers.**

(a) The agreed upon prices in the disclosure statement shall reflect the marketed prices and the billed prices.

(b) The NGS shall provide the customer written disclosure of the terms of service at no charge whenever:

(1) The customer requests that an NGS initiate service.

(2) The NGS proposes to change the terms of service.

(c) The contract's terms of service shall be disclosed, including the following terms and conditions, if applicable:

(1) Commodity charges shall be disclosed according to the actual prices and be presented in the standard pricing unit of the NGDC or other Commission-approved standard pricing unit. Commodity charges shall include estimated total State taxes. Commodity charges exclude State sales tax and county tax.

(2) The variable pricing statement (if applicable) shall include:

(i) Conditions of variability (state on what basis prices will vary).

(ii) The starting price and the ceiling price.

(3) An itemization of basic and nonbasic charges distinctly separate and clearly labeled.

(4) The length of the agreement, which includes:

(i) The starting date.

(ii) The expiration date, if applicable.

(5) An explanation of sign-up bonuses, add-ons, limited time offers, other sales promotions and exclusions, if applicable.

(6) An explanation of prices, terms and conditions for special services, if applicable.

(7) The cancellation provisions, if applicable.

(8) The renewal provisions, if applicable. Automatic renewal is allowed at the same terms and conditions as long as the new agreement is month-to-month.

(9) The name and telephone number of the supplier of last resort.

(10) An explanation of penalties, fees or exceptions, printed in type size larger than the type size appearing in the terms of service. Penalties shall be disclosed in actual dollars or a specific method for determining the actual dollars shall be disclosed.

(11) Customer contact information that includes the name of the NGDC and NGS, and the NGS's address, telephone number, Commission license number and Internet address, if available. The NGS's information shall appear first and be prominent.

(12) A statement that directs a customer to the Commission if the customer is not satisfied after discussing the terms of service with the NGS.

(13) The name and telephone number for universal service program information.

(d) Customers shall be provided a 3-day right of rescission period following receipt of the disclosure statement from the NGS.

(1) The 3-day right of rescission is 3 business days.

(2) The 3-day right of rescission begins when the customer receives the written disclosure from the NGS.

(3) The customer may cancel in writing, orally or electronically, if available, by contacting the NGS.

(4) Waivers of the 3-day right of rescission are not permitted.

(e) The definition for commodity charges is required on natural gas disclosure statements and shall be defined in accordance with § 62.80 (relating to common natural gas competition terms). Definitions for other basic charges, if applicable, are required. Definitions for each of the nonbasic services, if applicable, are required. The definition section of the bill shall be distinctly separate.

(f) The NGS shall include in the customer's disclosure statement the following statements which may appear together in a paragraph:

(1) "Commodity prices and charges are set by the natural gas supplier you have chosen."

(2) "The Public Utility Commission regulates distribution prices and services."

(g) Disclosure statements shall include the following customer notification:

(1) "If you have a fixed term agreement with us and it is approaching the expiration date, we will send you advance written notices at about 90 days and 60 days

before the expiration date. If we propose to change our terms of service in any type of agreement, we will send you advance written notices at about 90 days and 60 days before the effective date of the change. If we are billing you directly for our services, then we will provide the notices as a bill message, a bill insert, or in a separate corresponding mailing. If the NGDC is billing our charges for us, then we will provide the notices in separate corresponding mailings. We will explain your options to you in these two advance notifications."

(2) The NGS may add appropriate language in the notice so that the notice may serve as an amendment to the original agreement if the customer affirmatively reselects the NGS. After a customer affirmatively reselects the NGS, the NGS is relieved of its obligation to fulfill outstanding notice requirements. If the change in terms notice is for a reduction in the price of the commodity charges, the NGS is required to send only one written notice at least 60 but not more than 90 days prior to the effective date of the price change.

(h) If the supplier of last resort changes, the new supplier of last resort shall notify customers of that change, and shall provide customers with the name, address, telephone number and Internet address, if available.

#### § 62.76. Request for information.

(a) Natural gas providers shall respond to reasonable customer requests for efficiency information by indicating that these materials are available upon request from the Commission or the NGDC.

(b) Residential and small business customers, upon request from the customer, are entitled to receive at no charge and at least once a year, historical billing data from whomever reads the meter for billing purposes. If the customer is receiving competitive natural gas supply service from an NGS, and receiving a separate bill from the NGS, the NGS will provide dollar amounts billed.

(1) The NGDC is only obligated to provide information that is readily available in its billing system.

(2) The historical billing data shall be conveyed in terms of the NGDC's standard pricing unit, for example, cfs, Mcfs or Dths, and associated charges for the current billing period and for the year preceding the current billing period.

(3) The historical billing data will be updated with each billing cycle.

(c) Natural gas providers shall notify consumers not less than once per year either in advertising materials, disclosure statements or bills that information on energy efficiency and historical billing data is available upon request.

#### § 62.77. Marketing/sales activities.

(a) An NGS advertised prices shall reflect prices in disclosure statements and billed prices and shall be presented in the standard pricing unit of the NGDC.

(b) An NGS marketing materials that offer terms of service for acceptance by customers shall include prices, as follows:

(1) If using a fixed price, the NGS shall show charges for supply service per ccf for usages of 15, 80 and 120 ccf of natural gas or equivalent, per month, in a table format.

(2) If using a variable price mechanism, the NGS shall factor in all costs associated with the rate charged to the customer, and show the average price for supply service

per ccf for usages of 15, 80 and 120 ccf of natural gas or equivalent, per month, in a table format.

(3) The NGS shall note the effective date of the prices shown in the table provided under paragraph (1) or (2).

(c) Advertising materials targeted for residential and small business sales shall be made available upon request of the Commission.

**§ 62.78. Privacy of customer information.**

(a) An NGDC or NGS may not release private customer information to a third party unless the customer has been notified of this intent and has been given a convenient method of notifying the entity of the customer's desire to restrict the release of the private information. If the customer does not choose to restrict the release of one of the two restriction options in paragraphs (1) and (2), then all of the customer's private information may be released to a third party except for the telephone number. If the customer chooses to restrict the release of private customer information, the customer may restrict information released according to one of the following two restriction options:

(1) Restrict the release of only the customer's historical billing data in the NGDC's standard pricing unit, that is, as denominated by the NGDC.

(2) Restrict the release of all private customer information including name, billing address, service address, rate class, rate subclass, account number and historical billing data in the NGDC's standard pricing unit, that is, as denominated by the NGDC.

(b) Customers shall be permitted to restrict information as specified in subsection (a) by returning a signed form, or by oral or electronic communication.

(c) Nothing in this section prohibits the NGS and NGDC from performing their mandatory obligations to provide natural gas service as specified in the disclosure statement and in 66 Pa.C.S. (relating to the Public Utility Code).

(d) Telephone numbers may not be released to third parties.

**§ 62.79. Complaint handling process.**

NGDCs and NGSs shall disclose to customers the following with respect to the rights of customers in the handling and resolution of complaints:

(1) Residential and small business customers shall directly contact the party responsible for the service in question as an initial step for complaint and problem resolution. If the customer mistakenly contacts the wrong entity, the customer shall be promptly referred to the appropriate contact. In the event of an unexpected loss of firm gas service, the customer shall be directed to the NGDC.

(2) Complaints that pertain to Chapter 56 (relating to standards and billing practices for residential utility service) matters shall be handled and resolved in accordance with the applicable standards in Chapter 56.

(3) NGDCs and NGSs shall give the Commission access to disclosure statements, billing and other customer information resources for compliance reviews as deemed necessary by the Commission. When complaints arise and are brought before the Commission for resolution, the obligation of the NGS shall be extended to the provision of pricing information.

**§ 62.80. Common natural gas competition terms.**

The following are common natural gas competition terms:

*Burner tip*—The point at which natural gas is used such as a furnace, water heater or range.

*ccf*—100 cubic feet of gas. This is a measure of gas usage.

*Chapter 56*—The PUC regulations that govern metering, billing and collections for residential gas and electricity service.

*City gate*—The point where interstate pipelines deliver gas into NGDC facilities.

*Commodity charges*—The charges for basic gas supply service which is sold either by volume (ccf or Mcf) or heating value (dekatherms).

*Customer charge*—A monthly charge to cover NGDC costs such as maintaining the gas lines, meter reading and billing.

*Distribution charges*—The charges for the delivery of natural gas from the point of receipt into the NGDC's system.

*Dth (Dekatherm)*—A measure of the heat content value of gas. Gas usage is determined by multiplying the Mcf used by the heat content value of the gas.

*Gas cost adjustment charges*—The amount billed or credited each month to account for differences between projected and actual gas supply costs of the natural gas distribution company.

*Mcf*—1,000 cubic feet of gas. This is a measure of gas usage.

*NGDC—Natural gas distribution company*—A state regulated natural gas utility which owns the gas lines and equipment necessary to deliver natural gas to the consumer. (Formerly called local distribution company)

*NGS—Natural gas supplier*—An entity that sells or arranges to sell natural gas to customers that is delivered through the distribution lines of an NGDC.

*PUC—Pennsylvania Public Utility Commission*—The State regulatory agency that provides oversight, policy guidance and direction to public utilities and suppliers.

*Price to compare*—The dollar amount charged by the NGDC used by consumers to compare prices and potential savings with other natural gas suppliers.

*Storage*—Placing natural gas into an underground facility for removal and use at a later date.

*Transmission*—The moving of natural gas through the interstate pipeline system for delivery to the NGDC.

[Pa.B. Doc. No. 00-890. Filed for public inspection May 26, 2000, 9:00 a.m.]

# STATE ATHLETIC COMMISSION

[58 PA. CODE CHS. 1, 3, 5, 9, 11, 13, 21, 23, 25, 27, 31 and 33]

## Boxing and Wrestling

The State Athletic Commission (SAC) proposes to adopt amendments to Part I (relating to State Athletic Commission). The amendments are proposed under 5 Pa.C.S. §§ 101—2110 (relating to the Athletic Code) (code). Virtually every statutory provision administered by SAC was renumbered or materially revised under the act of May 13, 1992 (P.L. 180, No. 32) (Act 32). The statutory changes also require a comprehensive revision of most regulations. The proposed amendments are set forth in Annex A.

### *Purpose*

The proposal will comprehensively revise, with limited exceptions, all of the regulations administered by the SAC to conform with the code and current SAC policies adopted thereunder. A description of the proposed revisions and changes appears as follows:

### *Subpart A (relating to general provisions)*

Subpart A would be organized into eight chapters: general provisions regarding officials; tickets, postponements and cancellations; relations with affiliates; safety of event premises; bonds and fees; and prohibited drug testing. Proposed revisions and amendments have been made to all chapters except Chapters 7 and 15 (relating to recognition of suspensions, disqualifications and retirements imposed by other authorities).

### *Chapter 1 (relating to preliminary provisions)*

#### *§ 1.1. (relating to definitions of "Commission")*

Section 1.1 would be expanded to include a definition of the "code" so the statutory citation need not be repeated each time it is set forth in the proposed amendments. Additionally, "Commission credentials" are defined as documents issued by the Commission to individuals approved to attend a specific event without payment of an entry fee in furtherance of the Commission's official duties. Commission credentials are used by the Commission to permit officials and licensees to observe events for educational or training purposes. Because the terms "event" and "knockdown" are not defined in the code, they are defined here.

#### *§ 1.2 (relating to Commission offices)*

Section 1.2 would add the address of SAC Office in Harrisburg, PA, to the list which currently identifies locations in Pittsburgh, Philadelphia and Scranton.

### *Chapter 3 (relating to appointed officials)*

#### *§ 3.1 (relating to Executive Director)*

Section 3.1 and the other sections within the proposal would be amended to reflect a change in term in the code, which refers to the administrative officer of SAC as the "Executive Director" rather than "Executive Secretary." The duties of the Executive Director would be revised to reflect the code and are consolidated under this section. Commission credentials are provided for under subsection (g) which also sets forth the duty of the Executive Director to supervise and direct his staff, perform duties as directed by the Commission and grants him the ability to act through a designee. In new subsection (h), the

Commission delegates to the Executive Director the authority to prohibit the proposed matching of boxers, in light of the Executive Director's duty to establish and maintain a record of all boxers under sections 105(7) and 706 of the code (relating to powers and duties of executive director; and register).

New subsection (i) would establish that circumstances not covered by regulations are subject to the authority of the Executive Director. A new proposed subsection (j) authorizes SAC, in its discretion, to use a videotape of a bout to review any actions taken during the bout. Subsection (k) would provide that any action by the Executive Director is subject to the right of appeal and a hearing before SAC upon written notice by the affected individual. Finally, this section is amended to refer to Commission personnel assigned to events as "inspectors" rather than "deputy Commissioners." SAC believes that referring to administrative personnel as "deputy Commissioners" inappropriately cloaks them with the apparent authority of a SAC Commissioner, who is appointed by the Governor with the advice and consent of the Senate. Conforming amendments are made throughout the proposal.

### *§ 3.2 (relating to inspectors)*

Section 3.2 would be revised to clarify that inspectors are appointed by SAC or Executive Director and approved by the Secretary of the Commonwealth. The duties of the Executive Director relating to inspectors' assignments, responsibilities and duties are also clarified.

### *§ 3.3 (relating to physicians)*

Section 3.3 would reduce the requirement for two physicians to be in attendance at the bout to reflect section 704 of the code (relating to physician to be in attendance), which now requires the attendance of only one physician at every contest or exhibition. Other minor clarifications and drafting corrections are also made.

### *§ 3.4 (relating to announcers)*

Section 3.4 would be revised so that announcers are assigned to events not by SAC but by the promoter or sponsor of the event. SAC believes that the close working relationship required between announcers and promoters or sponsors also requires assignments to be made by promoters. This section is also amended to permit announcers to collect official scorecards from the Executive Director or his designee after the scorecards have been inspected and approved for eventual announcement by the announcer regarding the decision.

### *Chapter 5 (relating to tickets, postponements and cancellations)*

#### *§ 5.1 (relating to tickets)*

The proposed amendments to § 5.1 would delete SAC approval of ticket price and eliminate some of the provisions regarding complimentary tickets. Additionally, SAC would delete some of the provisions regarding the sale and transfer of tickets. These areas need not be covered by regulation because they are addressed in section 1111(a) of the code (relating to tickets), which sets forth information which should appear on the face of the ticket; and subsection (c) which prohibits any person from selling any ticket for more than 50¢ in excess of the price printed on the ticket.

### *§ 5.2 (relating to postponements and cancellations)*

Proposed changes to § 5.2 would require written notice in the event that a bout or exhibition is postponed or canceled. Additional minor changes are made to provide the promoter with increased flexibility in rescheduling

the event or exhibition and to clarify other provisions in accordance with section 1113 of the code (relating to ticket refunds).

*Chapter 9 (relating to relations with affiliates)*

Proposed §§ 9.1 and 9.2 would be revised to clarify that SAC's jurisdiction extends to any sport regulated by the SAC under the code.

*Chapter 11 (relating to safety of event premises)*

*§ 11.1 (relating to ventilation, fire exits and fire escapes)*

In § 11.1 would be slightly amended to replace a reference to "city, town or village" with "municipality."

*§ 11.2 (relating to certificate required)*

Section 11.2 would be deleted, thereby eliminating the requirement that the promoter file with SAC a certificate certifying that the event is being held in an appropriate venue. SAC has determined that obtaining a certificate creates unnecessary paperwork for promoters.

*Chapter 13 (relating to bonds and fees)*

*§ 13.1 (relating to professional boxing bonds and bond filing fees)*

Section 13.1 makes editorial changes and adds a new subsection. New § 13.1(a) gives effect to section 1131 of the code (relating to promoters and foreign copromoters required to file bonds), which grants SAC the authority to set the amounts of surety bonds required of a promoter. This section requires a surety bond in the amount of \$7,500 for events held at venues with a seating capacity of less than 10,000. If the seating capacity is more than 10,000, the bond is \$25,000. New subsection (b) would permit a promoter or foreign copromoter to deposit with SAC cash, a certified check, a letter of credit or direct or indirect obligations of the United States or this Commonwealth in an equivalent amount in lieu of the surety bond amount. This section is added under section 1132 of the code (relating to deposit in lieu of surety bond).

*§ 13.2 (relating to ticket tally)*

Section 13.2 provides that the schedule of the number of tickets and price range furnished to SAC under section 1111 of the code, be signed by the promoter.

*§ 13.3 (relating to additional license fees)*

Section 13.3 permits promoters to pay any fees and taxes by money order as well as certified check. Revisions to this section would clarify that failure to remit all fees or taxes within 48 hours will result in SAC claiming a portion of the promoter's bond or any funds previously deposited with SAC.

*§ 13.4 (relating to professional boxing license fees)*

Section 13.4 increases the manager's license fee from \$40 to \$60 and deletes the booking agent's license. The booking agent's license is a historical anachronism and is no longer in existence.

*§ 13.6 (relating to professional boxing physician fee)*

Section 13.6 clarifies the physician fee where the physician is assigned only to conduct the precontest or preexhibition physicals. This fee is set at \$100 and is paid by the promoter in accordance with section 704 of the code.

*§ 13.7 (relating to professional boxing officials fee)*

Section 13.7 increases the fees for referees, judges, announcers and timekeepers officiating at events which are televised, either by cable or broadcasted. Referees are paid \$50 more while judges, announcers and timekeepers

are paid \$10 more. SAC determined that increased fees for officials at televised events are appropriate given the added workload involved in these events.

*§ 13.8 (relating to return check fee)*

Section 13.8 increases the fee from \$20 to \$50 to reflect increased costs incurred by SAC in processing checks which are not honored.

*Subpart B (relating to boxing)*

The four chapters comprising Subpart B govern professional boxing, Chapter 21; amateur boxing, Chapter 23; professional kickboxing, Chapter 25 and amateur kickboxing, Chapter 27. All four chapters would be revised and amended.

*Chapter 21 (relating to professional boxing)*

*§ 21.1 (relating to contracts)*

Section 21.1 would expand the types of contracts which fall under the jurisdiction of SAC as set forth under the code. The Executive Director, rather than SAC, is given the authority to approve commitments made by a boxer under contract to another manager, provided his manager consents. Additionally, in recognition of SAC's authority under section 1103 of the code (relating to provisions in contracts between managers and professional boxers), SAC proposes to increase from \$750 to \$1,000 the minimum sum to be guaranteed annually to a boxer under contract with a manager. SAC believes that an increase is warranted because no increase has been made since 1978.

Subsection (c) provides a reference to Chapter 13 of the code (relating to enforcement), while subsection (k) conforms the current regulation to section 1103(b) of the code.

Subsection (m) would be deleted to eliminate the possibility of an implied contract between a promoter and a manager or boxer, or both, when a telegram of acceptance has been filed with SAC before actual execution of a formal contract. SAC believes that a formal contract must be in place in light of problems SAC has had in determining whether valid contracts did in fact exist between these parties. A proposed new subsection (m) would make it clear that a promoter may not attempt to contract for a contest (rather than an exhibition) with a manager or boxer under suspension without the written consent of SAC.

*§ 21.2 (relating to weight classes)*

Section 21.2 expands the weight classes to include a supermiddleweight weight class. The inclusion of this weight class reflects the current weight class provided for in the boxing profession and helps to ensure the safety of the participants by providing for less of a weight differential within a weight class.

*§ 21.3 (relating to ring and ring equipment)*

Section 21.3 would be revised to permit dimensions of the boxing ring to be altered with the express written consent of SAC. This change reflects the fact that the size of many boxing venues may require alterations in the ring dimensions. Other provisions are deleted to provide the boxing promoter with added flexibility regarding the ring configuration and to delete excess verbiage. Subsection (b) would be expanded to make it clear that the promoter is responsible for providing chairs for SAC personnel, officials SAC credential holders, and to clarify the requirement that judges' chairs must be elevated sufficiently to insure an unobstructed view of the ring and the ring floor. This subsection will also be amended to incorporate the provisions of section 707 of the code

(relating to medical equipment), which require that an ambulance be available, together with emergency equipment, including a portable resuscitator with oxygen and appropriate endotracheal tubes and a qualified operator.

*§ 21.4 (relating to conduct of bouts)*

Subsection (a) would be amended to reflect section 704 of the code's one-physician requirement and the requirement of three judges, rather than two, as required under section 715 of the code (relating to referee and judges). In accordance with section 105(3) of the code, this section would be amended to make it clear that the Executive Director assigns all officials except announcers. Parts of this regulation are deleted to afford promoters and the SAC some flexibility in stationing SAC personnel and officials at ringside.

Subsection (b) would be expanded to address instances when a boxer is found to be overweight at the time and place of weigh-in for a professional boxing event. Another weigh-in may be scheduled for no more than 3 hours from the time that the boxer first stepped on the scale at the initial weigh-in, to determine whether the boxer has made the contracted-for weight. For safety reasons, and upon advice of SAC's Medical Advisory Board, this proposal limits to 3 pounds the amount of weight the boxer may lose within that 3-hour period. If after 3 hours the boxer cannot make the contracted-for weight, then the boxer is disqualified and is subject to disciplinary action by SAC. To conform to the statutory requirement of a mandatory prebout physical in section 709(a) of the code (relating to medical examinations), the language in the current regulations would be changed from a discretionary physical to a mandatory one. Finally, this subsection would repeal the requirement that a boxer report to his dressing room at least 1 hour prior to the scheduled starting time of the bout; new provisions permit the boxer to report to the dressing room at a time set by SAC.

Subsection (c) makes minor amendments to alter the existing regulation's requirement of a well fitting mouthpiece to require a mouthpiece that is individually fitted. This change is based upon recommendations from SAC's Medical Advisory Board. Subsection (c) also contains proposed additions for equipment to be used by female boxers. SAC initially approved these requirements on December 15, 1997, at the recommendation of SAC's Medical Advisory Board, and directed that the requirements be placed in these proposed amendments on October 25, 1999. The requirement for protective equipment for female boxers is also found in § 21.16(d).

Numerous minor changes are made throughout the chapter inserting the proper statutory reference to the new code or including the requirements found in the code. For example, subsection (e) not only includes the weight requirements for boxing gloves found in section 712(a)(2) of the code (relating to gloves), but also includes the logical deduction based on the weight requirements for boxing gloves in the code that boxers competing against each shall wear gloves of the same weight.

Proposed subsection (h) would be altered to delete a rule prohibiting the main bout of a professional boxing event from starting after 10:15 p.m. unless otherwise authorized by SAC. A similar deletion relates to the length of intermission. These changes are intended to grant the promoter increased flexibility in holding boxing events. Additional proposed changes are made to reflect the authority exercised by the Executive Director. Subsection (h) also contains proposed amendments to the length of time for rounds and the number of rounds for female

boxers. SAC initially approved these requirements on December 15, 1997, at the recommendation of SAC's Medical Advisory Board, and directed that the requirements be placed in these proposed amendments on October 25, 1999.

Subsection (i) would require that the promoter notify SAC of a proposed change in the composition of any bout he is promoting rather than a change only in the main bout as required under the existing regulation. This notification ensures the accuracy of SAC records and recognizes SAC's jurisdiction in approving all match-ups. The refund procedures set forth under this subsection are also extensively revised to incorporate the notice and refund provision in section 1113 of the code.

Subsection (j) is deleted to recognize the fact that SAC on a regular basis did grant boxers ages 18 through 20 years approval to engage in longer bouts. Subsection (n) would be amended to provide that if a boxer refuses to continue a bout while physically able to do so, the referee shall rule the bout a technical knock-out (TKO) and award the bout to the opposing boxer.

*§ 21.5 (relating to scoring system)*

Section 21.5 would be amended to replace the term "scoring official" with "judge." Subsection (b) would be amended to track the proposed elimination of the "standing" eight-count rule in proposed § 21.16 to permit the referee to further protect the health and safety of a boxer by being able to immediately terminate a bout. Additional proposed changes reflect the role of the Executive Director or his designee in reviewing the scorecards and tallying the points received by each boxer. Under subsection (d), SAC provides special rules for bouts scheduled for more than four rounds, where fewer than four rounds have been fought and a participant has been the victim of any type of accidental foul. In this and following subsections, the prior regulations' "butt" rule is expanded to cover all fouls; it is therefore referred to in the amended regulations as a "foul" rule. These sections would clarify the procedures to be followed when a boxer receives either an accidental foul or an intentional foul depending on the number of rounds which have been fought. Subsection (e) is applicable when the bout is scheduled for only four rounds.

*§ 21.6 (relating to promoters)*

Section 21.6 would be revised with minor clarification changes, including a revision to subsection (e), which specifically requires a promoter to pay out all boxing purses immediately after the contest and in any event no later than 24 hours after an event unless otherwise directed by SAC. The current language of subsection (f) regarding a promoter's announcement would be deleted and replaced by a provision that permits the promoter to distribute passes to his staff or other individuals helping in the promotion of the event. The number of passes may not exceed 50, or more than one percent of the total seating capacity where the event is held, whichever is less. The use of promoter passes ensures that promoter personnel are properly identified as such unless otherwise approved by the Commission. This new subsection also makes it clear that promoter passes are not subject to SAC's gross receipts tax. Section 21.6 contains a new proposed subsection (g) requiring promoters to provide female boxers with adequate and separate dressing rooms from male boxers.

*§ 21.7 (relating to matchmakers)*

Section 21.7 would be revised to repeal the prohibition of matchmakers dealing with unlicensed managers or

with managers or boxers whose licenses have been revoked. Matchmakers need to communicate with these individuals in anticipation of them becoming licensed at a future date. Additionally, subsection (d) would be repealed to recognize that more often than not, matchmakers are employed by more than one promoter.

*§ 21.8 (relating to boxers)*

Section 21.8 would be expanded. Subsection (b) contains minor revisions making it clear that a professional boxer under contract to appear in a bout under SAC's jurisdiction must be currently licensed. Boxers must be examined and certified by a physician appointed by the Executive Director. These proposed changes reflect the provisions of sections 704 and 709 of the code. Subsection (c) would be expanded to make it clear that if a bout in which a professional boxer is under contract has been canceled and no suitable opponent, as determined by SAC, can be located, the boxer is entitled to reasonable expenses as determined by SAC. This additional regulatory language addresses those instances where a bout has been canceled, due to no fault of a boxer, who has nonetheless incurred costs in preparing for and presenting himself at the bout location.

Subsection (d) would be revised to reflect the provisions of section 708 of the code (relating to suspension and revocation for injuries), which require a mandatory suspension of 90 days for a boxer who has been knocked unconscious or has received a concussion. This mandatory suspension can be removed only after the boxer has been pronounced fit following a medical examination by a physician. Additional changes would also reflect the provisions of section 708 of the code, regarding a suspension of up to 30 days for a boxer subject to a technical knockout without head injuries and requiring a boxer who has suffered six consecutive defeats to be investigated and, upon recommendation by the Executive Director, to undergo a medical examination. Finally, this subsection would be expanded to increase the safety of boxers by providing for additional suspension time of a boxer upon the recommendation of the ringside physician or SAC's Medical Advisory Board.

The license requirements in subsection (e) would be expanded to require that an applicant for a boxing license who has never competed in a professional boxing contest must attach to the license application the results of a complete general physical. This subsection's provision against licensing any applicant over 36 years of age except by special action of SAC would be expanded to set forth the detailed medical data which must support a license application filed by an individual. These recommendations are from SAC's Medical Advisory Board.

In subsection (f), the phrase "properly drafted contract" could be considered vague, so the language was changed to a contract meeting the requirements of the code and the regulations. Proposed subsection (g) eliminates the maximum of two managers to whom a boxer may be under contract at the same time, but retains the requirement of SAC approval for a boxer to be under contract to more than one manager. This subsection would also reduce the maximum percentage of earnings a boxer may contract to pay to his manager or combination of managers from 50% to 40%. Minor clarifying changes are also made in subsections (j) and (l).

On December 15, 1997, at the recommendation of SAC's Medical Advisory Board, SAC adopted the policy that female boxers could not fight male boxers and developed a policy for female boxers as it now appears in the

proposed amendments in subsection (n) and (o). Other changes for female boxers are found in §§ 21.4(c) and (h), 21.6(g), 21.8(m) and 21.16(d). On October 25, 1999, SAC reaffirmed its policy and directed that its policy be placed in the regulations.

*§ 21.9 (relating to managers)*

Section 21.9 would add minor revisions for clarity purposes in subsections (b), (e) and (h). These proposed changes would clarify SAC's policy regarding contracts entered into by managers licensed in other jurisdictions. These amendments would provide SAC with flexibility in impounding purses for managers licensed by SAC. Subsection (c) would conform the current regulations to section 1103(b) of the code.

*§ 21.10 (relating to seconds)*

In § 21.10, minor amendments would be made to delete excess verbiage. Changes in subsection (c) would increase the number of seconds for a professional boxer in his ring corner from 3 to 4. The proposed amendments would also delete a prohibition in subsection (d) regarding advertising on clothing worn by seconds. Subsection (g) would be amended to delete a prohibition against seconds coaching or assisting the boxer. Finally, subsection (j) would be expanded to make it clear that a manager, second or other person who engages in inappropriate conduct and receives warnings to that effect may be ejected and that his boxer may have points deducted from his scorecard during the contest.

*§ 21.11 (relating to referees)*

Section 21.11 would be amended to make it clear that professional boxing referees, while licensed by SAC, are appointed to officiate at a particular contest or exhibition by the Executive Director. The requirement in subsection (b)(1) that the referee be a citizen of this Commonwealth would be deleted in recognition of the international participation and nature of many boxing contests and exhibitions. SAC has determined that the existing requirement in subsection (b)(3) for a referee applicant to be observed and undergo a written and oral examination by a Commissioner and two licensed boxing referees is unnecessary. This subsection would be deleted. Additional clarifying changes would be made in subsections (c) and (d).

The reference in subsection (c)(8) to the Marquis of Queensberry Rules would be deleted as an historical anachronism. The ability of the referee to deduct points at any time during the round would be recognized by revisions to subsection (c)(9). The role of the referee in collecting scorecards and delivering them to the Executive Director or his designee would be clarified under subsection (c)(11). After the inspection of the cards by the Executive Director or his designee, the scorecards are then collected by the announcer or referee, after which the announcer may announce the scoring decisions, in accordance with § 3.4(j). Subsection (c)(12) would be amended to require the referee to ensure that the opponent of a fallen boxer retreats to a neutral corner, rather than to the most distant corner. The language has been problematic when the most distant corner is the corner of the fallen boxer.

*§ 21.12 (relating to judges)*

Subsection 21.12(a) would provide that boxing judges are appointed by the Executive Director to officiate at each professional boxing contest and reflects the provisions of section 715 of the code requiring three licensed judges at each contest. The requirement in subsection

(b)(1) that an applicant for a judging license be a citizen of this Commonwealth would be deleted in recognition of the involvement of the international community in boxing matches within this Commonwealth. A reference in subsection (b)(3) to an applicant for a judge's license undergoing observation and written and oral examinations is not deleted, but these requirements are no longer mandatory. The proposed amendment makes these requirements discretionary on the part of SAC while new proposed subsection (b)(4) would require judges to attend at least one training seminar per year as directed by SAC. Conforming amendments are made in subsection (c) regarding the transmittal of the official scorecard through the referee to the Executive Director or his designee.

*§ 21.13 (relating to timekeepers)*

Section 21.13 would be amended to reflect the Executive Director's authority to appoint and assign boxing officials to contests and exhibitions. Clarifying amendments would be made to subsection (b) regarding the timekeeper's duties.

*§ 21.14 (relating to insurance)*

Minor technical changes would be made to § 21.14.

*§ 21.15 (relating to State championships)*

In § 21.15, a new subsection (h) would be added which references § 21.4(b) and sets forth provisions to govern those instances where a championship fight is scheduled and either the champion or the challenger, or both, do not make the appropriate weight.

*§ 21.16 (relating to safety code)*

Section 21.16 remains largely intact except for the proposed deletion of excess verbiage and the standing eight-count rule in subsection (h). SAC decided to propose the elimination of the standing eight-count rule to give the referee and ringside physician more flexibility in ensuring the safety of boxers. The mandatory eight-count which is applied when a boxer is knocked down is still in effect at subsection (h) in accordance with section 717 of the code. Subsection (b) would be expanded to specifically add biting as a prohibited, unsportsmanlike practice. The revised subsection (d) contains the requirement for a chest protector for female boxers, as required previously in § 21.4(c). The new subsection (i), would prohibit use of the three knock-down rule in this Commonwealth. SAC believes that requiring an arbitrary number of knockdowns is not appropriate. Prohibiting the rule grants the referee, ring physician or SAC personnel more flexibility when a boxer cannot defend himself in the ring. The new subsection (k) not only tracks the statutory language on repeated knockouts in section 708(d) of the code, but also provides boxers whose licenses are suspended or revoked to be notified by the Commission and be given an opportunity for a hearing before the Commission.

Other proposed clarifications within this section require notification of a suspension in writing and delete a requirement that SAC advise the media of suspensions. The revised subsection (l) would be amended to provide that if a boxer is legally knocked from or falls from the ring, he is allowed 20 seconds, rather than 10 seconds, to return to the ring unassisted.

In the new subsection (n), SAC needs flexibility because many championship bouts are sanctioned by private organizations that may have different rules. SAC is able to maintain this flexibility with other private organizations as provided for in § 9.2.

*Chapter 23 (relating to amateur boxing)*

*§ 23.1 (relating to relations with amateur athletic association)*

Section 23.1 makes changes to reflect a new title changing the reference from the Amateur Athletic Union, as set forth originally in the regulation, to the "Amateur Athletic Association." This proposed change reflects the new name of the organization. Conforming changes are made throughout this section.

*§ 23.2 (relating to amateur events)*

Section 23.2 would also reflect a change in title, this section previously having been titled "sponsors." This proposed change, and other changes in this section, reflect the statutory provisions of section 907 of the code (relating to amateur), which provides that permits for amateur boxing contests or exhibitions are issued only to bona fide recognized amateur athletic associations, non-profit organizations or other groups or exclusively approved by SAC. The Commission does not charge these groups a fee for a permit to conduct amateur events.

*§ 23.4 (relating to boxers)*

Section 23.4 would make revisions to recognize SAC's general lack of jurisdiction over amateur events, and section 907 of the code specifies that amateur contests or exhibitions are held in accordance with the rules of the amateur body sanctioning the event. Amateur boxers, however, are subject to SAC's general authority regarding the general safety of participants. The requirement that participants in amateur boxing events conform to the regulations of the Amateur Athletic Association would be retained in this section. This section would retain and clarify SAC's general authority to prevent an amateur boxer from competing when he cannot safely defend himself or if his actions have been deemed detrimental to the sport of boxing in accordance with section 103 of the code (relating to duties of commission).

The age provisions currently set forth in this regulation would be deleted in light of the explicit age restrictions set forth in section 702 of the code. Specific provisions regarding the age of amateur boxers, which reflect the provisions of section 702 of the code, appear in § 23.10.

Subsection (d) provides the Commission with the flexibility to adapt the same rules for amateur boxers as prepared earlier for professional boxers in Chapter 21. This flexibility is necessary in the event that the Amateur Athletic Association makes changes to its rules regarding boxers.

*§ 23.5 (relating to seconds)*

Numerous deletions are set forth in § 23.5 in deference to the rules regarding seconds as promulgated by the Amateur Athletic Association.

*§ 23.6 (relating to referees)*

Section 23.6 would be revised to make it clear that referees are appointed by the Amateur Athletic Association but are subject to SAC approval and may be removed by SAC if SAC determines that the referee is not competent. The proposed changes to subsection (b) delete the requirement that an amateur referee be a citizen of this Commonwealth in recognition of the involvement of National and international boxing officials in different events. Commensurate deletions reflect, in large part, SAC's deference to the Amateur Athletic Association with respect to amateur officials.



*§§ 23.7 and 23.8 (relating to judges and timekeepers)*

Numerous conforming changes to §§ 23.7 and 23.8 would reflect the fact that amateur officials are appointed and governed by the Amateur Athletic Association, subject to general SAC concerns regarding competency and conduct.

*§ 23.9 (relating to insurance)*

Minor proposed revisions to § 23.9 would make it clear that all participants must be covered by insurance. The premiums for insurance would be paid by the sponsor of the event in accordance with section 1531 of the code (relating to insurance coverage of boxers).

*§ 23.10 (relating to safety code)*

Section 23.10 would be revised. Under section 907 of the code, amateur events must be held in accordance with the rules and the safety code of the Amateur Athletic Association. These proposed provisions are stricter than those set forth in § 21.16, which relate to professional contests and are applicable as default provisions to amateur contests.

*Chapter 25 (relating to professional kickboxing)**§ 25.3 (relating to conduct of bouts)*

Only minor changes are proposed to Chapter 25. To reflect changes in the sport, § 25.3 would be revised to reflect the existence of 3-minute rounds rather than 2-minute rounds. Additional proposed changes in this section grant the referee additional flexibility in refereeing the event. Because the three-knockdown rule was eliminated from the proposed boxing regulations, this rule will be eliminated from the kickboxing rules in subsection (e). Likewise, because the standing eight-count rule was deleted from the proposed boxing regulations, it will be deleted from the kickboxing rules at subsection (h).

*§ 25.4 (relating to judging and scoring system)*

Section 25.4 would be amended to clarify the 10-point scoring system for judges and permit them additional flexibility in scoring.

*§ 25.5 (relating to minimum kick requirement)*

Section 25.5 would be amended to permit a contestant who does not execute his minimum of eight kicks during each round to have the opportunity to make up the kicks in the next round and not suffer a one-point deduction unless he is unable to do so. Other changes in this section would reflect changes in the minimum kicks-per-round requirement of kickboxing oversight associations.

*§ 25.6 (relating to fouls)* Section 25.6 would be revised to permit greater flexibility in deducting points for fouls. Subsection (b) would also be revised to parallel regulations pertaining to accidental fouls and intentional fouls in professional boxing contests as set forth in §§ 21.5(d) and (e), respectively.

*§ 25.8 (relating to equipment)*

Section 25.8 would be amended to require that kickboxing contestants wear an individually fitted mouthpiece as recommended by SAC's Medical Advisory Board. This addition parallels the requirement for professional boxers in § 21.4(c). As an added safety precaution, subsection (c) would require 10-ounce rather than 8-ounce gloves for contestants who weigh over 150 pounds. Previous rules mandated heavier gloves for contestants weighing over 160 pounds.

*§ 25.9 (relating to ringside officials)*

Section 25.9 would be amended to eliminate the requirement of an assistant scorekeeper and would reflect a minimum fee of \$75 to be paid by the promoter to each judge.

*Chapter 27 (relating to amateur kickboxing)**§ 27.2 (relating to licensing and age requirements)*

Chapter 27 is expanded. Specifically, proposed § 27.2 would substantially expand to reflect the statutory provisions of section 702 of the code (relating to age of participants).

*§ 27.3 (relating to conduct of bouts)*

Section 27.3 would be expanded to require that amateur contestants wear appropriate shin protectors, thereby increasing the safety of participants. Additionally, a new subsection (c) sets forth a maximum of three 2-minute rounds.

*Subpart C (relating to wrestling)*

Subpart C would set forth two chapters dealing with professional wrestling and amateur wrestling found at Chapters 31 and 33 respectively. Because the new code provisions substantially alter SAC's jurisdiction relating to professional wrestling, Chapter 31 would be deleted and replaced in its entirety by a new proposal. The regulations found in Chapter 33 would also be deleted in their entirety, but would not be replaced because adequate regulation is provided by the Amateur Athletic Association.

*Chapter 31 (relating to professional wrestling)*

Chapter 31 would be deleted in its entirety and replaced with new proposed provisions in §§ 31.21—31.24. These proposed provisions reflect the enactment of 5 Pa.C.S. 1901—2110 (relating to the Wrestling Act) which is part of the code. The Wrestling Act effectively removed professional wrestling contests and exhibitions from the jurisdiction of SAC except promoters' obligations as follows: to obtain a license and a bond; to remit gross receipts taxes; to ensure that a physician is in attendance and an ambulance is available; and to ensure that the crowd is adequately controlled.

*§ 31.21 (relating to conduct of bouts)*

The proposed new amendments would mirror current provisions of the Wrestling Act. Section 31.21(a)(1) would reflect the statutory provisions of section 2104 of the code (relating to physician to be in attendance), requiring a physician to be present at every wrestling contest or exhibition and the promoter to pay the physician's fee. Subsection (a)(2), reflecting the statutory provisions of section 2105 of the code (relating to ambulance available), would require an ambulance or paramedical unit to be present at the event or located within 5 miles of the arena, and the promoter to notify the unit to be on call. Finally subsection (a)(3) would reflect the statutory provisions of section 2106 of the code (relating to crowd control), which requires the promoter to maintain control of the crowd at the events and ensure that adequate security personnel are in attendance. Subsection (b) would reflect the statutory provisions of section 2107 of the code (relating to prohibited acts), enumerating acts prohibited by arena owners or operators, wrestlers and promoters.

*§ 31.22 (relating to promoters)*

Section 31.22 would similarly incorporate statutory provisions of the Wrestling Act. Specifically, subsection (a)

would detail the requirement that promoters be licensed and would reflect the licensing provisions of section 2101 of the code (relating to promoter's license). Subsection (b) would set forth the wrestling promoter bonding requirements and would reflect the statutory provisions of section 2102 of the code (relating to promoter's bonding requirements). Subsection (c) would reflect the statutory requirements of section 2101(d) of the code, which requires a wrestling promoter to notify SAC at least 10 days before the scheduled date of any professional wrestling contest or exhibition. Similarly, subsections (d) and (e) would reflect the statutory provisions of sections 2101(e) and 2107(c)(2) of the code, respectively, suspending a promoters' license and prohibiting employment of a wrestler under 18 years of age.

*§ 31.23 (relating to enforcement)*

New § 31.23 would reflect the statutory provisions of section 2108 of the code (relating to enforcement). Accordingly, this section would set forth the ability of the Executive Director to assign an inspector to monitor a professional wrestling event or exhibition and would establish the fee paid by promoters for the attendance of an inspector at \$100.

*§ 31.24 (relating to gross receipts taxes)*

Finally, § 31.24 would reflect the statutory provisions of section 2103 of the code (relating to gross receipts taxes). Accordingly, this section would reflect the imposition of the 5% tax on the face value of all tickets. The tax must be paid within 10 days after the contest or exhibition, subject to a late fee of \$100.

*Chapter 33 (relating to amateur wrestling)*

Chapter 33 is proposed to be deleted in its entirety because SAC recognizes that the Amateur Athletic Association has jurisdiction over amateur wrestling contests and exhibitions. Because adequate regulations exist through the Amateur Athletic Association, SAC determined that it would be redundant to promulgate additional regulations. SAC would retain the authority to promulgate regulations regarding amateur wrestling contests in accordance with section 103 of the code. It should be noted, however, that most amateur events are conducted by the universities, colleges or secondary schools and are not subject to SAC regulation under section 106 of the code.

*Statutory Authority*

SAC's authority to promulgate regulations is set forth in the code. In particular, section 103(b) of the code authorizes SAC to establish policy and promulgate rules and regulations necessary to carry out the provisions of the code.

*Fiscal Impact*

Individuals licensed by SAC will be impacted to some degree by the proposed extensive revisions to the regulations administered by SAC. Other impacts are set forth in the costs and benefits section set forth in the following paragraphs.

*Costs and Benefits*

Licensees will benefit when the regulations are updated to reflect current provisions of the code by reducing the potential for confusion to their obligations. The safety of participants is increased by providing for heavier gloves, eliminating the standing eight-count and three-knockdown rule and requiring individually fitted mouthpieces. These provisions for each class of licensees are set forth in more detail in the following paragraphs.

*Promoters*

Many provisions are streamlined to afford promoters greater flexibility in conducting events, resulting in indirect savings. Promoters will incur additional costs due to increased fees paid to referees, judges, announcers and timekeepers officiating at televised events. Referees are paid \$50 per event more while judges, announcers and timekeepers are paid \$10 more. These increases in fees may be offset because promoters' profits are generally higher for televised events.

*Managers*

Managers' costs will increase because the manager license fee is raised from \$40 to \$60. The proposed amendments would also increase from \$750 to \$1,000, the minimum sum to be guaranteed annually to a boxer under contract with a manager and would decrease the percentage of his earnings which a boxer must pay his management under a contract.

*Referees*

Under § 13.7, referees will be paid \$50 more for officiating at televised events. Other benefits to referees will accrue from changes in scoring and the elimination of barriers to entry as a referee.

*Judges, Announcers and Timekeepers*

Under § 13.7, judges, announcers and timekeepers will be paid \$10 more for officiating at televised events. Other benefits to judges, announcers and timekeepers will accrue from changes in scoring and the elimination of barriers to entry as a judge, announcer or timekeeper.

*Boxers*

Boxers will benefit from the proposed regulations directly because the minimum sum guaranteed to a boxer under contract with a manager will be increased from \$750 to \$1,000. Other benefits relate to clarifications of the procedures when a boxer has not made the contracted for weight at weigh-in; requiring an individually fitted mouthpiece, resulting in safety improvements, and other improvements in the safety code. They will also benefit through a clarification of the scoring of accidental and intentional fouls. Proposed changes also benefit boxers by expressively providing for expenses to a boxer when a bout has been canceled. Also, the maximum percentage of earnings a boxer would be obligated to pay his managers under contract would be reduced from 50% to 40%.

*Matchmakers*

Matchmakers will benefit from the revisions which would permit matchmakers to deal with unlicensed managers or boxers, allowing them to more effectively plan for future bouts.

*Kickboxing Licensees*

Similar changes, tracking the changes set forth previously, will be made in Chapter 25. These include clarifying the scoring system; permitting greater flexibility in deducting points for fouls; requiring an individually fitted mouthpiece and providing for heavier gloves. Judges will also benefit from the fees being increased. Other changes which will benefit amateur kickboxers are set forth in Chapter 27 of the proposed amendments and include age requirements, the wearing of shin protectors and setting forth a maximum of three 2-minute rounds.

*Paperwork Requirements*

Paperwork requirements will not be substantially altered as a result of the proposed amendments. Minor changes will have to be made to forms used by SAC.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 12, 2000, SAC submitted a copy of this proposed regulation to IRRC and to the Chairpersons of the House State Government Committee and the Senate State Government Committee. In addition to submitting the proposed amendments, SAC has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the SAC in conformance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify SAC within 10 days after the close of the Committees' review period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures for review, prior to final publication of the amendments, by SAC, the General Assembly and the Governor of objections raised.

*Sunset Review*

SAC, through its regularly scheduled meetings, constantly reviews and entertains suggestions for proposed amendments.

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections to Gregory Sirb, Executive Director, State Athletic Commission, 116 Pine Street, Harrisburg, PA 17101. Comments, suggestions or objections must be received within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

CHARLES BEDNARIK,  
*Chairperson*

**Fiscal Note:** 16-17. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART I. STATE ATHLETIC COMMISSION****Subpart A. GENERAL PROVISIONS****CHAPTER 1. PRELIMINARY PROVISIONS****§ 1.1. [Definition of "Commission"] Definitions.**

[As used in this part, the term "Commission" means the State Athletic Commission of the Commonwealth, unless the context clearly indicates otherwise.]

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

**Athletic Code**—5 Pa.C.S. §§ 101—2110.

**Commission**—The State Athletic Commission of the Commonwealth.

**Commission credentials**—Documents issued by the Commission to individuals approved by the Commission granting them the authority to attend a specific event, without payment of an entry fee, on behalf of the Commission in furtherance of the Commission's official duties.

**Event**—One or more boxing contests, as defined in section 302 of the Athletic Code (relating to definitions), conducted at the same location on the same day.

**Knockdown**—When any part of a boxer's body, except the feet, touch the ring canvass, at the hand of the opponent, as determined by the referee.

(b) The definitions in section 302 of the Athletic Code pertaining to boxing and in section 1902 of the Athletic Code (relating to definitions) pertaining to wrestling are incorporated by reference.

**§ 1.2. Commission offices.**

The offices of the Commission are located as follows:

(1) 116 Pine Street, Third Floor, Harrisburg, Pennsylvania 17101.

[ (1) ] (2) \* \* \*

[ (2) ] (3) \* \* \*

[ (3) ] (4) \* \* \*

**§ 1.3. Applicability of general rules.**

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure)[, are ] is applicable to the activities of and proceedings before the [ State Athletic ] Commission.

**CHAPTER 3. APPOINTED OFFICIALS****§ 3.1. Executive [ Secretary ] Director.**

(a) An Executive [ Secretary ] Director shall be appointed by the Secretary of the Commonwealth to act as the administrative officer to the Commission [, and act as the liaison between members of the Commission ].

(b) The Executive [ Secretary ] Director shall establish and maintain standard operating procedures for offices and [ visit each office at least twice per year, to ] ensure adherence to procedures. The Executive [ Secretary ] Director shall also attend a representative number of athletic events throughout [ the ] this Commonwealth on a regular basis to monitor operations of [ deputies ] inspectors and officials.

(c) The Executive [ Secretary ] Director shall prepare, justify and administer the Commission budget.

(d) The Executive [ Secretary ] Director shall solicit items and prepare agendas for scheduled Commission meetings as well as [ attending ] attend the meetings, and [ the Executive Secretary ] shall also schedule and notify commissioners of the meetings.

(e) The Executive [ Secretary ] Director shall [ set up and conduct annual ] organize periodic training programs for [ deputy commissioners, clerical staff ] judges, referees, inspectors and other licensees.

(f) The Executive [ Secretary ] Director shall [ act as editor for a monthly bulletin to be disseminated ] disseminate to commissioners, [ deputies ] inspectors and officials [ covering ] changes in the Commission's policies and procedures, personnel changes and other information pertinent to current operations.

(g) The Executive [ Secretary shall perform duties that from time to time are requested by the Commission ] Director shall supervise and direct Commission staff, direct the issuance of Commission credentials and perform other duties as directed by

the Commission. The Executive Director may designate Commission staff to act on his behalf at events under the jurisdiction of the Commission.

(h) The Executive Director shall have the authority to approve or prohibit each proposed matching of boxers within this Commonwealth.

(i) Circumstances arising that are not addressed by this part shall be ruled on by the Executive Director.

(j) The Executive Director and the Commission may use a videotape of a bout to review actions taken relating to a bout.

(k) Action by the Executive Director shall be subject to the right of appeal to the Commission.

§ 3.2. [ Deputy commissioners ] Inspectors.

(a) [ An appointed deputy commissioner ] Inspectors shall be [ available for assignment ] appointed by the Commission or Executive Director and approved by the Secretary. Inspectors shall be assigned by the [ Commission ] Executive Director for the performance of [ special ] duties under the Athletic Code.

(b) [ A deputy commissioner ] An inspector shall be empowered to act on behalf of the Commission only when specifically authorized by the Commission or Executive Director. [ The deputy commissioner shall exert the full authority of the Commission when thus empowered. ]

(c) The [ Commission ] Executive Director will assign to each event under [ its ] the Commission's jurisdiction as many [ deputy commissioners ] inspectors as [ it deems ] necessary for the proper [ conducting ] regulation of the event and [ it will ] may designate [ one of those assigned to serve as ] a chief [ deputy commissioner in charge of the event and of the other deputy commissioners ] inspector.

(d) [ The ] An inspector or the chief [ deputy commissioner ] inspector in charge of an event shall be the official representative of the Commission and shall be responsible only to [ members of ] the Commission or the Executive Director. It [ shall be ] is his duty and he shall have the authority to enforce the [ Pennsylvania ] Athletic Code [ ( 4 P. S. §§ 30.101—30.905 ) ], this part and, as agent of the Department of Revenue, it [ shall be ] is his duty and he shall have the authority to enforce legislative and regulatory provisions pertaining to the collection of revenues that are due the Commonwealth.

(e) Subject only to the direction of the Commission, [ the chief deputy commissioner ] an inspector or the Executive Director shall have [ complete ] authority over the following:

\* \* \* \* \*

(2) [ All entrances ] Entrances to the site of the event, including the following:

\* \* \* \* \*

(ii) Entrances for participants, officials, Commission credential holders and employes.

\* \* \* \* \*

(5) The counting and accounting for tickets, passes and credentials issued to individuals to attend specified events including the following:

(i) Working press [ tickets ] passes.

\* \* \* \* \*

(vi) Commission credentials.

(vii) Promoter passes.

(6) The collection of insurance premiums due and payable on participants, and the documenting and reporting of accidents, injuries and illness [ affecting persons subject to the jurisdiction of the Commission, whether or not insurance coverage is involved ] of a licensee.

(7) The collection of fees, including the following:

(i) [ Special license ] License fees.

(ii) Other [ monies ] moneys due the Commonwealth.

(8) [ The actions of other deputy commissioners assigned to the event.

(9) ] The payment of purses and other [ monies ] moneys due participants and fees [ and expenses ] due officials.

[ (10) ] (9) \* \* \*

(f) [ The chief deputy commissioner ] Inspectors shall file with the Commission an official report of attendance, gross receipts, net receipts, fees and other [ monies ] moneys collected, names and pairings of participants, names of officials and results of bouts as determined by official decision after each event under the jurisdiction of the Commission.

(g) [ The chief deputy commissioner ] An inspector shall [ at once ] file a detailed written report with the recommendations [ he deems ] deemed appropriate, in the case of a violation or alleged violation of the Athletic Code [ or of this part or if there occurs at or in connection with an event under the jurisdiction of the Commission a vexatious incident or episode involving participants, managers, seconds, officials, promoters, spectators, deputy commissioners, safety officers or spectators ].

(h) In case of the termination of a bout under the jurisdiction of the Commission by disqualification of one or more of the participants, [ as well as ] and in other circumstances [ where the action has been deemed appropriate by him ], upon [ or without ] recommendation and approval of the [ referee ] Commission or Executive Director, the [ chief deputy commissioner ] inspector shall have the authority to impound [ monies ] moneys due the alleged offending parties pending action on the matter by the Commission.

(i) [ In circumstances under which the action is deemed appropriate by him, the chief deputy commissioner shall have the authority to impose fines, suspensions or other penalties, subject to the right of the affected parties to appeal the action to the Commission for final decision.

(j) The chief deputy commissioner or another deputy commissioner ] Inspectors may not remove,

replace or **[ in any way ]** interfere with the duties of **[ a referee or judge assigned by the Commission ]** a ringside official unless authorized to do so by the Executive Director.

**[ (k) ] (j) [ Deputy commissioners ]** Inspectors shall report for duty promptly in accordance with their assignments and shall remain on duty until excused by the **[ chief deputy commissioner in charge ]** Executive Director. Only **[ deputy commissioners ]** inspectors actually assigned or credentialed by the **[ Commission ]** Executive Director to a given event shall by virtue of office be admitted, **without charge, to that event.**

**§ 3.3. Physicians.**

(a) **[ Two physicians, each of whom is qualified and ]** A physician licensed to practice in this Commonwealth<sup>[, ]</sup> will be assigned by the **[ Commission's ]** Executive Director to every boxing contest **[ or ], weigh-in and exhibition. [ except an exhibition held solely for training purposes. One of these physicians will be assigned by the Executive Director to serve at the weigh-in. The weigh-in physician and the other physician will serve at ringside of each event under the jurisdiction of the Commission. Physicians ]** A physician thus assigned in the case of professional events shall also be licensed **by the Commission** under the Athletic Code **[ (4 P. S. §§ 31.101—31.3110) ]**. In emergencies, **unusual circumstances or in the case of amateur events,** the Commission may waive the requirement that **[ physicians ] the physician** assigned be licensed under the Athletic Code. Physicians **[ assigned ]** are not **[ requested ]** required to be licensed under the Athletic Code in the case of amateur events.

(b) **[ Physicians ]** The physician assigned to the weigh-**[ ins ]** in shall file a complete written report on each person examined upon **[ the ]** a form prescribed by the Commission. Examinations shall be conducted in accordance with procedures prescribed by the Commission as approved by the Medical Advisory Board of the Commonwealth. Each boxer **[ and referee ]** shall be so examined before the start of each event in which he is scheduled to participate, and he may not **[ be permitted to ]** participate if he is pronounced physically unfit by the examining physician.

(c) The **[ physicians ]** physician assigned to an event shall be seated at the immediate ringside throughout the event and may not leave the ring untended while the event is in progress. An event may not **[ be permitted to ]** commence or **[ to ]** continue without an assigned physician in attendance. An assigned physician may not leave the premises of the event without notice to and approval of the **[ chief deputy commissioner in charge ]** Commission, Executive Director or a designee. **[ It is the responsibility of the physicians to ]** The physician shall remain on the premises after the event until **[ the physicians and the chief deputy commissioner in charge are ]** he is satisfied that no further need of medical service remains.

(d) While on duty at an event, the assigned **[ physicians ]** physician shall render emergency assistance

inside and outside the ring to persons under the jurisdiction of the Commission and shall be especially prepared to minister to the injuries and illnesses that are to be anticipated under the circumstances of the event.

(e) The attending physician shall have full authority to determine and to pass upon the physical condition of participants and officials in the ring. **[ and for ]** For that purpose he shall have access to the ring at all times and shall be empowered to direct the referee to interrupt action pending determination of and decision upon the physical condition of a participant or official apparently in need of attention because of injury. The decision of the physician in attendance with respect to the ability of a participant or an official to continue in action shall be conclusive and shall be enforced by the referee in all cases. The attending physician shall be empowered to direct the referee to terminate action when a participant is evidently in jeopardy from exhaustion or punishment. **[ and in ]** In case of termination, there may be no resumption of action thereafter.

\* \* \* \* \*

(g) **[ In the event of ]** When injury to or illness of a person **occurs** under the jurisdiction of the Commission, the attending physician shall have complete charge of the person while on the premises and shall be accorded the full cooperation of Commission **[ representatives ]** personnel and licensees present.

(h) **[ In the event of the ]** When a knockout or technical knockout of a boxer **occurs,** the attending physician shall follow up ministrations in the ring **[ or ],** at ringside **[ by further examination ]** or in the dressing room and shall **[ there ]** take measures and give instructions that may be appropriate. **The attending physician shall complete a postbout physical report on each boxer competing in the event.**

\* \* \* \* \*

(j) When it appears to a **ring-side** physician **[ licensed by the Commission ]** that a boxer or referee is no longer safely able to continue competitive or official activity, the physician shall immediately so report to the Commission and recommend the temporary or the permanent retirement of the person if appropriate.

**§ 3.4. Announcers.**

(a) The Commission will **[ assign licensed ]** license announcers **[ to ]** of events under its jurisdiction, except that in emergencies and in the case of amateur events, competent unlicensed announcers may be **[ assigned ]** used. **The promoter or sponsor of the event shall assign announcers to events.**

(b) Announcers shall be **[ subject and ]** responsible to the Commission in the discharge of their duties and shall accept directions only from the Commission.

\* \* \* \* \*

(e) Announcers shall be neatly and appropriately **[ garbed ]** dressed while discharging their duties. **[ Dress shall include jacket and tie. ]**

\* \* \* \* \*

(g) Announcers shall make neither special announcements nor introductions of persons other than participants and officials without first obtaining the approval of

the Commission. [An individual may not be introduced while under suspension by the Commonwealth.]

(h) The announcer shall announce from the ring at each event under the jurisdiction of the Commission the fact of jurisdiction, the names of the officials assigned to the event [by the Commission], the name and official weight before each bout of each participant and other pertinent information [periodically] as directed by the Commission [to be announced].

(i) [A person other than] Only an assigned announcer may [not] make an announcement from the ring [unless specifically authorized by the Commission] unless another person is specifically authorized.

(j) The announcer shall promptly collect the official score [cards] card from the [referee and the judges] Executive Director or a designee at the conclusion of each boxing contest [which shall have completed its scheduled duration and immediately submit them to the Commission representative at ringside for inspection. The score cards shall be returned to the announcer when they have been inspected and approved by the Commission, representative]. The announcer shall [then] announce the scoring by each official and the final decision reached. The announcer shall announce whether the decision is unanimous, a split decision or a draw at the end of bouts other than the main events. In the event of a knockout or a technical knockout, the announcer shall [verify the result from the referee, shall obtain the official time of the termination of the bout from the timekeeper and shall] announce the result and the time and the round of the termination of the bout.

[ (k) At the conclusion of each fall in a wrestling bout, the announcer shall verify the result of the fall from the referee, shall obtain the official time of the fall from the timekeeper and shall announce the result and the time of the fall. At the conclusion of each wrestling contest which shall have completed its scheduled duration, the announcer shall follow the procedure for boxing contests set forth in subsection (j). ]

CHAPTER 5. TICKETS, POSTPONEMENTS AND CANCELLATIONS

§ 5.1. Tickets.

(a) Tickets of admission to each event under the jurisdiction of the Commission shall be of the stub type [unless permission to the contrary is given by the Commission. The printer approved by the Commission who prints the tickets shall at least 5 days prior to the date of the event give the Commission a sworn or affirmed statement in duplicate setting forth the styles, prices and total numbers of classes of printed tickets together with at least one specimen of each class of printed tickets] and consecutively numbered. Tickets shall have the following information:

\* \* \* \* \*

(3) The established price of the ticket [with the kinds and the amounts of] including taxes thereon.

\* \* \* \* \*

(c) [No promoter or sponsor may offer for sale or distribution a numbered roll tickets without first obtaining the written permission of the Commission.

(d) Tickets for events under the jurisdiction of the Commission may not be printed until the established prices have been submitted to and approved by the Commission.

(e) [Complimentary tickets shall be clearly marked complimentary [, perforated, and if distributed to news media, also marked press. The total number of complimentary tickets, exclusive of those to be distributed to news media, may not exceed 2.0% of the total number of tickets exclusive of tickets of working press, tickets of employees and tickets of participants printed for the event]. Complimentary tickets may not be sold by a promoter, sponsor or other person or agency.

[ (f) Distribution of working press tickets shall be limited in accordance with the actual number of seats provided at ringside for the accommodation of actively engaged representatives of news media. The seats shall be occupied only by actively engaged representatives of news media.

(g) (d) \* \* \*

[ (h) Tickets of admission to events under the jurisdiction of the Commission may not be sold or otherwise transferred to speculators nor may they be sold for more than face prices plus customarily established agency handling fees.

(i) (e) Ticket holders to events under the jurisdiction of the Commission shall surrender their tickets or the appropriate stubs at the admission gates and the tickets or stubs shall be made immediately available to the [chief deputy commissioner in charge of the event] Commission upon the closing of the respective admission gates.

§ 5.2. Postponements and cancellations.

(a) An event under the jurisdiction of the Commission may not be postponed or canceled after it has been approved and scheduled without written notice to and approval by the Commission.

(b) If a scheduled event is postponed because of unfavorable weather, it shall be rescheduled upon its designated rain date, if it has been previously set. If no rain date has been previously set, the event shall be rescheduled [for the next ensuing weekday or] as soon as may be fairly and reasonably done after consultation with and approval by the Commission.

(c) The Commission may rearrange the [scheduled sequence] bout in case of threatened weather to assure, if possible, the presentation of the main bout [under suitable conditions].

\* \* \* \* \*

(e) Ticket holders shall be entitled to the refund of the entire purchase price of their tickets in cases of postponement or cancellation of the main event or the entire program of contests or exhibitions under the conditions of time, place and procedure that the Commission approves and announces in each instance.

\* \* \* \* \*

(g) [ Tickets to each outdoor event under the jurisdiction of the Commission shall include detachable rainchecks. The rainchecks shall be honored for admission on the postponement date in the event of postponement of the event after the opening of the admission gates. The rainchecks shall be clearly marked with the section or seat locations and the admission prices shown on the respective original tickets. Portions of rainchecks shall be detached by the ticket takers when rainchecks are presented for admission to a postponed event so that there shall be available to the chief deputy commissioner in charge a clearly identifiable stub for each ticket holder admitted to the event.

(h) ] The Commission will determine the rights of affected parties to payment for services and reimbursement for expenses in each case of postponement or cancellation if boxers [ or wrestlers who ] have fulfilled their performance contracts prior to postponement or cancellation [ are paid in full amounts contractually assured them ] .

#### CHAPTER 9. RELATIONS WITH AFFILIATES

##### § 9.1. No sovereignty compromise.

The Commission, in its discretion, may enter into, maintain or withdraw from association with groups devoted to the interests of [ boxing and wrestling ] any sport regulated by the Commission, but it may [ under no circumstances ] not compromise the sovereignty of the Commonwealth or the primary and immediate responsibility of the Commission.

##### § 9.2. Fair cooperation.

The restrictions imposed by § 9.1 (relating to no sovereignty compromise) may not be construed to prevent the Commission from fair and reasonable collaboration and cooperation with the [ boxing and wrestling ] authorities of other governmental bodies or with organizations of private individuals dedicated to objectives similar to those of the Commission.

#### CHAPTER 11. SAFETY OF EVENT PREMISES

##### § 11.1. Ventilation, fire exits and fire escapes.

Buildings or structures used, or intended to be used for contests, under the purposes of this part, shall be properly ventilated and provided with fire exits and fire escapes, if there need be, and conform to the laws, ordinances and regulations pertaining to buildings in the [ city, town or village ] municipality where situated. If a part of a portion of a building or a structure is used for the purposes [ set forth ] in the [ Pennsylvania ] Athletic Code [ (4 P. S. §§ 30.101—30.905) ], this section applies to it in the same manner.

##### § 11.2. [ Certificate required ] (Reserved).

[ No permit to present a program may be issued until the promoter has filed with the Commission a certificate from the appropriate municipal official certifying that the building or structure intended to be used for the contest conforms to § 11.1 (relating to ventilation, fire exits and fire escapes). ]

#### CHAPTER 13. BONDS AND FEES

##### § 13.1. Professional boxing bonds and bond filing fees.

(a) In the case of professional boxing promoters or foreign [ co-promoters ] copromoters holding bouts in a place where the seating capacity is [ less than 1,500, the professional promoter or foreign co-promoter is required to execute and file a surety bond with the Commission which shall be in the sum of \$3,000. If the seating capacity is more than 1,500 and ] less than 10,000, the professional boxing promoter or foreign [ co-promoter ] copromoters is required to execute and file a surety bond with the Commission [ which shall be ] in the sum of \$7,500. If the seating capacity is more than 10,000, the [ bonds ] bond shall be in the sum of \$25,000.

(b) In lieu of the surety bond required by subsection (a), the promoter or foreign copromoter may deposit with the Commission cash, certified check, letter of credit or direct or indirect obligations of the United States or the Commonwealth acceptable to the Commission in an equivalent amount as set forth in subsection (a) and subject to the same conditions. The security will not be returned to the promoter until 1 year after the date on which it was deposited with the Commission, unless a surety bond is substituted for the security. Upon the expiration of 1 year from the date on which the security was deposited, it shall be returned to the depositor if no claim against the deposit is outstanding.

(c) A filing fee of \$25 shall accompany each bond filed or cash or security deposited in lieu of the bond.

##### § 13.2. Ticket tally.

The authorized representative of a licensed promoter holding a contest or exhibition shall submit in writing to the Commission within 48 hours after the close of the contest or exhibition, a promoter's ticket report showing the number of each class of ticket sold, unsold or unused, and permit the Commission to examine sold, unsold or unused tickets, stub coupons, the financial records of the event and investigate other matters relating to the receipts and conduct of the box office and ticket takers. The ticket tally shall conform to the manifest issued by the [ licensed ] printer on the printer's statement, and [ an after contest report for the particular contest or exhibition shall be approved and signed by all of the following:

(1) The chief deputy commissioner in attendance or by the acting deputy commissioner in charge.

(2) The commissioner of the region in which the event took place.

(3) The authorized representative of the licensed corporation promoting the event ] shall be signed by the promoter.

##### § 13.3. Additional license fees.

Promoters shall submit a certified check or money order for the payment of [ additional ] license fees or taxes due the Commonwealth within a maximum of 48 hours after each promotion. Failure of a promoter to submit the required [ certified check in the proper amount ] funds will result in forfeiture of all or a

portion of the [ promoters ] promoter's bond or funds on deposit with the Commission.

§ 13.4. Professional boxing license fees.

The following annual nonrefundable license fees shall accompany each application for a license or the renewal of a license:

	* * * * *
[ Booking agent's license .....	\$35 ]
	* * * * *
Manager's license .....	\$[ 40 ] 60
	* * * * *

§ 13.6. Professional boxing physician fee.

A fee of \$200 shall be paid to the physician assigned to the weigh-in who conducts the precontest or [ pre-exhibition ] preexhibition physicals and who also serves at ringside of the contest or exhibition. A fee of \$150 shall be paid to the physician assigned only to the contest or exhibition. A fee of \$100 shall be paid to the physician assigned only to conduct the precontest or preexhibition physicals. The fees shall be paid by the promoter.

§ 13.7. Professional boxing officials fee.

(a) [ The ] Subject to the exception for televised events set forth in subsection (b), the fees for professional boxing contests or exhibition officials, paid by the promoter, are as follows:

\* \* \* \* \*

(b) The fees for televised events, either broadcasted or by cable transmission, are as follows:

<i>Official</i>	<i>Fee</i>
Referee	\$150, each
Judges	\$ 85, each
Announcer	\$ 85, each
Timekeeper	\$ 85, each

§ 13.8. Return check fee.

[ An individual who issues a check to the Department or Commission for a fee, penalty or fine provided for under this chapter which is not honored by the institution on which it is drawn shall be charged an ] An additional [ \$20 ] \$50 processing fee shall be charged for each dishonored check.

Subpart B. [ PROFESSIONAL ] BOXING

§ 21.1. Contracts.

(a) Contracts under the Commission jurisdiction between managers and professional boxers; [ and between ] promoters and [ managers or boxers or both ] professional boxers; and foreign copromoters and professional boxers shall be [ executed in triplicate ] signed on Commission approved forms. Contracts shall contain a provision stating their subjection to the laws of the Commonwealth and this part. Contracts shall contain the provisions required by sections 1102 and 1103 of the Athletic Code (relating to notice clause; and provisions in contracts between managers and professional boxers). The contracts shall be signed by the parties under their [ correct ] true legal names. Contracts shall be void unless signed by parties to the contracts.

\* \* \* \* \*

(c) Parties to the contracts shall completely fulfill their contractual obligations or be subject to disciplinary action by the Commission. Parties to the contracts shall be subject to, but not limited to, the disciplinary provisions at Chapter 13 of the Athletic Code (relating to enforcement).

(d) Each contract between a manager and boxer shall be subject to Commission approval, sworn to and affirmed by both parties, and [ executed ] signed in the presence of a Commission member. A fully conformed and executed copy of the contract shall be filed with the Commission.

\* \* \* \* \*

(g) [ No ] A manager may not enter into a contract purporting to bind a boxer under his management to perform services after the termination of the manager-boxer relationship between them; nor may a boxer, while under contract to a manager, enter into a commitment, written or oral, to perform services without written consent of both parties involved and [ Commission ] approval of the Executive Director.

(h) No assignment of an interest [ of ] in a boxer's or manager's contract, filed and approved by the Commission, will be permitted without the approval of the Commission, and the consent to assign will not be granted unless a copy of the proposed assignment is submitted to the Commission for its approval.

(i) [ No ] A manager may not enter into a contract that does not guarantee the boxer a minimum annual income for completion of contractual agreements of \$[ 750 ] 1,000.

\* \* \* \* \*

(k) If a manager or boxer is to be prevented from acting or performing professionally [ with ] within this Commonwealth due to the revocation of his license, [ or its suspension for a period in excess of 2 months, a boxer or manager contractually bound to him may submit a written application to the Commission for full and final avoidance of the existing contract between the parties. Upon receipt of the application, the Commission will promptly schedule and conduct a meeting at which the parties may appear to show cause why the application should or should not be granted. After a hearing, the Commission will adjudge and decree the avoidance or continuance of the contractual relationship between the parties as the facts and circumstances shall fairly and equitably warrant. ] then the contract between the manager and boxer shall be terminated as provided by section 1103(b) of the Athletic Code (relating to provisions in contracts between managers and professional boxers). If the license of either party is suspended, the contract will not be binding upon the other party during the period of the suspension.

(l) A copy of a fully conformed and executed contract between a promoter and a manager or boxer, or both, shall be filed with the Commission by the promoter immediately after its execution [ and not less than 5 days prior to the bout contracted for unless otherwise permitted by the Commission ].

(m) [ Pending the execution of a formal contract between a promoter and a manager or boxer, or



both, a telegram of acceptance of clearly stated terms from the manager or boxer to the promoter shall be recognized as affecting a binding agreement between the parties when filed with the Commission.

(n) No promoter licensed by the Commission may attempt to contract, for a contest, with a manager or boxer under suspension or disqualification by the Commission, except with the explicit written consent of the Commission.

(o) (n) A promoter or other licensee of the Commission may not publicly advertise or announce that a boxing contest or exhibition will take place unless and until the contest or exhibition has been approved by the Commission and a binding agreement therefore has agreements have been entered into by both all parties.

§ 21.2. Weight classes.

(a) The weight classes of professional boxers and the maximum weight in each class shall be as follows:

\* \* \* \* \*

(10) Super middleweight—168 pounds

[ 10 ] (11) \* \* \*

[ 11 ] (12) \* \* \*

[ 12 ] (13) \* \* \*

(b) Sections 710 and 711 of the Athletic Code (relating to weights and classes; and limitation on difference in weights) regarding the weight of the boxers are incorporated by reference.

§ 21.3. Ring and ring equipment.

(a) The boxing ring may not be less than 16 feet square nor more than 24 feet square within the ring ropes except with the written consent of the Commission. The ring floor or apron shall extend beyond the ring ropes on all sides for at least 2 feet, except that if unless alternative satisfactory safety precautions are taken, and approved by the Commission may sanction use of a ring with an apron of not less than 18 inches.

(1) The ring floor shall be elevated no more than 4 feet, be completely padded both inside and outside the ropes to the thickness of at least 2 inches with soft felt, foam rubber, felt matting or other soft material approved by the Commission and shall be covered over the padding with canvas stretched taut and laced tightly to the ring platform.

(2) The ring posts shall be four in number, shall extend above the ring floor no more than 5 feet, and shall be at least 18 inches distant from the ring ropes which shall be attached to the posts by means of adjustable turnbuckles.

(3) Post tops and turnbuckles shall be suitably padded.

(4) Steps shall lead to the ring floor at two diagonally opposite corners of the ring platform.

(5) The ring ropes shall be four in number, may not be not less than 1 inch in diameter, and shall be either covered with smooth plastic or wrapped with soft material. [ The lowest rope shall be 13 inches from the floor of the ring, the second rope shall be 26 inches from the ring floor, the third rope shall be 39 inches from the floor, and the fourth rope shall be 52 inches from the floor of the ring. ]

(6) The ropes shall be readily adjustable and shall be kept at a proper and safe degree of tautness.

(7) The ring shall be amply illuminated [ by overhead lights which shall be arranged so that shadow is eliminated and discomfort from heat and glare minimized for persons in and near the ring ] if needed, as determined by the Commission.

(b) It is the responsibility of the promoter to have an attendant available at all times during the progress of an event capable of making any type of emergency repairs, corrections and adjustments to the ring, the lights and other necessary fixtures. The promoter shall supply the following items, which shall be available on the premises for use as needed:

\* \* \* \* \*

(2) Chairs for [ judges and timekeepers ] Commission personnel, officials and Commission credential holders. Chairs for judges shall be elevated sufficiently to assure an unobstructed view of the ring and the ring floor.

\* \* \* \* \*

(4) A stool or chair, a clean water bucket[, ] and a clean water bottle [ and a sand or sawdust lined receptacle ] for the corner of each boxer.

\* \* \* \* \*

(6) [ A container of powdered resin ] An ambulance, together with emergency equipment.

(7) [ A clean stretcher and a clean blanket placed under or adjacent to the ring throughout each program ] A portable resuscitator with oxygen and appropriate endotracheal tubes and a qualified operator.

[ (8) First aid oxygen apparatus. ]

§ 21.4. Conduct of bouts.

(a) At each professional boxing contest or exhibition, except an exhibition held solely for training purposes, there shall be two referees, [ two physicians ] one physician, [ two ] three judges, an announcer and a timekeeper in attendance, all of whom will be licensed by the Commission. The [ judges, announcer and timekeeper will be assigned by the Commission ] Executive Director shall assign all officials except the announcer. [ The referees and physicians will be assigned by the Executive Director of the Commission ]. The [ Commissioner ] Executive Director may also appoint a knockdown timekeeper. [ The same requirements for officials shall prevail in the case of each professional boxing exhibition, except that judges may not be appointed to serve at exhibitions. The referees shall be stationed in the ring-side centered on opposite sides of the ring and seated on chairs elevated sufficiently to assure unobstructed view of the ring and the action. There shall be a clear and unoccupied space of at least 2 feet on each side of each judge. The timekeeper shall be stationed at immediate ringside centered on a side of the ring not occupied by a judge. The physicians and the announcer shall be stationed at immediate ringside in positions affording ready and rapid access to the ring. If there is a knockdown timekeeper, he shall be stationed at immedi-

ate ringside adjacent to the timekeeper.] A promoter or an employe of a promoter or an officer, director or stockholder of a corporation holding the license of a promoter may not be appointed or permitted to officiate in a capacity at a professional boxing bout under the jurisdiction of the Commission.

(b) The [ **Commission** ] **Executive Director** will determine the time and place of the weigh-in for each professional boxing event under [ **its** ] **Commission's** jurisdiction and boxers under contract to participate in the event shall appear promptly at the appointed place to be officially weighed by a representative of the Commission on Commission approved scales and examined by the [ **examining** ] **attending** physician.

(1) A boxer being weighed shall remove all clothing [ **except, in** ] at the discretion of the Commission[ , **undershorts. The boxer may not wear shoes** ].

(2) A boxer shall weigh-in no more than 24 hours prior to the contracted time of the bout. Under extenuating circumstances and with the permission of the Executive Director, the boxer may be allowed to weigh-in no more than 30 hours prior to the contracted time of the bout. If a boxer is deemed overweight by the Executive Director, another weigh-in shall be scheduled for no more than 3 hours from the time that he first stepped onto the scale in order to determine that the boxer weighs no more than the weight for which he has contracted. Boxers may lose no more than 3 pounds in this 3-hour period. If after 3 hours the boxer cannot achieve the weight, he shall be disqualified and may be subject to disciplinary action as the Commission may determine.

(3) The Commission[ , if it sees fit, may ] will require a boxer under contract for a bout under its jurisdiction to appear before it for a preliminary physical examination within 2 hours prior to [ the scheduled date of ] the bout, as required by section 709(a) of the Athletic Code (relating to medical examination). The weight of the boxer shall be one of several factors included in this physical examination by the attending physician to determine whether the boxer is physically or mentally fit to proceed. Physically unfit shall include, but not be limited to, a determination by the attending physician that a boxer has gained or lost so much weight since the time of the weigh-in that the boxer could harm himself or his opponent. Except as provided by section 711 of the Athletic Code (relating to limitation on difference in weights), the weight of one boxer may not exceed the weight of that boxer's opponent by 10 pounds, as required by Section 711 of the Athletic Code.

(4) If a boxing event is postponed for more than 24 hours, the Commission may require an additional weigh-in and physical examination of the participating boxers on the day to which the event is postponed.

(5) Each boxer in a bout under the jurisdiction of the Commission shall submit to the Commission the names of the boxer's [ **chief second and assistant second** ] seconds for approval, and no person other than the boxer's approved [ **second** ] seconds may be permitted to assist in the boxer's corner during the bout.

(6) A boxer under contract to participate in a boxing event under jurisdiction of the Commission shall report in

the dressing [ **quarters at the site of the event at least 1 hour prior to the scheduled starting time** ] room at a time set by the Executive Director and shall remain in that area until ordered to the ring by an authorized representative of the Commission.

(c) The referee shall call the participants and [ **their seconds** ] [ **chief second** ] to the center of the ring for final instructions before each bout [ **after which the seconds shall leave the ring and the participants shall shake hands and retire to their respective corners to await the starting gong** ]. After the announcement of the decision at the end of a bout, the participants and their seconds shall leave the ring without undue delay and retire to the dressing quarters. Participants, seconds and managers may not manifest to officials or to spectators an opinion as to the outcome of the bout nor may they be disrespectful or exhibit improper conduct toward [ **the referee or another official** ] a Commission official or toward the spectators before or after the announcement of the decision. Each participant in a boxing bout under the jurisdiction of the Commission shall [ **have at hand for use ring equipment including** ] wear conventional boxing trunks, smoothsole shoes, a foulproof abdominal guard or cup and [ **a well fitting** ] an individually fitted mouthpiece which shall be subject to examination and approval by the Commission. Female boxers shall also wear a chest protector, body shirt and blouse. Female boxers are also required to follow the requirements in § 21.8(n) (relating to boxers).

\* \* \* \* \*

(e) Each glove used in a professional boxing bout under the jurisdiction of the Commission shall weigh at least 8 ounces of which no more than 1 ounce shall be in the wrist padding of the glove. At all times, boxers competing against each other shall wear gloves of the same weight. For boxers weighing 160 pounds or less, the boxing gloves cannot weigh less than 8 ounces each. For boxers weighing over 160 pounds, the boxing gloves cannot weigh less than 10 ounces each.

(1) The gloves of each boxer shall be adjusted in the dressing quarters of the event under the supervision of a [ **delegated** ] Commission representative [ **of the Commission** ] and in the presence of a second of the opposing boxer, if the latter so desires. Gloves of the participants in a main bout may also be adjusted in the ring by the referee [ **representing the Commission** ].

(2) The ends of the lace of each glove shall be tied and knotted on the back of the wrist of the glove and a single strip of adhesive tape 1 inch in width shall be carefully and smoothly placed around the wrist of the glove over the lace and the knot.

(3) The bandage for use on each hand and wrist of a boxer shall be soft surgical bandage or gauze not more than 2 inches in width and 10 yards in length, except that the bandage for the hand of a light heavyweight or a heavyweight boxer may be 12 yards in length. The bandage shall be wrapped smoothly and evenly on each hand [ **without zigzagging, rumpling, curling or other irregularity** ] and shall be held in place by [ **a single strip of** ] adhesive tape 1 inch in width around the wrist with overlap of not more than 1 inch to clinch the ends. Tape, cotton or substance other than the

approved bandage may not be used between the fingers or over the knuckles of the hand. Bandaging of the hands of a boxer shall be done in the dressing quarters under the supervision and subject to the inspection and approval of [ a designated ] the Commission representative [ of the Commission ] and in the presence of a second of the opposing boxer, if the latter so desires.

(f) Persons other than boxers, managers, seconds and Commission representatives may not have access to the dressing quarters at an event under the jurisdiction of the Commission except by special permission of the Commission. The Commission may issue nontransferable written passes to the dressing quarters if circumstances warrant and then only holders of the passes shall be admitted except by special permission of the Commission. [ A deputy commissioner ] An inspector shall be on duty in the dressing quarters from the opening until the closing and shall be responsible for the maintenance of order and the enforcement of the Athletic Code [ (4 P. S. §§ 31.101—31.3108) ] and this part.

\* \* \* \* \*

(h) Unless otherwise authorized by the [ Commission ] Executive Director, a professional boxing event may not be scheduled for a total of less than 28 or more than 40 rounds, each of which shall be of the maximum duration of 3 minutes for male boxers and 2 minutes for female boxers with a rest period of 1 minute between the end of each round and the start of the next. Professional boxing contests under the jurisdiction of the Commission shall be scheduled for four, six, eight or ten rounds unless otherwise specifically authorized by the [ Commission ] Executive Director in the case of a world championship, [ state ] State championship or other especially significant contests when bouts may be scheduled for 12 or 15 rounds for male boxers as the Commission deems appropriate. The maximum number of rounds for female boxers is ten rounds. A bout of the scheduled duration of more than 15 rounds may not be permitted in this Commonwealth. [ The main bout of a professional boxing event may start no later than 10:15 p.m. unless otherwise authorized by the Commission. ] The [ Commission ] Executive Director may permit, and will have the discretion to place on the program, and to determine the length of, one scheduled intermission between bouts of a professional boxing event. [ Ordinarily the intermission shall be scheduled immediately prior to the main bout and may not exceed 10 minutes in duration. ]

(i) A promoter shall notify the Commission of a proposed change in the composition of [ a main ] any bout under his promotion immediately upon the arising of need or decision for change. [ and an ] An announcement or advertisement of the proposed change may not be made by the promoter or a person connected with the promotion unless [ and until the ] approval of the Commission has been granted. If the change is made and approved, [ either before or after the weigh-in for the event, ] immediate widespread public announcement shall be made through available communications media and written notice shall be posted conspicuously at ticket agencies and at entrances and ticket windows at the site of the event. [ The ] Upon postponement or cancellation of the main event or the entire program of contests or exhibitions, the promoter [ , upon appli-

cation by the ticket holder, shall refund the purchase price of a ticket bought prior to the announcement of change in composition of a main bout and presented for redemption before or on the date of the event and before use of the ticket for admission at the gate ] shall refund the full price of each ticket to any person who presents the entire ticket for a refund within 10 days after the event. The promoter shall announce the postponement or cancellation at the beginning of the program and at other times during the event as the Commission may prescribe and shall notify the ticket holders in each announcement that they may present their ticket stubs for a refund of the purchase price during the program.

(j) The promoter of a professional boxing event under the jurisdiction of the Commission shall make payment of the purse and other money due a participating boxer to the boxer personally [ and not to the manager or to an agent or alleged agent of the boxer, except in the immediate presence and with the full knowledge, understanding and permission of the boxer as to the exact amount due him ] unless a prior arrangement has been made and approved by the Commission. A promoter may not make payment to a boxer, to a manager or to an agent of either of them except in the presence [ and with the consent of the chief deputy commissioner designated by him to act in his stead ] of a Commission member. There may be no variance from the procedure set forth in this subsection except by explicit written direction by the Commission to the promoter.

[ (j) Professional boxers 18 years of age shall be permitted to engage in bouts of no more than six rounds, boxers 19 years of age in bouts of no more than eight rounds, and boxers 20 years of age in bouts of no more than ten rounds within this Commonwealth, unless otherwise authorized by the Commission for good and sufficient reasons based on special ability, experience and maturity factors in individual cases. ]

\* \* \* \* \*

(l) A boxer or [ a person licensed by the Commission ] a licensee may not strike, molest or abuse physically or verbally a spectator, ring official or representative of the Commission under penalty of summary disqualification, suspension [ and ] or fine, or [ both. ] any of these penalties.

\* \* \* \* \*

(n) If a boxer refuses to continue a bout while physically able to do so, the referee shall [ disqualify him, ] rule the bout a technical knock-out (TKO) and award the bout to the opposing boxer [ and file a written report of the incident to the Commission within 24 hours with recommendation as to penal action ]. The purse of the [ disqualified ] losing boxer [ shall meanwhile ], or any part thereof, may be impounded by the Commission.

§ 21.5. Scoring system.

(a) The scoring in professional boxing contests shall be on the basis of the ten point must system.

(1) Each [ scoring official ] judge in reaching a finding on each round of a contest shall award to the

winning boxer ten points and to the losing boxer **[ not more than ]** nine points **or less** and shall so inscribe the official score **[ sheet ] card** immediately upon conclusion of the round **[ and no later than the start of the ensuing round if any ]**.

(2) In the case of an even round, the **[ scoring official ] judge** shall award ten points to each boxer **[ and shall so inscribe the official score sheet ]**.

(3) At the conclusion of **[ the contest ] each round** which has not been terminated by a knockout, a technical knockout or the disqualification of either boxer, **[ prior to the conclusion of the final scheduled round, each scoring official shall add the points awarded to each boxer, the boxer having the greater total points to receive the vote of the scoring official as winner of the contest ]** the Executive Director or a designee shall tally the points for each boxer and mark these scores on the official score card.

(4) If each boxer has been awarded the same total number of points, the vote of the **[ scoring official ] judge** shall be recorded as a draw. **[ The scoring official ]**

(5) Each judge shall sign his name to his **[ official score sheet ] score cards**.

(6) A boxer shall be declared the winner of a contest if he has received the winning votes of two or all of the **[ scoring officials ] judges**.

(7) A contest shall be declared a draw if the votes of two or all of the **[ scoring officials ] judges** shall so state, or if each boxer receives the winning vote of one **[ scoring official ] judge** and the vote of the third **[ scoring official ] judge** shall be for a draw.

(b) Examples of ten point scoring are as follows:

\* \* \* \* \*

(2) *10-9.* Indicates one boxer distinguished himself as more effective during the round, as described in paragraph (1). This score is the most often used, and allows for a slight to considerable margin between the boxers. One boxer may have been only slightly better than the other or the boxer may have dominated the round without really stunning the other boxer, with no **[ standing eight counts or ]** knockdowns.

(3) *10-8.* **[ Used sparingly, but indicates ]** Indicates a round in which one boxer was in constant control, and unquestionably outclassed his opponent. The boxer **[ shall ] may** also have obviously stunned his opponent, usually including at least one knockdown **[ or standing-8-count ]**. If there were no knockdowns **[ or standing-8-counts ]**, there shall still have been enough contact done to indicate that at least one of these occurrences was imminent.

(c) Subject to the **[ "butt ] foul rule[ ]** in subsection (d), if in a round a boxer is adjudged guilty by the referee of a foul or of a technical violation of the Athletic Code **[ (4 P. S. §§ 31.101—31.3108) ]** or repetition of either **[ or both ]**, the referee may penalize the offending boxer one point for each foul or technical violation. **[ and ] He** shall immediately stop the contest and notify the judges of the number of points being deducted and provide for

the innocent boxer to be examined by the ringside physician, if warranted. In each round where points are being deducted, judges shall score the round in a normal manner and mark next to the score the number of points being deducted for that boxer for the foul as indicated by the referee. If a boxer persists in the employment of foul tactics or in technical violations of the Athletic Code **[ (4 P. S. §§ 31.101—31.3108) ]** or if the boxer inflicts, by foul means, a crippling injury upon his opponent so that the latter is adjudged incapable of continuing the contest, the referee shall disqualify the offending boxer and shall award the contest to the innocent boxer. In determining the scoring of a round, **[ the scoring official ] a judge** shall consider the following:

\* \* \* \* \*

(d) If a boxer in a bout scheduled for more than four rounds receives an accidental **[ butt ] foul** that renders the boxer **immediately** unable to continue and **[ three ] less than four rounds [ or less ]** have been **[ fought ] completed**, the referee shall rule the decision a **[ technical draw ] "no-contest."** This rule does not apply in the case of low-blow fouls as referenced in subsection (k). If **[ more than three ] at least four** rounds have been **[ fought, the referee shall collect the score cards and ] completed**, the boxer ahead on the score cards shall be awarded the decision. If neither boxer is ahead on points, the contest shall be ruled a draw. **The round shall be considered complete when the bell is sounded ending the round. Partial rounds shall be scored when at least four rounds have been completed.**

(e) If a boxer in a bout scheduled for four rounds receives an accidental foul that renders the boxer **immediately** unable to continue and less than three rounds have been completed, the referee shall rule the decision a "no-contest." This rule does not apply in the case of low-blow fouls as referenced in subsection (k). If at least three rounds have been completed, the boxer ahead on the score cards shall be awarded the decision. If neither boxer is ahead on points the contest shall be ruled a draw. **The partial fourth round shall be scored.**

**[ (e) ] (f)** If a boxer receives an intentional **[ butt ] foul**, the referee **[ may ] shall** stop the contest and **[ may ] shall** deduct one **[ point ] or more points** from the offender. Point deductions shall be at the discretion of the referee based upon the severity of the **[ butt ] foul**. **[ If a boxer receives more than two intentional butts, the referee shall stop the contest and disqualify the offender. ]** If the boxer who received the intentional **[ butt ] foul** is unable to continue the round in which the **[ butt ] foul** occurred, as determined by the referee or ringside physician, the referee shall stop the contest and **the injured boxer shall have up to 5 minutes of recovery time. If after these 5 minutes the injured boxer cannot continue, the referee shall disqualify the offender. Point deductions and disqualifications are at the discretion of the referee.**

**[ (f) ] (g)** The referee shall have the authority to determine whether the **[ butt ] foul** is accidental or intentional and shall make his ruling known immediately after the foul has been committed. The referee shall notify the judges, Commission personnel and both boxers of his ruling.

**[(g) (h)]** If an injury inflicted by an **[intentional butt] accidental foul** later becomes aggravated by fair blows and the bout must be stopped in a round other than the one in which the **[butt] foul** occurred **[(See subsection (e))]**, the outcome will be determined by the scoring of **[the] all partial and** completed rounds if **[more than three] at least four** rounds have been **[fought] completed**. If less than **[three] four** rounds have been **[fought] completed**, the outcome shall be ruled a **[technical draw] "no-contest."**

**(i)** If an injury inflicted by an intentional foul later becomes aggravated by fair blows and the bout must be stopped in a round other than the one in which the foul occurred (See subsection (e)), the injured boxer will win by a technical decision if he is ahead in the scoring.

**(1)** The bout shall be ruled a technical draw if the injured boxer is behind or even in the scoring.

**(2)** If a boxer injures himself while attempting to intentionally foul his opponent, the referee shall take no action in his favor, and this injury shall be treated the same as one produced by a fair blow.

**[(h)]** Happenings subsequent to the sounding of the bell at the conclusion of a round and prior to the sounding of the bell at the start of the next succeeding round shall be considered to have occurred in the succeeding round. When a round, excepting the final scheduled round, in a boxing contest terminate before a contestant who has been knocked down has risen from the floor of the ring, ]

**(j)** In a round when a boxer has been knocked down and that boxer has not risen at the end of the round, the count of the timekeeper shall be continued and, if the fallen contestant shall fail to rise before the count of ten, he shall be considered to have lost the bout by a knockout in the round just concluded. **[In the last round, the fight is over at the sound of the bell. The count stops at the final bell.]** If the boxer does rise and the round has already ended, the timekeeper shall immediately ring the bell signifying the end of the round.

**(k)** The referee shall signal for a time-out when a boxer is knocked down as a result of an accidental foul or accident, as ruled by the referee. The boxer shall have up to 5 minutes of recovery time. If the boxer cannot continue after 5 minutes and four rounds or more have been completed, the winner of the bout shall be determined by the scores indicated for completed rounds on the score cards. If less than four rounds have been completed, the bout shall be ruled a technical draw.

**(l)** In the case of an accidental low blow, the same procedures in subsection (k) shall be followed, except that if the boxer who is unable to continue is ahead on points, the bout shall be ruled a technical draw. If his opponent is ahead on points, he shall be awarded the decision.

**(m)** If a boxer is disqualified by the referee and that boxer is behind on points at the time of his disqualification, regardless of the round, that boxer shall lose by technical knock-out (TKO).

#### § 21.6. Promoters.

(a) Promoters of professional boxing events under the jurisdiction of the Commission shall be licensed by the

Commission and shall be responsible for the observance of **[the provisions of]** the Athletic Code **[(4 P. S. §§ 31.101—31.3108)]** and this part, as far as the Athletic Code and this part apply to them and their activities during and after events under their promotion.

(b) Each promoter shall file with the Commission fully conformed and executed copies of contracts between the promoter and managers**[, or] and** boxers**[, or both,]** committed to participation in events under his promotion. Each contract filed shall set forth the exact and complete agreement between the parties. Undisclosed additional or collateral written or oral agreements or understandings pertaining to the subject matter of the original contract or the event **[shall be strictly] are** prohibited and void. **[No promoter may include in a contract with a manager or boxer, or both, a return bout clause or other provision calling for the services of a boxer for a bout or series of bouts following the bout which is the principal subject of the contract.]** Promoters may not contract or negotiate with a matchmaker, manager or boxer **who is** under suspension by the Commission, except with the written permission of the Commission.

(c) The promoter **[shall be] is** responsible for the maintenance of order and the safety of persons present at each event under his promotion, and he shall provide ample **[and effective police and fire protection at each event] security.**

\* \* \* \* \*

(e) **[A promoter may not deal with an unlicensed manager in arranging the program of an event under the jurisdiction of the Commission.] Unless otherwise directed by the Commission, each promoter shall pay out all boxing purses immediately after the contest but no later than 24 hours after an event.**

(f) **[A promoter may not arrange, announce, advertise or conduct an event under the jurisdiction of the Commission for the benefit of a charity, civic cause or other eleemosynary purpose unless the beneficiary is guaranteed either a stated monetary amount or a fixed percentage of the gross receipts after deduction of taxes and special license fees. A written memorandum of the full and precise benefit agreement, signed by the promoter and by an authorized representative of the beneficiary, shall be submitted to the Commission for approval prior to every benefit event and no public announcement of the benefit may be made until the memorandum has been filed and the agreement has been approved by the Commission.] A promoter may distribute passes to his staff or other individuals helping in the promotion of an event to permit them to enter the event. The number of passes will not exceed 50 or more than 1% of the total seating capacity of the facility, whichever is less, unless otherwise approved by the Commission. Passes shall be visibly displayed and are not subject to the Commission's gross receipts tax.**

(g) The promoters of a contest between female boxers shall provide them with adequate and separate dressing rooms from male boxers.

#### § 21.7. Matchmakers.

(a) Matchmakers shall be licensed by the Commission and shall be employed only by licensed promoters. Match-

makers shall be familiar and comply with the Athletic Code [ (4 P. S. §§ 31.101—31.3108) ] and this part with special reference to [ those pertaining to ] contracts, the giving of advance notice [ and ], the advertising of events and the due observance of legal weight differentials between opponents.

(b) Matchmakers shall be familiar with the records, the abilities and the physical condition of boxers for whose services they negotiate. Matchmakers shall take notice of [ the suspensions bulletins ] suspensions issued by [ the Commission ] any commission and may neither contract nor negotiate with unlicensed managers or boxers who are under suspension, except by written permission of the Commission. [ Matchmakers may at no time deal with an unlicensed manager or with a manager or boxer whose license has been revoked by the Commission. ]

\* \* \* \* \*

[ (d) No matchmaker may be employed by more than one promoter at the same time, except by written permission of the Commission. ]

§ 21.8. Boxers.

(a) Professional boxers shall be licensed by the Commission. The Commission will not license or renew the license of a professional boxer unless the license application is accompanied by a report from a Department of Health facility, a laboratory possessing a permit from the Department of Health under 28 Pa. Code § 5.11 (relating to permit, requirements, application, and conditions) or a report from a laboratory licensed in another jurisdiction that meets the requirements to be issued a permit under 28 Pa. Code § 5.11 and is acceptable to the Commission, which indicates that the applicant has been tested for any virus, antibody, antigen or etiologic agent determined to cause or indicate the presence of human immunodeficiency virus, and the results of those tests were negative. The tests shall have been initiated no more than 60 days prior to the date of filing the application. A boxer whose application for license has been denied has the right to a hearing before the Commission under 2 Pa.C.S. (relating to administrative law and procedure). The applicant shall apply, in writing, to the Commission requesting a hearing [ at which time the ]. The Commission will conduct a hearing within 10 business days from the receipt of the written request.

(b) The Commission will require each professional boxer under contract to appear in a bout under its jurisdiction to be properly licensed and to be examined and certified by a physician appointed by the [ Commission ] Executive Director to be physically sound before being permitted to engage in the bout. The Commission upon its own initiative as a safety precaution may require a professional boxer under its jurisdiction to undergo a general or an ad hoc physical or mental examination, or both, for the purpose of determining whether or not the boxer is fit to continue actively in the profession of boxing.

(c) Whenever a professional boxer considers himself unable by reason of illness or injury to participate in a bout for which he is under contract within the jurisdiction of the Commission, he, or his manager in his behalf, shall promptly notify both the Commission and the promoter of the event of the alleged condition of the boxer. [ and the ] The boxer shall immediately submit written med-

ical verification to the Commission which may, if it deems fit, require the boxer at his own expense to undergo examination by a physician selected by the Commission for further substantiation of the averment of disability. If a bout to which a professional boxer is under contract has been canceled and no suitable opponent, as determined by the Commission, can be located, the boxer shall be entitled to reasonable expenses as determined by the Commission.

(d) A boxer shall be considered to have been knocked out in a bout if he is counted out and he [ shall ] may incur [ mandatory ] a suspension of [ 6 weeks ] up to 90 days. A suspension under this section shall be mandatory if the boxer has been knocked unconscious or has received a concussion. This mandatory suspension shall be removed only after the boxer has been pronounced fit after undergoing medical examination by a physician.

(1) A boxer [ shall ] may incur [ automatic ] a suspension of up to 30 days if he experiences a technical knockout [ , subject to reduction in appropriate cases to suspension of not less than 25 days in the discretion of the Commission after medical examination and approval ] without head injuries.

(2) A boxer may incur additional suspension time upon recommendation of the ringside physician or the Commission's Medical Advisory Board. [ The victim boxer shall furnish satisfactory medical proof of physical well-being in every case of knockout and technical knockout before he is permitted to box again under the jurisdiction of the Commission. The Commission may suspend a ]

(3) A professional boxer who is defeated in [ five ] six consecutive contests, either within or [ beyond ] outside the jurisdiction of the Commission shall be required to undergo a medical examination by a physician approved by the Commission, pending inquiry by the Commission to determine the physical and mental ability of the boxer to continue safely in the boxing profession.

(e) The Commission will not license as a professional boxer an applicant under 18 years of age and the Commission will require conclusive proof of age of a boxer applying for the first time to be so licensed with [ the ] this Commonwealth. An applicant for a boxing license who has never competed in a professional boxing contest shall attach to his license application the results of a complete general physical on a form supplied by the Commission. The Commission will not license as a professional boxer an applicant over 36 years of age except by special action by the Commission. An applicant for a boxing license over 36 years of age shall attach to his license application the results of the following:

- (1) A complete general physical on a form supplied by the Commission.
- (2) An electrocardiogram (EKG).
- (3) A stress echo test.
- (4) An eye exam.

(f) The Commission will not permit a professional boxer to participate in a bout under its jurisdiction without first having signed with a licensed promoter a [ properly drafted ] contract covering the participation that meets the requirements of the Athletic Code and this part.

If the boxer is under contract to a manager, the manager **[ is also ], too shall be** required to sign the contract unless excused by **[ special action of ]** the Commission. This **[ , ]** does not mean that a boxer is not contractually bound by a commitment made in his behalf by his legally constituted manager even though the boxer may not have personally executed the instrument purporting to commit him.

(g) A boxer under the jurisdiction of the Commission may not be under contract to more than one manager at the same time without express approval of the Commission **[ , and a boxer may not be under contract to more than two managers at the same time ]**. A boxer under the jurisdiction of the Commission may not enter into a contract with a manager or combination of managers whereunder the boxer is obligated to the payment of more than the total of **[ 50 ] 40%** of his earnings under the manager or combination of managers.

\* \* \* \* \*

(j) The Commission may require either or both of the participants in a professional boxing bout to guarantee appearance or the making of agreed weight, or both, by stipulated monetary forfeit to be posted with the Commission in cash or by certified check by a stated time prior to the bout under appropriate circumstances. The Commission may declare the sum posted by him forfeited in whole or in part if a boxer fails to appear or make the agreed weight, and the forfeited amount **[ paid to the Commonwealth or to the opposing boxer or partly to the opposing boxer ] shall be distributed** as the Commission, in its discretion, will decide.

\* \* \* \* \*

(l) If either or both of the participants in a professional boxing contest fail to satisfactorily put forth serious effort during the bout or persist in foul tactics in the judgment of the referee, the referee shall stop the bout after reasonable warning, disqualify the offending boxer **[ , ] and award the decision [ of ] to the boxer making the serious effort. [ , if any, and direct that compensation due the offending boxer be impounded by the ]** The Commission **may impound moneys due the offending boxer** pending the outcome of a hearing which the Commission will arrange on the subject.

(m) Participants in professional boxing bouts under the jurisdiction of the Commission shall **[ be ]**:

**(1) Be** shaven clean except that the Commission may sanction the wearing of closely cropped mustaches or **[ religiously required ]** beards, or both, at its discretion.

**(2) Wear their hair secured so that it does not interfere with the vision or safety of either contestant.**

**(3) Use no facial cosmetics.**

**(n) A female boxer:**

**(1) May not engage in a contest with a male boxer.**

**(2) Shall provide the Commission with a negative pregnancy test result taken not more than 24 hours prior to the scheduled contest.**

**(o) A male boxer may not engage in a contest with a female boxer.**

**§ 21.9. Managers.**

(a) The Commission will license managers of professional boxers after being satisfied as to their good character, reputation and qualifications **[ all of which will be inquired into carefully before licensing and whenever appropriate thereafter ]**.

(b) **[ An unlicensed manager or other unlicensed agent or representative of a boxer may not deal contractually on behalf of a boxer with a promoter or matchmaker under the jurisdiction of the Commission nor may a ]** A contract or negotiation entered into **[ or upon ]** by **[ an unlicensed person ]** manager **not licensed by the Commission** may be upheld as valid by the Commission **if the manager is licensed in another jurisdiction.**

(c) A person may not be permitted to enter into a contract to manage a professional boxer without first being so licensed. If his license is revoked or allowed to expire, a contractual relationship which he has with a boxer will become **[ voidable at the discretion of the Commission ] void as required by section 1103(b) of the Athletic Code (relating to provisions in contracts between managers and professional boxers).**

\* \* \* \* \*

(e) A licensed manager of a professional boxer may act as second to the boxer in a bout under the jurisdiction of the Commission. **[ but unless he is also licensed by the Commission as a second of professional boxers, he may not be permitted to act as second to a boxer with whom he has no contractual relationship as manager. ]**

\* \* \* \* \*

(h) The Commission **[ will ]** may impound for a **[ licensed manager ]** manager who has been licensed by the Commission, upon the request of the manager, the proper portion of the purse of a boxer under contract to him pending final determination of the merits of the matter **[ when the ]**. If a boxer **[ has engaged ]** engages in a bout without the consent of **[ the ]** his manager, the Commission may, at the request of a licensed manager, impound the proper portion of the purse of a boxer under contract pending final determination of the merits of the matter.

**§ 21.10. Seconds.**

(a) The Commission will license professional boxing seconds after being satisfied of their good character, reputation and qualifications **[ which will be inquired into carefully before licensing and whenever appropriate thereafter ]**.

(b) Unless he is licensed also as a manager of professional boxers, a second may not act or attempt to act in a managerial capacity **[ , as distinguished from a second's capacity, especially in the negotiating of matches or in terms of matches, or both ]**.

(c) The number of seconds attending a professional boxer in his ring corner shall be limited to a maximum of **[ three ]** four.

(d) Seconds attending a professional boxer shall be neatly and cleanly attired in a manner subject to the approval of the Commission. **[ A second may not wear into the ring an article of clothing which displays**

advertising matter except the name of the boxer whom he is attending in the event then in progress. ]

(e) First aid and other ring equipment of a second shall before, during and after use be subject to inspection by the attending physician and Commission personnel whose decision as to the propriety of its use shall be final.

\* \* \* \* \*

(g) Seconds shall remain seated at ringside and may not rise or lean upon the ring platform during rounds nor may they [ coach or in another way assist or ] heckle the participants or the officials during the [ periods ] event.

(h) Seconds may not attempt to render aid to a fallen or otherwise [ possibly seriously ] injured boxer in the ring until the attending physician has examined the boxer and indicated that his seconds may minister to him. However, a second may remove the protective mouthpiece of the boxer without awaiting direction.

\* \* \* \* \*

(j) [ Penalty for offending behavior. ] A manager, second or [ other such ] another person having received [ two ] ample warnings to stop an offending conduct, [ shall ] may be ejected from the corner [ and ]. His boxer may have points deducted during a contest. They may be suspended or fined, or both.

\* \* \* \* \*

§ 21.11. Referees.

(a) Professional boxing referees shall be licensed by the Commission [ which will appoint a licensed referee ] and shall be appointed by the Executive Director to officiate in each professional boxing contest and exhibition under the jurisdiction of the Commission except exhibitions conducted solely for training or instruction purposes.

(b) To qualify as a professional boxing referee and to obtain a license in that capacity, an applicant shall conform with the following requirements:

(1) Be [ a citizen of this Commonwealth, ] at least 21 years of age, of good moral repute, of sound physical health and of a level of intelligence and degree of attainment as a student of boxing satisfactory to the Commission.

(2) Serve an apprenticeship of [ not less than ] at least 3 months during which he shall diligently study the Athletic Code [ (4 P. S. §§ 31.101—31.3108) ] and this part, especially the portions that pertain to boxing and to the duties of boxing referees, and shall work with and undergo instruction under the direction of licensed officials under conditions and occasions the Commission [ will designate ] designates.

[ (3) Have the intention to be qualified for duty as a boxing referee after undergoing observation and written or oral examination, or both, on the techniques and requirements of the position by a board consisting of a commissioner and two licensed boxing referees. ]

(c) The powers and duties of a professional boxing referee shall be as follows:

(1) [ He shall ] To exercise immediate authority, direction and control over each contest and exhibition to which he is appointed.

(2) [ He shall ] To submit to physical examination [ by the physician assigned by the Commission to each event to which he is appointed ] at the discretion of the Executive Director.

(3) [ He shall ] To wear in the ring apparel of a type, style and color [ that is ] approved by the Commission.

(4) [ Before the start of each contest and exhibition under his direction, he shall ] To determine the identity of the chief seconds of the respective boxers before the start of each contest and exhibition under his direction and shall hold the chief seconds responsible for their own conduct and for the conduct of their respective assistant seconds in all matters pertaining to the bout; [ he shall ] to give final instructions to the boxers and to their seconds as he deems appropriate; and [ he shall have ] to remove or cause to be removed from the ring or the vicinity a second or other person who interferes with the conduct of the bout.

(5) [ Before the start of each contest and exhibition and as he sees fit throughout he shall ] To check the gloves, equipment and persons of the boxers before the start of each contest and exhibition and as he sees fit throughout to assure that no unsafe or improper condition exists.

(6) [ He shall ] To observe carefully and continually the physical condition of the participants and he shall have full and final responsibility either at his own discretion, or upon direction from the attending physician, for the immediate halting of a bout [ where ] when the safety of a boxer would be, for any reason, jeopardized by continuance.

(7) [ He shall have ] To exercise his full authority to interrupt the progress of a round in the event of injury to a participant by directing the timekeeper to stop the clock and calling the attending physician into the ring to examine and rule upon the condition of the injured boxer [ and if it is decided by ]. If the physician determines that the boxer is fit to continue, the referee shall direct the timekeeper to start the clock and [ the round shall be resumed ] resume the round from the point of interruption. [ However, no interruption of a round may be ordered when the condition of the distressed party may be materially remedied by an unscheduled rest period, except where the injury involved ] When an injury has resulted from [ a ] an accidental or intentional foul [ action ] by the opposing boxer, [ when ] the referee upon advice of the attending physician [ orders an appropriately reasonable ] may order a rest period not to exceed 5 minutes.

(8) [ He shall ] To enforce the rules of professional boxing set forth in the Athletic Code and in this part [ , as well as those rules generally recognized in the sport under the traditional title of the Marquis of Queensbury Rules, as modified to current date by usage and written authority ].

(9) [ He shall be authorized, in the event of foul tactics by a boxer, to ] To take away points from the



score of the boxer in the event of foul tactics by the boxer at [ the end of the round ] any time during a round in which the foul tactics have occurred[, and when ]. When he has taken action, he shall inform the judges [ of the bout ], the Commission and the chief seconds of the participants [, of his ruling prior to the start of the next round ].

(10) [ He shall be authorized to ] To disqualify either or both participants in a bout for failure [, in his fair and reasonable opinion, ] to perform according to due standards of effort, ability or conduct and [ he may ] to recommend the withholding of compensation otherwise payable to the disqualified boxer or the imposition of a fine, suspension or other penalties, or [ both ] one or all of these penalties, as he deems appropriate.

(11) [ He shall carefully and expertly observe the performance of the boxers in each contest to which he is appointed, shall appraise the performances fairly and accurately in the light of the Athletic Code, this part and the generally recognized rules of boxing, shall inscribe the results of the appraisal after each round on the official Commission score card according to the scoring system adopted by the Commission and at the conclusion of the contest, shall total the respective scores, complete and sign the score card and ] To collect and deliver the completed, signed, official score card of each judge to the [ announcer or to another official the Commission designates ] Executive Director or a designee after each round.

(12) [ He shall ] To decide whether or not a boxer has been knocked down during the course of a round and [ he shall clearly ] indicate that decision to the timekeeper, whose count shall be accordingly continued or discontinued[, and if ]. If the count is to be continued, the referee shall pick it up verbally and by gesture after first making sure that the opponent of the fallen boxer has retreated to the [ most distant ] neutral corner of the ring.

(13) [ He shall ] To confirm the official result and whether it has been reached by decision on points, by knockout, by technical knockout or by disqualification to the [ announcer and the ] Commission at the conclusion of each bout under his direction.

(d) A referee [ will not be permitted to act as such during a boxing event unless the referee is wearing ] while officiating shall wear disposable latex hygienic gloves[. The gloves shall ] to be paid for and provided by the promoter.

§ 21.12. Judges.

(a) Professional boxing judges shall be licensed by the Commission [ which will appoint two licensed judges ]. Three licensed judges shall be appointed by the Executive Director to officiate in each professional boxing contest under the jurisdiction of the Commission.[ However, a ] A licensed boxing referee may be appointed at any time to officiate in the capacity of boxing judge.

(b) To qualify as a professional boxing judge and to obtain a license in that capacity, an applicant shall conform with the following requirements:

(1) Be [ a citizen of this Commonwealth, ] at least 21 years of age, of good moral character and reputation and of a level of intelligence and degree of attainment as a student of boxing satisfactory to the Commission.

(2) Serve an apprenticeship of not less than 3 months, during which he shall diligently study the Athletic Code [ (4 P. S. §§ 31.101—31.3108) ] and this part, especially the portions that pertain to boxing and to the duties of boxing judges, and shall work with and undergo instruction under the direction of [ licensed officials under the conditions on occasions which ] the Commission [ will designate ].

(3) Have the intention to be qualified for duty as a professional boxing judge after undergoing observation and written or oral examination, or both, on the techniques and requirements of the position [ by a board consisting of a Commissioner and two licensed boxing referees or one licensed boxing referee and one licensed boxing judge ] at the discretion of the Commission.

(4) Attend at least one seminar per year as directed by the Commission.

(c) It shall be the duty of a professional boxing judge to observe carefully and expertly the performance of the boxers in each contest to which he is appointed; to appraise the performances fairly and accurately in the light of the Athletic Code, this part and the generally recognized rules of boxing; to inscribe the results of the appraisal after each round on the [ Commission ] official score card according to the scoring system adopted by the Commission; and at the conclusion of [ the contest, to ] each round complete and sign [ the ] each official score card and deliver the completed, signed score card to the [ announcer or to another official that the Commission may designate ] referee.

§ 21.13. Timekeepers.

(a) Timekeepers shall be licensed [ and assigned ] by the Commission and shall be appointed by the Executive Director to serve at professional boxing contests and exhibitions.

(b) The timekeeper shall keep time by means of an accurate stopclock or stopwatch, and it shall be his responsibility to assure that the instrument is in good working order when it is to be used. He shall sound the gong to begin and to end each round [ by striking it vigorously and to end each round by striking it vigorously with a metal hammer ], and he shall count for knockdowns by striking the floor of the ring or a suitable [ wooden ] strikingboard with a [ substantially constructed ] hammer or wooden mallet. He shall give warning to seconds of boxers to leave the ring between rounds by sounding a whistle signal 10 seconds before the end of the rest period, and he [ may ] shall give warning of the end of a round by [ raising ] striking his hammer [ above his head ] on a strikingboard 10 seconds before striking the gong; he [ shall ] may give no other signal or other information on the progress of a round.

\* \* \* \* \*

§ 21.14. Insurance.

\* \* \* \* \*

(b) The promoter of each professional boxing event under the jurisdiction of the Commission shall deduct from the purse paid to the manager of the boxer the cost of the insurance for the boxer[ , ] and shall pay to the [chief deputy commissioner in charge] Commission the full amount due in accordance with the current premium schedule. Failure to make immediate payment of insurance premiums as provided shall render the defaulting promoter eligible for suspension and license revocation.

(c) It shall be the responsibility of a boxer who suffers injury covered by insurance to report the injury promptly to the examining physician assigned to the event. The responsibility shall extend to the chief second of the injured boxer, as well as to other persons officially attached to the boxer. Failure to report to the examining physician or, if for any reason he is not readily available, to the [chief deputy commissioner in charge,] Commission shall [render the delinquent person eligible] constitute grounds for suspension and license revocation.

(d) Upon receipt of notice of injury to a boxer, the examining physician [or the chief deputy commissioner in charge, or both,] shall make due examination and investigation and shall promptly report pertinent findings to the Commission upon the official form provided for that purpose [which shall be forwarded to the insurance carrier].

§ 21.15. State championships.

\* \* \* \* \*

(e) If a boxer, having contracted to engage in a championship contest, fails [at the time of weigh-in to make the contracted championship weight, fails] or refuses the Commission's drug test or violates a section of the Athletic Code [ (4 P. S. §§ 31.101—31.3110) ] in the course of the championship event, as determined by the Commission, the opponent in the contest will be declared the winner by default.

(f) [No] A contest may not be advertised as a State championship without the written approval of the Commission, and no boxer may be advertised as State champion unless so designated by the Commission.

\* \* \* \* \*

(h) Subject to § 21.4(b) (relating to conduct of bouts), if the champion makes weight and the challenger does not, the fight may go on, subject to Commission approval. The champion will retain his belt, regardless of the outcome of the bout. If the champion is overweight and the challenger makes weight, the bout may go on, subject to Commission approval; however, the champion shall vacate the title regardless of the outcome, and the challenger will win the title only if he wins the bout. If both boxers are overweight the bout may go on as a nontitle bout, subject to Commission approval, unless approval is given by both boxers and the Commission to box for the title.

§ 21.16. Safety Code.

(a) The Commission, [commissioners and deputy commissioners,] referees, [and] all other ring officials [, Commission physicians] and participating athletes, managers and seconds shall be [increasingly]

aware of [and alert to the paramount importance of enforcement of adherence to] the safety provisions [set forth] in the Athletic Code [ (4 P. S. §§ 31.101—31.3108) ], its amendments and this part, and in addition they shall be constantly alert to every reasonable consideration of humanity and common sense which indicate and govern the actions of prudent men to minimize the risks inherent in [vigorous contact sport] boxing. The primary, inescapable responsibility of the Commission will be the protection of the athletes under its jurisdiction, and under no circumstances will this concern be subordinated to an interest of gain, sentiment or convenience. Parties involved in implementing this basic program shall be dedicated not only to the letter of the Athletic Code, its amendments and this part but at least equally to the exercise of initiative, resource, decision and unstinted effort in those unprecedented, unpredictable and unprovided emergencies which challenge the best in men at the brink of safety or tragedy, life or death.

(b) The following fouls[, or] and other [dangerous and] unsportsmanlike practices are prohibited in boxing bouts in [the] this Commonwealth:

\* \* \* \* \*

(23) Biting.

\* \* \* \* \*

(d) [The Commission will not permit a boxer to] A boxer may not engage in a bout without wearing an abdominal guard or cup. A female boxer shall also wear a chest protector approved by the Commission. A boxer may not wear shoes with hard soles, hard or sharp edged heels, [or] spikes, cleats or abrasive surfaces.

(e) If the gloves of a boxer [touches] touch the floor of the ring during a bout, the referee shall cleanse them of resin, grit and dirt by wiping them on his shirt or, if necessary, with a towel before allowing the action to continue.

(f) [Commissioners and deputy commissioners shall have] The Commission has authority to enter and inspect training quarters of boxers under the jurisdiction of the Commission to observe the conduct, facilities and cleanliness of the quarters and to appraise the activities and the physical condition of boxers during training.

\* \* \* \* \*

(h) [A standing eight-count rule shall be in effect in boxing bouts within this Commonwealth. If the referee rules that a boxer has received a severe and sustained beating without defending himself, action may not be resumed until the timekeeper has counted to eight. During this standing eight-count, the referee or ringside physician may terminate the bout if the boxer appears to be in physical danger. Only one standing eight-count shall be given to a boxer during each round.]

(i) [The mandatory eight-count rule shall be in effect in boxing bouts within this Commonwealth. If the referee rules that a boxer has been knocked down, action may not be resumed until the [timekeeper] referee has counted to eight even though the fallen boxer meanwhile has regained his feet. During this eight-count, the referee

or ringside physician may terminate the bout if a boxer appears to be in physical danger.

[ (j) ] (i) The three knockdown rule [ shall ] will not be in effect in boxing bouts within this Commonwealth. [ ; if the referee rules three times within the same round that a boxer has been knocked down, the ruling of a third knockdown shall likewise terminate the bout and the victim boxer shall be declared the loser by a knockout with consequent automatic suspension of 6 weeks. When the referee rules that a boxer has been knocked down, the timekeeper shall continue to count until either the boxer rises or the count of ten is reached. It is the purpose of this provision to assure that a boxer who has been actually knocked out receives the protection of the full statutory suspension of 6 weeks. ]

[ (k) ] (j) If a boxer is knocked out, his consequent suspension [ of 6 weeks ] shall prohibit him not only from boxing in actual competition, but also from sparring as a part of his training exercises. If a boxer is knocked unconscious during a bout, his seconds may not minister to him, except to remove his mouth protector, until the attending physician has examined him and given appropriate instructions for his further care. If a boxer receives a concussion, he may not be permitted to box, even after the expiration of his medical suspension, until he has been thoroughly examined and approved by a physician [ especially ] which may be designated by the Commission.

[ (l) ] (k) If a boxer has been a victim of repeated knockouts or the recipient of sustained severe punishment, or both, the Commission [ will ] may revoke, suspend or refuse to renew his license after [ careful consideration of his case and declare him to be retired for his own welfare and safety if the facts warrant the action ] undergoing a medical examination by a physician. [ The Commission will announce through available communications media suspensions of professional boxers of the duration of 30 days or more, as well as suspensions of indefinite duration, and it will give similar report and public notice of the termination of indefinite suspensions. ] The Commission will notify a boxer in writing of its action. A boxer may request a hearing before the Commission in order to review the Commission's action. The Commission will give full force and recognition within this Commonwealth to medical suspensions and retirements imposed upon boxers in other jurisdictions subject to the right of appeal of affected boxers to the [ Medical Advisory Board of the Commission ] Commission which shall seek and, if possible, obtain a complete record of the matter from the [ extraterritorial ] authority which imposed the original suspension or retirement before rendering decision in any given case.

[ (m) ] (l) If a boxer is legally knocked or falls from the ring during a bout, he shall be allowed a maximum of [ 10 ] 20 seconds to return within the ropes unassisted. [ The use of fitted mouthpieces or mouth protectors by boxers in bouts is strongly recommended. ]

[ (n) ] (m) If a boxer rises within the count of ten after being knocked down and then falls without being struck again, the [ timekeeper may not begin the count

again, but may ] referee shall resume [ it ] the count at the point where it was stopped when the boxer rose. [ It is strongly recommended that a supply of oxygen with appropriate equipment for its emergency use be available at ringside at boxing bouts. ]

[ (o) ] (n) [ The Commission will have exclusive and ultimate authority to decide questions of the age of boxers with respect to eligibility to engage in bouts in this Commonwealth. The Commission will have exclusive and ultimate authority to approve or prohibit each proposed matching of boxers within this Commonwealth. ] A protective regulation in this section or elsewhere in the Athletic Code [ (4 P. S. §§ 31.101—31.3110) ] or this part will not be waived or relaxed in [ a ] any degree by a [ commissioner, deputy commissioner, ring official or physician or by the Commission as a body ] Commission official for a boxing bout in this Commonwealth. [ It is specifically contemplated that ] championship contests [ shall ] will not fall within this prohibition [ precisely the same as other bouts ].

#### CHAPTER 23. AMATEUR BOXING

##### § 23.1. Relations with Amateur Athletic [ Union ] Associations.

(a) The Commission may collaborate through its respective local associations with the Amateur Athletic [ Union ] Association in the conduct of amateur [ boxing ] events in this Commonwealth, at its discretion, but at no time may the authority of the Commission or the responsibility of the Commission to enforce the [ Pennsylvania ] Athletic Code [ (4 P. S. §§ 30.101—30.905) ] be relinquished, delegated or impaired, by or through the processes of collaboration.

(b) When the Commission collaborates with the Amateur Athletic [ Union ] Association in the conduct of an amateur boxing event, the rules and regulations of the Amateur Athletic [ Union ] Association relating to weight classes, ring and ring equipment, conduct of bouts and scoring system shall be in effect. However, if a controversy arises in connection with a subject which is not covered by the express provisions of this chapter, the Commission [ shall ] will reserve the right to finally pass upon the matter and to make whatever decision it deems to be fair and equitable under the circumstances, and the decision [ shall ] will be final.

##### § 23.2. [ Sponsors ] Amateur events.

(a) [ Each ] No amateur [ boxing ] event under the jurisdiction of the Commission [ shall have a bona fide nonprofit organization or sponsor. In no case may an amateur boxing event be conducted for the personal pecuniary advantage of an individual or group of individuals or of any commercial corporation ] may be held without a permit for the event having been first secured by the sponsor from the Commission. Permits for amateur boxing events shall be issued only to those sponsors approved by the Commission.

(b) [ The Commission will not grant a permit for the holding of an amateur boxing event until satisfied with the character of the proposed sponsor, and for this purpose it will ordinarily require

written evidence of sanction by the Amateur Athletic Union from the applicant organization. ]

[ (c) ] \* \* \*

#### § 23.4. Boxers.

(a) The Commission will require each amateur boxer scheduled to appear in a bout under its jurisdiction to be examined by a physician [ appointed by the Commission and certified physically sound before being permitted to engage in the bout ].

(b) [ If a boxer is counted out in a bout, he shall be considered to have been knocked out and shall incur mandatory suspension of 6 weeks. If a boxer experiences a technical knockout, he shall incur automatic suspension of 30 days, subject to reduction in appropriate cases to suspension of not less than 25 days at the discretion of the Commission after medical examination and approval. The victim boxer shall furnish satisfactory medical proof of physical health in every case of knockout and technical knockout before he will be permitted to box again under the jurisdiction of the Commission.

(c) ] The Commission may suspend an amateur boxer who [ is defeated in five consecutive contests, either within or beyond the jurisdiction of the Commission, pending inquiry by the Commission to determine the physical and mental ability of the boxer to continue safely in competitive boxing ] the Commission determines cannot safely defend himself or whose actions are deemed detrimental to the sport of boxing.

[ (d) The Commission will not permit a person under 16 years of age to engage in an amateur boxing bout under its jurisdiction, nor will it permit a boxer 16 or 17 years of age to oppose a boxer 18 years of age or older in an amateur bout.

(e) If either or both of the participants in an amateur boxing contest persists in foul tactics, in the judgment of the referee, the referee shall stop the bout after reasonable warning, disqualify the offending boxer, award the decision to the innocent boxer, if any, and make a written report to the Commission. ]

(c) [ (f) ] Participants in amateur boxing [ bouts ] events under the jurisdiction of the Commission shall conform to the regulations set forth by the Amateur Athletic [ Union ] Association.

[ (g) A contestant engaged in a boxing match sanctioned by the Commission is prohibited from engaging in more than one contest in a single day. ]

(d) When deemed appropriate by the Commission, the provisions for professional boxers in §§ 21.4(c) and (h), 21.6(g), 21.8(m)—(o) and 21.16(d) apply to amateur boxers.

#### § 23.5. Seconds.

(a) The Commission will permit amateur boxing seconds to function only after they have been approved by the Amateur Athletic [ Union ] Association. However, the Commission may designate a second if no second approved by the Amateur Athletic [ Union ] Association is available.

(b) The Commission may remove a second who displays improper conduct in the course of a boxing [ bout at which he is functioning, particularly with respect to the Pennsylvania Athletic Code (4 P. S. §§ 30.101—30.905) and this part ] event.

(c) [ The number of seconds in attendance upon an amateur boxer in his corner shall be limited to a maximum of two, except with special permission from the Commission.

(d) Seconds in attendance in the corner of an amateur boxer shall be neatly and cleanly attired in a manner subject to the approval of the Commission. A second may not wear into the ring an article of clothing which displays any advertising matter except the name of a boxer whom he is attending in the event then in progress.

(e) ] First aid and other ring equipment of a second shall in all cases and at all times, before, during and after use, be subject to inspection by the attending physician [ whose ] and Commission personnel. Any decision as to the propriety of its use shall be final.

[ (f) Seconds may not enter the ring during a round and shall leave the ring promptly with stools, buckets and other obstructive equipment upon the sounding of the 10 second warning signal of the timekeeper for the start of the next round.

(g) Seconds shall remain seated at ringside and may not rise or lean upon the ring platform during rounds, nor may they coach or assist or heckle the participants or the officials during rounds.

(h) Seconds may not attempt to render aid to a fallen or otherwise possibly seriously injured boxer in the ring until the attending physician has examined the boxer and indicated that his seconds may minister to him. However, a second may remove protective mouthpiece of the boxer without awaiting direction.

(i) The designated chief second shall be the only spokesman of a boxer to the referee and other officials while the boxer is in the ring. ]

#### § 23.6. Referees.

(a) Amateur boxing referees shall be [ licensed by the Commission which will appoint a licensed referee to officiate in each amateur boxing contest under the jurisdiction of the Commission ] appointed by the Amateur Athletic Association with the approval of the Commission. Referees may be removed from their duties at any time by the Commission if the Commission determines that they are not competent.

(b) [ An applicant ] A referee appointed under this section shall [ possess the following qualifications:

(1) Be a citizen of this Commonwealth, 18 ] Be 21 years of age or older, of good moral character and reputation, of sound physical health, [ who has served an apprenticeship of at least 3 months in an amateur boxing gym which has been recognized by the American Athletic Union ] and approved by the Amateur Association overseeing the event.

[ (2) Make application to the Commission setting forth his experience and qualifications and attaching thereto a recommendation for licensure from a

licensed amateur boxing referee, or from a Commissioner or deputy commissioner of the Commission.

(3) Pass a practical examination of his skills as a boxing referee and of his knowledge of the regulations pertaining to his activities as an amateur boxing referee which shall be conducted by a member of the Commission or a person designated to conduct the examination. ]

(c) [ A license fee may not be required of an applicant for an amateur boxing referee license, it being the sense and intent of this section that the licensing of an applicant as an amateur referee shall qualify and entitle him for appointment to officiate only in amateur bouts unless he shall have been licensed as a referee of professional bouts under the procedure set forth in § 21.11(b) (relating to referees) for the qualifying of professional boxing referees. The license to act as an amateur boxing referee shall be proof of apprenticeship for application to become a professional boxing referee.

(d) ] The powers and duties of an amateur boxing referee shall be the same as those for professional boxing referees [ set forth ] in § 21.11(a) (relating to referees), except [ as follows: ] that

[ (1) The ] the referee shall enforce the rules of amateur boxing as [ set forth ] in the [ Pennsylvania ] Athletic Code [ (4 P. S. §§ 30.101—30.905) ] and this part as well as those rules adopted and promulgated by the Amateur Athletic [ Union and approved by the Commission ] Association.

[ (2) If he disqualifies one or both participants in a bout for failure to perform according to due standards of effort, ability or conduct, the referee may recommend suspension or other appropriate penal action, except monetary fining.

(3) He shall score according to the scoring system currently in effect for amateur boxing under the jurisdiction of the Commission.

(e) ] (d) The Commission will determine the amount of the compensation of amateur boxing referees in accordance with reason and equity in the circumstances of the respective events to which they are appointed, and the compensation shall be paid in full in each case by the sponsor of the event [ through the chief deputy commissioner in charge ].

#### § 23.7. Judges.

(a) [ Two ] An amateur boxing [ judges may ] judge shall be appointed by the Amateur Athletic [ Union ] Association with the approval of the Commission [ to officiate in each amateur boxing contest under the jurisdiction of the Commission ]. A judge may be removed by the Commission at any time if deemed incompetent.

(b) An amateur boxing judge shall be 21 years of age or older, of good moral character and reputation [ and conversant with the Pennsylvania Athletic Code (4 P. S. §§ 30.101—30.905) and this part as they pertain to amateur boxing and the duties of amateur boxing judges ].

(c) It shall be the duty of an amateur boxing judge to observe carefully and expertly the performances of the

boxers in each contest to which he is appointed[ ; ] and to appraise the performances fairly and accurately [ in the light of the Pennsylvania Athletic Code, this part and the generally recognized rules of amateur boxing; to inscribe the results of the appraisal after each round on the official score card according to the scoring system approved by the Commission for amateur boxing; and, at the conclusion of the contest, to complete and sign the score card and deliver the completed, signed score card to the announcer or to the other official that the Commission designates ].

#### § 23.8. Timekeepers.

(a) Timekeepers for amateur boxing events may be appointed by the Amateur Athletic [ Union ] Association, with the approval of the Commission.

(b) The duties and responsibilities of timekeepers for amateur boxing [ bouts ] events shall be the same as of timekeepers for professional boxing bouts [ set forth ] in § 21.13 (relating to timekeepers).

#### § 23.9. Insurance.

(a) [ Boxers engaged in amateur contests and exhibitions under the jurisdiction of the Commission shall be covered by the same contract of insurance for their financial protection as prescribed for the coverage of professional boxers in § 21.14 (relating to insurance).

(b) ] The sponsor of each amateur boxing event [ under the jurisdiction of the Commission shall bear the cost of the insurance of boxers engaging in bouts named in the program of the event and shall pay to the chief deputy commissioner in charge the full amount due in accordance with the current premium schedule. Failure to make immediate payment of insurance premiums as provided shall render the defaulting sponsor ineligible to conduct an event under the jurisdiction of the Commission until all sums due are paid ] shall ensure that all participants are covered by insurance. Costs associated with the insurance shall be the responsibility of the sponsor.

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

#### § 23.10. Safety code.

(a) [ The safety code for professional boxing as set forth in § 21.16 (relating to safety code) applies to and be strictly enforced in amateur boxing bouts under the jurisdiction of the Commission.

(b) Section 203 of the Pennsylvania Athletic Code (4 P. S. § 30.203) in which amateur boxers 16 and 17 years of age are prohibited from competing with opponents 18 years of age or more shall be strictly enforced without exception under any circumstances. ]

A person between 12 and 17 years of age may participate in amateur contests or exhibitions after obtaining written permission from a parent or legal guardian, and the consent of the Executive Director.

(b) A person 12 to 16 years of age may not participate in a contest against an opponent who is more than 1 year older.

(c) [ The Commission will require each amateur boxer to produce satisfactory written proof of his age by birth certificate, infant baptismal certificate, school enrollment certificate or United States Selective Service registration card before he is permitted to compete. Statements and affidavits by parents, guardians or other individuals, gymnasium and club records, and automobile driver license data are deemed insufficient and unacceptable for the purpose of establishing age. ] The limitations in subsections (a) and (b) do not apply to sanctioned boxing events for the Junior Olympics under the direction of a National governing organization certified by the Commission.

(1) For the purposes of the Junior Olympic events, participants, with the written permission of a parent or legal guardian, may box only in the following age divisions:

- (i) Ten and eleven years of age.
- (ii) Twelve and thirteen years of age.
- (iii) Fourteen and fifteen years of age.

(2) A participant may not take part in any event outside of the approved division for that age group.

CHAPTER 25. PROFESSIONAL KICKBOXING

§ 25.3. Conduct of bouts.

\* \* \* \* \*

(b) A bout may not exceed 12 [ 2 ] 3-minute rounds, with a minute rest period between rounds.

\* \* \* \* \*

(d) [ When the referee decides that the contestants are not honestly competing, as indicated by, but not limited to, a staged knockout, or a prearranged foul terminating the bout, the referee shall stop the bout and declare it ended not later than before the end of the last round, and order purses of both contestants held pending investigation and disposition of the funds by the Commission. The referee may not finish the knockout count, disqualify a contestant for fouling or render a decision. The announcer or referee shall inform the audience that no decision will be made.

(e) ] If a contestant refuses to continue a bout while physically able to do so, the referee shall disqualify the contestant, award the bout to the opposing contestant, and [ within 24 hours thereafter file a written ] report [ of ] the incident [ with ] to the Commission. The purse of the disqualified contestant [ will ] may be impounded by the Commission pending a hearing on the disposition thereof.

[ (f) ] (e) As soon as a contestant has been knocked down, the official timekeeper shall begin calling the count from 1 to 10. The referee shall direct the opponent to a neutral corner. [ When the referee has finished directing the opponent to a neutral corner, the referee shall return to the fallen contestant and count over the contestant picking up the count from the timekeeper. ] Regardless of whether the boxer rises before the count of ten is reached, a boxer who has been knocked down is required to take a mandatory count of eight before the bout may continue. The referee may not permit the contest or exhibition to be resumed until the count of eight has been reached[ , except in profes-

sional championship contests and exhibitions. A contestant who has been knocked down three times in one round shall be deemed to have been defeated by a knockout and the opponent declared the winner ].

[ (g) ] (f) \* \* \*

[ (h) The referee may administer a standing eight-count to a contestant who is in trouble, but who is still standing. The referee shall direct the opponent to a neutral corner, then begin counting from 1 to 8 examining the contestant in trouble during the count. If, after completing the standing eight-count, the referee determines that the contestant is able to continue, the referee shall order the contest to resume. If there is a question of a contestant's ability to continue, the referee may ask the ringside physician to examine the contestant. If the referee or physician determines that the contestant is not able to continue, the referee shall stop the contest and declare the opponent the winner by a technical knockout. ]

[ (i) ] (g) \* \* \*

[ (j) ] (h) \* \* \*

[ (k) ] (i) \* \* \*

§ 25.4. Judging and scoring system.

(a) Each event, except those held solely for training purposes, shall be scored by three judges. The three judges of an event shall each select a winner of each round at the end of each round, marking their ballots accordingly. Ballots will be supplied by the promoter. These ballots will be collected by the [ assistant scorekeeper ] referee and tabulated at the end of each round [ by the scorekeeper ]. Fractions of a point may not be given. Once the ballots have been marked by the respective judges, changes to the ballots will not be allowed.

(b) Judges shall score rounds by recording a score of ten points for the winner of each round and [ a score of not less than five points for the loser of each round ] nine points or less to the loser of the round. Judges may score a round as even and thus shall mark their score cards with ten points for each boxer.

\* \* \* \* \*

(d) Points shall be totaled on each judge's scorecard to determine that judge's selection of a winner. Each judge's selection will count as one vote towards determining the overall winner of the contest. [ If a judge's scorecard, when totaled, reflects an equal number of points for both contestants, the judge will have no vote toward the selection of an overall winner. ] If two judges have an equal number of points for both contestants, the contest will be declared a draw. If one judge has an equal number of points for both contestants and the scores of the other judges each favor a different contestant, the contest shall be declared a draw. If the scores of two judges favor one contestant and the third judge's score favors the other contestant, the contestant receiving the two votes shall be declared the winner, by split decision. If the scores of all three judges favor one contestant, that contestant will be declared the winner by unanimous decision.

§ 25.5. Minimum kick requirement.

(a) Each contestant shall execute a minimum of eight [kicking techniques] kicks during the course of each round, unless otherwise agreed to by both boxers and the Commission. The kicks shall be clear attempts to make contact with the opponent above the waist to qualify. If [either] a contestant does not execute his minimum kicks per round (MKRS), [one point will automatically be deducted at the end of the round. The] the contestant then shall make up the kicks in the next round, and if he does not, he will have a one point deduction.

(b) An example of minimum kick technique scoring is as follows: First round contestant only executes six kicks. In the second round this contestant shall make up his two kicks from round one plus his eight minimum kicks for round two for a total of ten kicks. If a contestant fails to make the minimum number of kicks in one round, and then fails to make up the kicks in the following round, that contestant will then be penalized [two points] one point. [No more than two points will be taken from a contestant per round.] A contestant who fails to meet their MKRS in three consecutive rounds shall be disqualified and the victory awarded to his opponent.

(c) [If both contestants during the course of a round fail to satisfy their MKRS, the round shall be declared a draw with a score of 5-5. If both contestants miss their MKRS for three consecutive rounds, the fight is declared a draw.] The public address announcer will inform the audience of minimum kicking requirement (MKR) violations. The Commission shall apply these MKRS rules or the MKRS rules of a Nationally recognized kickboxing council or association for a particular contest, subject to the written approval of the Commission.

\* \* \* \* \*

(e) [If a contestant executes less than the minimum number of required kicks in one round, the MKR official will immediately notify the referee of the number of kicks thrown. The referee will in turn notify the scorekeeper, who will record the appropriate penalty. In a failure to fulfill the MKRs, the penalty assessed and the possible consequences will be announced over the public address system before the beginning of the next round.]

(f) [At the end of each round the [scorekeeper] referee will take the judges' [and MKR officials'] ballot slips [from the assistant scorekeeper, who will have collected them from the three judges. The scorekeeper will tabulate] deliver them to the Commission for tabulation of the results onto [his] a master scorecard.

§ 25.6. Fouls.

(a) [Fouls are classified into three categories: 1-point, 3-point and 5-point fouls.] The referee shall determine [the category of foul] all fouls based on the severity of the foul, the intent of the contestant committing the foul and the result of the foul. At the time of the infraction, the referee shall indicate to the [scorekeeper] judges the number of points that are to be subtracted from each [judge's ballot at the end of the

round, or the] boxer. The referee may simply issue a warning to the contestant, and no points will be subtracted.

(b) [The following actions are considered to be fouls:

(1) Intentional head butting.] Accidental [head butting] or intentional fouls will be governed under the [regulation] regulations regarding accidental [head butting] or intentional fouls in professional boxing contests [as set forth at] in § 21.5(d) and (e) (relating to scoring system). The following actions are considered to be fouls:

[(2)] (1) \* \* \*

[(3)] (2) \* \* \*

[(4)] (3) \* \* \*

[(5)] (4) \* \* \*

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

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

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

[(9)] (8) \* \* \*

[(10)] (9) \* \* \*

[(11)] (10) \* \* \*

[(12)] (11) \* \* \*

[(13)] (12) \* \* \*

[(14)] (13) \* \* \*

[(15)] (14) \* \* \*

[(16)] (15) \* \* \*

[(17)] (16) \* \* \*

[(18)] (17) \* \* \*

[(19)] (18) \* \* \*

[(20)] (19) \* \* \*

[(21)] (20) \* \* \*

[(22)] (21) \* \* \*

[(23)] (22) Clinching [—], holding or otherwise tying up an opponent's arms to prohibit him from punching for two seconds or more, or repeatedly tying up the opponent's arm.

(23) Biting.

(c) [The scorekeeper shall tally foul and penalty points, having been instructed by the referee at the end of each round as to the amount of the foul or penalty, deducting these from each judge's score under the ten-point scoring system and entering the results on the master scorecard.] If the contest ends in a knockout or a technical knockout, the [scorekeeper shall] Commission will enter the exact time of the knockout or technical knockout on the master scorecard.

(d) The [scorekeeper shall] Commission will make the final tallies and [deliver the totals to the Commission representative, who will] verify the

accuracy of the scores. [The scorekeeper shall then report the results of the contest to the announcer, making sure the MKR score sheets designating the total kicks executed by each contestant have been tallied.]

§ 25.8. Equipment.

(a) Contestants shall wear foot protectors, an individually fitted mouthpiece, a foul proof groin protector, a plastic cup with athletic supporter or preferably, an abdominal guard. Other equipment, such as hockey shin guards, elbow or forearm pads are not permitted. No loose or untied clothing is permitted. Kickboxers may not wear rings or other jewelry.

\* \* \* \* \*

(c) In contests or exhibitions [where] when the contestants weigh [160] 150 pounds or under, boxing gloves weighing at least 8 ounces each shall be used. In contests or exhibitions [where] when the contestants weigh over [160] 150 pounds, boxing gloves weighing at least 10 ounces each shall be used. Gloves [will] shall be supplied by the promoter and be in good condition without tears or wrinkles.

\* \* \* \* \*

§ 25.9. Ringside officials.

(a) At kickboxing events except those held solely for training purposes, there shall be a referee, three judges, a timekeeper, a scorekeeper [and assistant scorekeeper], two minimum kicking requirement (MKR) officials and a physician in attendance. Officials shall be approved and licensed by the Commission. The promoter shall supply the Executive Director with a complete list of ringside officials at least 5 days before the scheduled event.

(b) Professional MKR officials, scorekeepers [and assistant scorekeepers] shall be licensed by the Commission as judges. The amount of compensation for these officials [will] shall be determined and paid by the promoter of the event.

(c) Referees and judges shall be approved and licensed by the Commission and be at least 21 years of age, of good moral repute, of sound physical health and of a level of intelligence and knowledge of kickboxing satisfactory to the Commission.

(d) Kickboxing referees shall be paid a minimum of \$100 for each event by the promoter. Judges shall be paid a minimum of \$75 for each event by the promoter.

\* \* \* \* \*

CHAPTER 27. AMATEUR KICKBOXING

§ 27.2. Licensing and age requirements.

(a) Amateur contestants and amateur officials need not be licensed. [Amateur contestants shall be at least 12 years of age.]

(b) A person between 12 and 17 years of age may participate in amateur contests or exhibitions after obtaining written permission from a parent or legal guardian, and the consent of the Executive Director.

(c) A person 12 to 16 years of age may only participate in these contests with a person not more than 1 year older.

(d) The limitations in subsections (a) and (b) do not apply to sanctioned boxing events for the Junior Olympics under the direction of a National governing organization certified by the Commission.

(1) For the purposes of the Junior Olympic events, participants, with the written permission of a parent or legal guardian, may box only in the following age divisions:

- (i) Ten and eleven years of age.
(ii) Twelve and thirteen years of age.
(iii) Fourteen and fifteen years of age.

(2) A participant may not take part in any event outside of the approved division for that age group.

§ 27.3. Conduct of bouts.

(a) Amateur contestants shall wear headgear and appropriate shin protectors.

\* \* \* \* \*

(c) Amateur contests shall consist of a maximum of three 2-minute rounds unless approved in advance by the Commission.

Subpart C. WRESTLING

CHAPTER 31. PROFESSIONAL WRESTLING

(Editor's Note: The Commission is proposing to delete the current versions of §§ 31.1—31.14 as they appear in the Pennsylvania Code at pages 31-1—31-17 (serial pages (251565)—(251581)).)

§§ 31.1—31.14. (Reserved).

§ 31.21. Conduct of bouts.

(a) Before a professional wrestling contest or exhibition can take place the following requirements shall be met:

(1) A physician shall be present at all times and seated at ring-side to observe the physical condition of all participants. The physician's fee shall be paid by the promoter of the event.

(2) An ambulance or paramedical unit shall be present at the event unless the ambulance or paramedical unit is located within 5 miles of the arena and these units have been notified, by the promoter, that an event is taking place.

(3) Adequate security shall be employed to control the public. The size of the security force is at the discretion of the promoter and the owner or operator of the arena.

(b) The following represent prohibited acts:

(1) The owner or operator of an arena where a professional wrestling event takes place may not destroy a ticket or ticket stub until 3 months after the date of the event.

(2) Wrestlers may not deliberately cut or otherwise mutilate themselves.

§ 31.22. Promoters.

(a) Promoters of professional wrestling events shall be licensed by the Commission prior to promoting any type of wrestling contest or exhibition. Licenses expire on December 31 of the year of issue. The Commission will not issue or renew a promoter's license to a person who has been convicted, pleaded guilty or nolo contendere to an offense set forth in section 2101 of the Athletic Code (relating to promoter's license), during the 10 years preceding the application date.



(b) Promoters shall file with the Commission a bond of at least \$10,000 prior to promoting or advertising any type of wrestling contest or exhibition. Bonds shall be on forms supplied by the Commission and shall be accompanied by a filing fee of \$25.

(c) At least 10 days before the date of a wrestling contest or exhibition, the promoter shall notify the Commission, in writing, of the date, time and location of the event.

(d) Upon conviction of a promoter for a violation of Chapter 21 of the Athletic Code (relating to regulation of professional wrestling contests and exhibitions), the Commission will suspend the promoter's license in accordance with the Athletic Code.

(e) A promoter may not employ as a participant in a wrestling contest or exhibition a individual under 18 years of age.

**§ 31.23. Enforcement.**

The Executive Director may send an inspector to any professional wrestling event or exhibition to be admitted by the promoter without fee to ensure compliance with this subpart and Subpart C of the Athletic Code (relating to Wrestling Act). The promoter shall pay a fee of \$100 to

the Commission within 10 days after the event for each wrestling event to which an inspector is sent.

**§ 31.24. Gross receipts taxes.**

(a) Every promoter shall pay a tax of 5% on the face value of all tickets sold to any wrestling contest or exhibition.

(b) This tax shall be paid within 10 days after the event and shall be accompanied by a gross receipts tax form, prescribed by the Commission, setting forth all taxable receipts received from the event and any other information the Commission may require. Payment not received by the Commission within the 10-day period shall be subject to a late fee of \$100.

*(Editor's Note: The Commission is proposing to delete the text of Chapter 33 as it currently appears in the Pennsylvania Code at pages 33-1—33-6 (serial pages (251583)—(251586), (259805) and (259806)).*

**CHAPTER 33. [ AMATEUR WRESTLING ]  
(Reserved)**

**§§ 33.1—33.12. (Reserved).**

[Pa.B. Doc. No. 00-891. Filed for public inspection May 26, 2000, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of section 8 of the Pennsylvania Fertilizer, Soil Conditioner and Plant Growth Substance Law (3 P. S. §§ 68.1—68.9) hereby establishes the commercial values per pound of nitrogen, phosphoric acid and potash.

The values are established as follows:

nitrogen	\$0.22 per pound
phosphoric acid	\$0.25 per pound
potash	\$0.15 per pound

#### *Further Information*

Further information is available by contacting John W. Breitsman, Program Specialist, Division of Agronomic and Regional Services, Bureau of Plant Industry, Department of Agriculture, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4843.

#### *Effective Date*

These commercial values are effective commencing July 1, 2000, and shall remain effective until further notice.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-892. Filed for public inspection May 26, 2000, 9:00 a.m.]

## 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 May 16, 2000.

#### BANKING INSTITUTIONS

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-16-00	The Peoples Interim Bank of Oxford Chester County	Oxford	Approved

##### Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
5-15-00	Tioga-Franklin Savings Association Philadelphia Philadelphia County <i>To:</i> Tioga-Franklin Savings Bank Philadelphia Philadelphia County	Philadelphia	Approved

Represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-16-00	The Peoples Bank of Oxford, Oxford, and The Peoples Interim Bank of Oxford, Oxford Surviving Institution— The Peoples Bank of Oxford, Oxford	Oxford	Filed

Application for merger is solely to facilitate the acquisition of The Peoples Bank of Oxford, Oxford, by Peoples First, Inc., Oxford, a bank holding company in organization.

## NOTICES

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-20-99	Merchants Bank of Pennsylvania Shenandoah Schuylkill County	Maplewood Plaza Humboldt Industrial Park Hazle Township Luzerne County	Opened
4-28-00	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 5005 Edgemont Ave. Brookhaven Delaware County	Opened
5-12-00	S & T Bank Indiana Indiana County	820 S. Aiken Avenue Pittsburgh Allegheny County	Filed
5-12-00	S & T Bank Indiana Indiana County	Messenger Service Branch to Serve Area Within Five-Mile Radius of Aiken Avenue Branch in Pittsburgh	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-3-99	Royal Bank of Pennsylvania Narberth Montgomery County	<i>To:</i> 655 West DeKalb Pk. King of Prussia Upper Merion Twp. Montgomery County  <i>From:</i> 1030 DeKalb Pike King of Prussia Upper Merion Twp. Montgomery County	Effective
5-15-00	Pennview Savings Bank Souderton Montgomery County	<i>To:</i> 500 Harleysville Pike Franconia Montgomery County  <i>From:</i> 503 Harleysville Pike Franconia Montgomery County	Filed
5-16-00	Harris Savings Bank Harrisburg Dauphin County	<i>Into:</i> Camp Hill Mall Camp Hill Cumberland County  <i>From:</i> 3100 Market Street Camp Hill Cumberland County	Approved
5-16-00	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> 449 Eisenhower Blvd. Harrisburg Swatara Township Dauphin County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 00-893. Filed for public inspection May 26, 2000, 9:00 a.m.]

# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

## Weatherization Assistance Program; Public Hearing

The Department of Community and Economic Development (Department) hereby publishes notice of a public hearing to be held at 10 a.m. on June 13, 2000, in Room 321 of the Forum Building, Commonwealth Avenue and Walnut Street, Harrisburg, PA 17120. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's proposed State Plan to be submitted to the United States Department of Energy for the program year 2000-2001.

A copy of this plan may be obtained by contacting the Department of Community and Economic Development, Community Empowerment Office, Room 352 Forum Building, Harrisburg, PA 17120, (717) 787-1984. A copy may also be obtained at the following Department Regional Offices:

Central Regional Office  
Room 578 Forum Building  
Harrisburg, PA 17120  
(717) 720-7302

Southwest Regional Office  
1405 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 565-5002

Southeast Regional Office  
908 State Office Building  
Broad and Spring Garden  
Streets  
Philadelphia, PA 19130  
(215) 560-2256

Northeast Regional Office  
201 Samters Building  
101 Penn Avenue  
Scranton, PA 18503-2025  
(717) 963-4571

Northwest Regional Office  
Third Floor, Rothrock  
Building  
212 Lovell Place  
Erie, PA 16503  
(814) 871-4241

Written comments may be submitted to Dennis Darling, Director, Community Empowerment Office, Room 352 Forum Building, Harrisburg, PA 17120 until 5 p.m. on June 13, 2000.

Persons with a disability who wish to attend this hearing and require an auxiliary aid, services or other accommodations to participate in the proceedings, should contact Dennis Darling at (717) 787-1984 to discuss how the Department may accommodate their needs. Alternative formats of the document (for example, large print or cassette tape) can be made available to the public upon request.

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 00-894. Filed for public inspection May 26, 2000, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

### [National Pollution Discharge Elimination System Program (NPDES)]

### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### (Part I Permits)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

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

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

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

**PA 0028584. Amendment No. 3, Sewage, West Goshen Sewer Authority, 520 Veronica Road, West Chester, PA 19380.**

This application is for amendment of an NPDES permit to discharge treated sewage from West Goshen Sewage Treatment Plant in West Goshen Township, **Chester County**. This is an existing discharge to Chester Creek (Goose Creek).

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

The proposed effluent limits for Copper for Outfall 001 and 002, based on an average flow of 6.0 mgd and a site-specific water effect ratio of 5.7 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	monitor	monitor	monitor

*Other Conditions:*

The EPA waiver is not in effect.

**PA 0057835, Sewage, Robert Falkenstein, 2898 Upper Ridge Road, Pennsburg, PA 18073.**

This application is for issuance of an NPDES permit to discharge treated sewage from a small flow treatment plant in Marlborough Township, **Montgomery County**. This is a new discharge to an unnamed tributary to Macoby Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.0004 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.*

**PA 0053261, Industrial Waste, SIC 2813, Praxair Incorporated, S. M. Young, P. O. Box 99, Stockertown, PA 18083.**

This proposed action is for renewal of an NPDES permit to discharge untreated noncontact cooling water, and uncontaminated stormwater into Bushkill Creek in Stockertown Borough, **Northampton County**.

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

Effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0288 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
Total Dissolved Solids	1,000	2,000	2,500
Total Residual Chlorine	0.50	1.00	1.25
pH	6.0 to 9.0 standard units at all times		

Outfall 002 is permitted to discharge uncontaminated stormwater only.

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

<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>	xx		
COD	xx		
Oil and Grease	xx		
pH	xx		
Total Suspended Solids	xx		
Total Kjeldah Nitrogen	xx		
Total Phosphorus	xx		
Iron (Dissolved)	xx		

Monitor and report on DMRs or perform an annual inspection of the facility.

*Other conditions:* thermal requirements, chemical additive requirements.

The EPA waiver is in effect.

*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 321-6574.*

**PA 0046167.** SIC 4952. **Crown Lycoming Service Associates**, Pasquerilla Plaza, Johnstown, PA 15907-0879.

This proposed action is for renewal of a NPDES permit for discharge of treated sewage to Carpenters Run in Muncy Township, **Lycoming County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the PA American Water Company located approximately 18 miles below the discharge on the West Branch Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.1 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	7	14
(5-1 to 10-31)	21	42
Total Residual Chlorine	0.6	1.9
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2000/100 ml as a geometric average	
pH	6.0—9.0 su at all times	

*Special Conditions:* Compliance with Total Residual Chlorine (TRC) within 3 years of Permit Effective Date.

The EPA waiver is in effect.

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

**PA 0001562.** Industrial Waste, SIC: 3316. **Wheeling Pittsburgh Steel Corporation**, 1134 Market Street, Wheeling, WV 26003.

This application is for renewal of an NPDES permit to discharge treated processed water, cooling water and stormwater from the Allenport Plant in Allenport Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Washington Township Municipal Authority, located at 1390 Fayette Avenue, Belle Vernon, PA 15012, 0.95 mile below the discharge point.

Outfall 001: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This outfall shall consist solely of uncontaminated stormwater runoff from the AMROX Plant exiting the north end of the plant into the municipal storm sewer.					

Other Conditions:

The EPA waiver is not in effect.

Outfall 202: existing discharge, design flow of 1.28 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Suspended Solids	483	1040	30	70	88
Oil and Grease	161	439	10	30	
Lead	2.41	7.24	0.15	0.45	0.56
Zinc	2.36	7.08	0.1	0.3	0.38
Naphthalene		0.86		0.85	0.11
Tetrachloroethylene		1.29		0.13	
pH	not less than 6.0 nor greater than 10.0				

Outfall 002: existing discharge, design flow of 6.43 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Temperature (°F)			monitor and report		
Oil and Gas			15		30
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 1.19 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Temperature (°F)			monitor and report		
Fecal Coliform (# /100 ml)			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: existing discharge, design flow of 0.13 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Temperature (°F)			monitor and report		
Zinc			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 005: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (# /100 ml)			monitor and report		
Aluminum			monitor and report		
Iron			monitor and report		
Zinc			monitor and report		

*Outfall 007:* existing discharge, design flow of 5.62 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				

*Outfall 010:* existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
	All material (solids and other debris) collected on the water intake screens shall be collected and disposed of in a manner to prevent said material from reentering the surface waters.				

**PA 0094846.** Sewage, **John C. Bishop**, 212 Hickory Hollow Road, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated sewage from the Bishop Mobile Home Court No. 2 Sewage Treatment Plant in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of 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 Borough Municipal Water Works on the Youghiogheny River.

*Outfall 001:* existing discharge, design flow of 0.02 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4			8
(11-1 to 4-30)	12			24
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	6000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions:* The above listed flow and corresponding effluent limitations will be in effect until expiration of the permit unless the proposed facility expansion is accomplished and in operation prior to the expiration date.

*Outfall 001:* proposed expansion discharge, design flow of 0.065 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25				50
Suspended Solids	30				60
Ammonia Nitrogen					
(5-1 to 10-31)	2.5				5
(11-1 to 4-30)	7.5				15
Fecal Coliform					
(5-1 to 9-30)	200/100 ml as a geometric mean				
(10-1 to 4-30)	2000/100 ml as a geometric mean				
Total Residual Chlorine	0.7				1.6
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above listed flow and corresponding effluent limitations would be applicable upon expansion of the existing facility. Before the facility can be expanded, the applicant must obtain an amendment to his Water Quality Management Permit No. 5672411.

The EPA waiver is in effect.

**PA 0218481.** Sewage, **Contour Development, Inc.**, 470 Old Frankstown Road, Monroeville, PA 15146.

This application is for issuance of an NPDES permit to discharge treated sewage from the Chapeldale Sewage Treatment Plant in Upper Burrell, **Westmoreland County**.



The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Pucketa Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Oakmont Borough Municipal Water Authority.

*Outfall 001*: new discharge, design flow of .025 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.7			7.4
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	.05			.11
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions*: None

The EPA waiver is in effect.

*Northwest Regional Office: Regional Manager, Oil and Gas Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6860.*

**PA 0105341**. Industrial Waste, SIC 1311. **PennzEnergy Exploration and Production, L.L.C.**, P. O. Box 5519, Vienna, WV 26105.

This application is for renewal of an NPDES Permit to discharge treated groundwater to Foster Brook in Foster Township, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA/NY state border on Tunungwant Creek, approximately 5.4 miles below the point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.014 mgd are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)		monitor and report	
Total Suspended Solids	30		60
Oil and Grease	15		30
Chloride	monitor and report		
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

**PA 0034312**. Sewage. **Cris Andy Mobile Home Park**, R. D. 1, Box 1024L, Weldban, PA 16313.

This application is for renewal of an NPDES Permit, to discharge treated sewage to West Branch Tionesta Creek in Mead Township, **Warren 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 Emlenton Water Company on the Allegheny River located at Rivermile 90.0 and is located 0.0 miles below the discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.005 mgd, are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
TSS	30	60
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	100,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0098329.** Industrial Waste, SIC: 4941. **Hawthorn Area Water Authority**, P. O. Box 241, Hawthorn, PA 16230-0241.

This application is for renewal of an NPDES Permit, to discharge treated industrial waste (filter backwash water) to Redbank Creek in Redbank Township, **Armstrong County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stock 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/proposed downstream potable water supply considered during the evaluation is Western PA Water Company on the Allegheny River located at Kittanning, approximately 39 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0105 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l) monitor and report</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
TSS	30	60	75
Aluminum (T)	4	8	10
Iron (T)	2	4	5
Manganese (T)	1	2	2.5
Total Residual Chlorine (TRC)	1.4		3.3
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

**Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges**

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA-0033669	Martin Oley t/a Valley View Park R. R. 4, Box 297C Dallas, PA 18612	Luzerne County Dallas Township	Unnamed Tributary of Abraham's Creek	TRC

*Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0053198	John D. Koenig Jr. P. O. Box 296 Boyertown, PA 19512	Berks County Douglass Township	Ironstone Creek	TRC
PA0082201	Letterkenny Municipal Authority 4924 Orrstown Road Orrstown, PA 17244-9503	Franklin County Letterkenny Township	Conodoguinet Creek	TRC

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

**Applications under the Pennsylvania Clean  
Streams Law**

**(Part II Permits)**

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

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

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

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

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

**WQM Permit No. 4600414.** Sewerage. **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915. Applicant is requesting approval to rerate the maximum monthly flow of 6.43 mgd to 8.37 mgd to serve the Hatfield Township Municipal Authority sewage treatment plant located in Hatfield Township, **Montgomery County**.

**WQM Permit No. 4600415.** Sewerage. **Terry Schnable**, 3234 Rockhill Road, Perkiomenville, PA 18074. Applicant is requesting approval for the construction and operation of a STP to serve a single-family residence located in Upper Frederick Township, **Montgomery County**.

**WQM Permit No. 4600416.** Sewerage. **HPC Associates**, Two Neshaminy Interplex, Suite 301, Trevoze, PA 19053. Applicant is requesting approval for the construction and operation to replace the existing system with a sodium hypochlorite (NaOCl) solution system for disinfection to serve Korman suites at Meadowbrook located in Abington Township, **Montgomery County**.

**WQM Permit No. 1500414.** Sewerage. **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. Applicant is requesting approval for the construction and operation to expand

the existing spray irrigation field to increase the treatment plant capacity to serve Brandywine River Estates located in East Brandywine Township, **Chester County**.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**A. 5800401.** Sewerage. **New Milford Municipal Authority**, 175 Main Street, P. O. Box 1111, New Milford, PA 18834. Application to construct a sewage collection system and wastewater treatment plant, located in New Milford Township, **Susquehanna County**. Application received in the Regional Office—May 4, 2000.

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.*

**A. 2200401.** Sewage, submitted by **Stephanie Rider**, 1144 Piketown Road, Harrisburg, PA 17112, West Hanover Township, **Dauphin County** to construct a small flow treatment system to serve a single family residence was received in the Southcentral Region on May 3, 2000.

**A. 2800404.** Sewage, submitted by **Quincy Sewer Authority**, 7575 Mentzer Gap Road, Waynesboro, PA 17268, Quincy Township, **Franklin County** to construct a collection system consisting of gravity sewers with one pump station and a wastewater treatment plant was received in the Southcentral Region on May 4, 2000.

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

**A. 0400202.** Industrial Waste. **Municipal Water Authority of Aliquippa**, 160 Hopewell Avenue, Aliquippa, PA 15001. Application for the construction and operation of a water treatment plant to serve the Aliquippa Water Authority located in the City of Aliquippa, **Beaver County**.

**A. 0400203.** Industrial Waste. **Alex E. Paris Contracting Company, Inc.**, Route 18, P. O. Box 369, Atlasburg, PA 15004. Application for the construction and operation of a leachate treatment facility to serve the Paris Flyash Landfill located in Hanover Township, **Beaver County**.

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

**WQM Permit No. 1600402.** **St. Petersburg Borough/Richland Regional Authority**, P. O. Box 134, St. Petersburg, PA 16054. This project is for the construction of one main pump station, two grinder pump stations, force main, gravity sewers and appurtenances in St. Petersburg and Richland Township, **Clarion County** to discharge to the existing Foxburg area collection and treatment system.

**WQM Permit No. 2700401.** **Abraxas Group, Inc.**, Blue Jay Village, Forest Road, Box 59, Marienville, PA 16239. This project is for plans to expand an already existing sewage treatment facility in Howe Township, **Forest County**.

**WQM Permit No. 3700402.** **Borough of Ellwood City**, 525 Lawrence Avenue, Ellwood City, PA 17117. This project is for the installation of a new chlorination system at an existing wastewater treatment facility in the Borough of Ellwood City, **Lawrence County**.

**INDIVIDUAL PERMITS  
(PAS)**

**NPDES Individual**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. The 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 of 40 CFR 123.24(d).

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 reviewed within this 30-day permit 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 the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

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

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

**NPDES Permit PAS10-5310.** Stormwater. **Delaware River Port Authority**, One Port Center, 2 Riverside Drive, Camden, NJ 08101-1949, has applied to discharge stormwater from a construction activity located in the City of Philadelphia, **Philadelphia County**, to Delaware River (WWF and MF).

**NPDES Permit PAS10-5311.** Stormwater. **City of Philadelphia**, The Aramark Tower, 1101 Market Street, Philadelphia, PA 19107-2994, has applied to discharge stormwater from a construction activity located in City of Philadelphia, **Philadelphia County**, to Pennypack Creek (WWF and MF).

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.*

*Bedford County Conservation District, District Manager, Bedford County CD, 702 West Pitt Street, Suite 4, Bedford, PA 15009, (814) 623-6706.*

**NPDES Permit PAS-10-0418.** Stormwater. **South Woodbury Township**, 125 North Road, New Enterprise, PA 16664 has applied to discharge stormwater from a construction activity located in South Woodbury Township, **Bedford County**, to Yellow Creek. (HQ-CWF)

*Mifflin County Conservation District, District Manager, Mifflin County CD, 20 Windmill Hill, Rm. 4, Burnham, PA 17009, (717) 248-4695.*

**NPDES Permit PAS-10-4508.** Stormwater. **Municipal Authority of the Borough of Lewistown**, 70 Chestnut Street, P. O. Box 68, Lewistown, PA 17044 has applied to discharge stormwater from a construction activity located in Granville Township, **Mifflin County** to UNTs to the Juniata River. (HQ-CWF)

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

**NPDES Permit PAS10B013.** Stormwater. **The Bauer Company, Inc.**, P. O. Box 1022, Kittanning, PA 16201 has applied to discharges stormwater from a construction site located in West Franklin Township, **Armstrong County** to Buffalo Creek, HQ-TSF.

## SAFE DRINKING WATER

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

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

**A. 0900503.** Public Water Supply. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrenton, PA 18976. This proposal involves the development of an additional well known as Well 2C and construction of 240 feet of transmission main in New Hope Borough, **Bucks County**.

**A. 1500504.** Public Water Supply. **Real Homes**, 1040 Stoney Hill Road, Suite 100, Yardley, PA 19067. This proposal involves the construction of a new public water supply system to serve the proposed Ridgela Farms Development. The project includes two wells, 244,000-gallon storage tank and a sodium hypochlorite solution feed system for disinfection in South Coventry Township, **Chester County**.

## SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

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

*Regional Office: Regional Solid Waste Manager, Suite 6010, 555 North Lane, Lee Park, Conshohocken, PA 19428.*

**A. 301338.** **Waterlink Barnebey Sutcliffe**, 1055 Boot Road, Downingtown, PA 19355. Application submitted for a residual waste transfer facility located in East Caln Township, **Chester County**. The transfer facility will manage nonhazardous spent carbons from liquid and

vapor control systems. Application received by the Southeast Regional Office on May 10, 2000.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

*Regional Office: Regional Solid Waste Manager, Suite 6010, 555 North Lane, Lee Park, Conshohocken, PA 19428.*

**A. 600025. City of Philadelphia**, 1101 Market Street, Philadelphia, PA 19107. Application received to modify the closure plan and closure permit for the Philadelphia Northeast Airport trenching site. Application received in the Southeast Regional Office on May 5, 2000.

*Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**A. 100281. Republic Services Group of Pennsylvania IV, LLC**, Box 717, East Huntingdon Landfill Road, Scottdale, PA 15683. Greenridge Reclamation, R. D. 1, Box 717, East Huntingdon Landfill Road, Scottdale, PA 15683. An application for a major permit modification to revise the average and maximum daily tonnage at a municipal waste landfill in East Huntingdon Township, **Westmoreland County** was received in the Regional Office on May 5, 2000.

**AIR QUALITY**

**Notice of Plan Approval and Operating Permit Applications**

**Nonmajor Sources and Modifications**

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests

filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the act.

**OPERATING PERMITS**

**Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.*

**39-313-029E: Carpenter Co.** (57 Olin Way, P. O. Box 129, Fogelsville, PA 18051) for operation of a polystyrene foam manufacturing plant with associated air cleaning device in Upper Macungie Township, **Lehigh County**.

**54-399-027: ITT Industries** (Goulds Pumps—Pennsylvania, Inc., 500 East Centre Street, Ashland, PA 17921) for operation of an argon oxygen decarburization unit with associated air cleaning device in Ashland Borough, **Schuylkill County**.

**ER-48-0010A and 48-0013: Bethlehem Structural Products Corp.** (1805 East Fourth Street, Bethlehem, PA 18016) for Emission Reduction Credit (ERC) Approval for 1,312 tons per year (tpy) of nitrogen oxides and 1,011.8 tpy of volatile organic compounds (VOCs) resulting from the shutdown of sources in Bethlehem, **Northampton County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**01-05019: Colonial Fiberglass Industries, Inc.** (262 Church Street, Hanover, PA 17331) for a Synthetic Minor Operating Permit for fiberglass layup operations, molding presses and cleanup solvents at the Hanover Plant in Conewago Township, **Adams County**.

**36-05092: Greiner Industries, Inc.** (1650 Steel Way, Mount Joy, PA 17552) for a Synthetic Minor Operating Permit for painting and sandblasting operations in Mount Joy Township, **Lancaster County**.

**Notice of Intent to Issue Title V Operating Permits**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**TVOP-41-00010: Andritz Inc., Muncy Foundry** (35 Sherman Street, Muncy, PA 17756) for their steel foundry and special industry machinery manufacturing facility in Muncy Borough, Lycoming County. The facility's major sources are the molding operations that have the potential to emit major quantities of particulate matter, volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). As a result of the potential emissions, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The facility emits carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>) and sulfur oxides (SO<sub>x</sub>) below the major emission thresholds. The facility is also subject to Reasonably Available Technology Requirements (RACT) for VOC emissions.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**TV-63-0023: Allegheny Ludlum Corp.**, Washington Plant (100 River Road, Brackenridge, PA 15014) in Washington, **Washington County**. The facility's major sources of emissions include annealing and pickling operations which primarily emit major source levels of NO<sub>x</sub> compounds.

#### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.*

**54-304-013: Leed Foundry, Inc.** (Wade Road, P. O. Box 98, St. Clair, PA 17970) for installation of an air cleaning device to existing foundry equipment in St. Clair Borough, **Schuylkill County**.

**48-318-129B: CF Martin & Co., Inc.** (510 Sycamore Street, Nazareth, PA 18064) for increase in coating usage in Upper Nazareth Township, **Northampton County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**07-03034A: Fry Metals, Inc** (4100 6th Avenue, Altoona, PA 16602) for installation of a pin mixer, to

process fabric collector dust, controlled by an existing fabric collector in the City of Altoona, **Blair County**.

**38-318-036: Aerial Innovations, Inc.** (64 Cocalico Creek Road, Ephrata, PA 17522) for installation of a paint booth at their plant (18th and Lehman Streets, Lebanon, PA 17046) in West Lebanon Township, **Lebanon County**.

**67-03089: John W. Keffer Funeral Home, Inc.** (371 Kings Mill Road, York, PA 17403) for installation of a human cremator controlled by a built-in afterburner in York City, **York County**.

**38-05011B: Plain 'n Fancy Kitchens, Inc.** (P. O. Box 519, Oak Street and Route 501) to modify their RACT Operating Permit No. 38-318-019C in Heidelberg Township, **Lebanon County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**08-313-027D: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848) for installation of an air cleaning device (a cartridge collector) on various pieces of tungsten carbide powder processing equipment in Department 43, Building 28 in North Towanda Township, **Bradford County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**PA-65-016E: Latrobe Steel Co.** (2626 Ligonier Street, Latrobe, PA 15650-0031) for operation of a stainless and other alloy specialty steel production plant in Latrobe, **Westmoreland County**. The facility is a major facility for emissions of volatile organic compounds, carbon monoxide and nitrogen oxides. This plan approval is for the replacement of a transformer in electric arc furnace (EAF) B. Subsequently, the transformer from EAF B will be installed in EAF A.

#### Notice of Intent to Issue a Plan Approval

Notice is hereby given, in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a plan approval to **Handsome Lake Energy LLC**. (111 Market Place, Suite 200, Baltimore, MD 21202) for their plant to be located in Rockland Township, **Venango County**.

Plan Approval No. PA-61-198A is for construction of a simple cycle combustion turbine peaking generating facility. The facility will consist of five Pratt & Whitney FT-8 Twin Pac combustion turbines with a total generating capacity of approximately 250 megawatts. The facility will fire natural gas only. The turbines will use water injection to minimize NO<sub>x</sub> formation and oxidation catalysts to control CO and VOC emissions. This construction will result in potential air emissions of 95 tons/year of NO<sub>x</sub>, 60.4 tons/year of CO, 7.5 tons/year of VOC, 2.6 tons/year of SO<sub>2</sub>, and 10.9 tons/year of PM<sub>10</sub>. The Plan Approval will contain conditions as follows:

1. The sources are to be constructed in accordance with the plan submitted with the application (as approved herein).

2. If construction cannot be completed before the expiration date of this plan approval, then to continue construction, an extension of the expiration date must be obtained. Request for extensions must be postmarked at least 30 days prior to the expiration date. The Department cannot issue an extension after the expiration date.

3. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met:

a. The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when the operator expects to commence operation.

b. Operation is authorized only to facilitate the startup and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an operating permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of startup, provided the Department receives notice from the operator under paragraph (a); and provided this Plan Approval does not expire prior to the end of the 180 day period.

d. The owner/operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and include a detailed schedule for establishing compliance, and the reasons why compliance was not established.

e. The notice submitted by the Owner/Operator under paragraph (a), prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the commencement of operation.

4. The combustion turbines are subject to 40 CFR Part 60, Subparts A and GG Standards of Performance for New Stationary Sources and shall comply with all applicable provisions of the Subpart. In accordance with 40 CFR § 60.4, copies of all requests, reports, applications, submittals, and other communications related to 40 CFR Part 60 compliance shall be forwarded to both the Department and the US EPA. The EPA copies shall be forwarded to Director, Air Protection Division (3AP00), United States EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

5. The combustion turbines are subject to the Title IV Acid Rain Program of The Clean Air Act Amendments of 1990 and shall comply with all applicable provisions of that Title, to include the following:

40 CFR Part 72	Permits Regulation
40 CFR Part 73	Sulfur Dioxide Allowance System
40 CFR Part 75	Continuous Emission Monitoring
40 CFR Part 77	Excess Emissions

6. The combustion turbines are subject to the NO<sub>x</sub> Budget Program established in 25 Pa. Code §§ 123.102–123.120 and shall comply with all applicable requirements. NO<sub>x</sub> Budget Program requirements shall include, but are not limited to the following:

*§ 123.102. Source NO<sub>x</sub> allowance requirements and NO<sub>x</sub> allowance control period—NO<sub>x</sub> Budget.*

a) For each NO<sub>x</sub> affected source identified in this permit, the permittee shall hold a quantity of NO<sub>x</sub> allowances meeting the requirements of § 123.110(a) (relating to source compliance requirements) in the source's current year NATS account by December 31 of each

calendar year. The NO<sub>x</sub> allowances shall be equal to or greater than the total NO<sub>x</sub> emitted from the source during that year's NO<sub>x</sub> allowance control period.

b) The initial NO<sub>x</sub> allowance control period begins on May 1, of the year in which operations commence.

*Monitoring Requirements—NO<sub>x</sub> Budget*

*§ 123.108. Source emissions monitoring requirements.*

c) The NO<sub>x</sub> emissions from each NO<sub>x</sub> affected source at this facility shall be monitored as specified in 25 Pa. Code § 123.108 and in accordance with the procedures contained in the document titled, "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program."

d) As referenced in 25 Pa. Code § 123.108(2), the permittee shall submit to the Department and the NO<sub>x</sub> Budget Administrator a monitoring plan in accordance with the procedures outlined in the document titled, "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program."

e) New and existing unit emission monitoring systems, as required and specified by 25 Pa. Code § 123.108(4) and the NO<sub>x</sub> affected source's monitoring plan approved by the Department, shall be installed and operational. The installed emissions monitoring systems shall have met all of the certification testing requirements in accordance with the procedures and deadlines specified in the document titled, "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program" in a manner consistent with Chapter 139 (relating to sampling and testing).

f) Sources subject to 40 CFR Part 75 shall demonstrate compliance with § 123.108 by using a certified Part 75 monitoring system.

g) During a period when valid data is not being recorded by devices approved for use to demonstrate compliance with the NO<sub>x</sub> Allowance Requirement subchapter, the permittee shall replace missing or invalid data with representative default data in accordance with 40 CFR Part 75 (including any applicable requirements of Appendix E) and the document titled, "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program." The permittee shall continue to report submissions as required under 25 Pa. Code Chapter 139 to the Department.

*Testing Requirements—NO<sub>x</sub> Budget*

*§ 123.108. Source emissions monitoring requirements.*

h) Monitoring systems for each NO<sub>x</sub> affected source shall comply with the initial performance testing and periodic calibration, accuracy testing and quality assurance/quality control testing as specified in the document titled "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program."

*Reporting Requirements—NO<sub>x</sub> Budget*

*§ 123.109. Source emissions reporting requirements.*

i) The authorized account representative shall submit to the NO<sub>x</sub> Budget Administrator, electronically, emissions and operations information for each calendar quarter of each year in accordance with the document titled, "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program." The emissions and operations information shall be submitted in a format which meets the requirements of EPA's Electronic Data Reporting convention.

*Compliance Requirements—NO<sub>x</sub> Budget*

§ 123.110. *Source compliance requirements.*

j) Beginning with the year of commencement of operation and every year thereafter, from November 1 through December 31, inclusive, the authorized account representative shall request the NO<sub>x</sub> Budget Administrator to deduct, consistent with § 123.107 (relating to NO<sub>x</sub> allowance transfer procedures) a designated amount of NO<sub>x</sub> allowances by serial number, from the NO<sub>x</sub> affected source's compliance account in an amount equivalent to the NO<sub>x</sub> emitted from the NO<sub>x</sub> affected source during that year's NO<sub>x</sub> allowance control period. The designated NO<sub>x</sub> allowances shall be used in accordance with the requirements specified in 25 Pa. Code § 123.110.

k) For each NO<sub>x</sub> allowance control period, the authorized account representative for the NO<sub>x</sub> affected source shall submit an annual compliance certification to the Department no later than the NO<sub>x</sub> allowance transfer deadline (December 31) of each year.

l) At a minimum, the compliance certification shall contain the information and statements required under 25 Pa. Code § 123.110(e)(1)–(6).

*Recordkeeping Requirements NO<sub>x</sub> Budget*

§ 123.113. *Source recordkeeping requirements.*

m) The owner or operator shall maintain for each NO<sub>x</sub> affected source at this facility, the measurements, data, reports and other information required by 25 Pa. Code §§ 123.101–123.120. The records shall be maintained for 5 years or any other period consistent with the terms of the NO<sub>x</sub> affected source's operating permit.

**Fuel Usage Limitations**

7. The approved fuel for this facility is pipeline quality natural gas. Changes in fuel type shall require permit modification.

8. Facility natural gas usage shall be limited to no more than 1,871 MMSCF fired per year, to be calculated daily as the sum of each consecutive 365 day period. The method of monitoring natural gas usage shall be through the use of an approved, properly calibrated fuel flowmeter. The burden of ensuring that the monitor is properly calibrated and certified in accordance with 40 CFR Part 75, Appendices D and E, shall be with the Handsome Lake facility.

9. Under the requirements of 40 CFR Part 60, Subpart GG, the fuel-bound nitrogen content of the natural gas to be burned in the turbines shall not exceed 0.015% by weight. The fuel-bound nitrogen shall be determined in accordance with 40 CFR Part 60, Subpart GG, 60.335(a). The permittee shall monitor the nitrogen content of the natural gas being fired in each turbine in accordance with 40 CFR 60.334(b). Fuel monitoring for the nitrogen content of the natural gas fuel may be waived by the Administrator of the EPA Program.

10. Under the requirements of 40 CFR Part 60, Subpart GG, the facility shall comply with one of the following:

a. No owner or operator subject to the provisions of Subpart GG shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain sulfur dioxide in excess of 0.015% by volume at 15% O<sub>2</sub> and on a dry basis, or

b. No owner or operator subject to the provisions of Subpart GG shall burn in any stationary gas turbine any fuel which contains sulfur in excess of 0.8% by weight.

**Maximum Allowable Emissions**

11. Air emissions from the combustion turbines and associated sources shall be limited as follows (except during startup, shutdown and malfunction conditions for concentration and emission rate):

<i>Pollutant</i>	<i>Concentration</i>	<i>Emission Rate</i> (per turbine basis)	<i>*Facility Total</i> (tons/year, to be defined as any consecutive 12 monthrolling total)
NO <sub>x</sub>	25 ppmvd at 15% O <sub>2</sub>	30.1 lbs/hr	95.0 tons/year (not to exceed 90 tpy without additional monitoring per Condition No. 22)
CO	25 ppmvd at 15% O <sub>2</sub>	18.3 lbs/hr	60.4 tons/year
VOC	—	3.2 lbs/hr	7.5 tons/year
SO <sub>2</sub>	—	0.7 lbs/hr	2.6 tons/year
PM <sub>10</sub>	—	3.0 lbs/hr	10.9 tons/year

\*Facility Total Annual and Hourly Emissions Include Startup, Shutdown and Malfunction Emissions

12. The duration of start-up and shutdown of each of the combustion turbines shall not exceed 30 minutes per occurrence.

13. The sources shall comply with 25 Pa. Code § 123.41 as follows: A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of emission is either of the following:

a. Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour.

b. Equal to or greater than 60% at any time.

14. The sources shall comply with 25 Pa. Code §§ 123.1 and 123.31 for fugitive and odor emissions, respectively.

**Best Available Technology**

15. Under 25 Pa. Code § 127.12, Best Available Technology for combustion turbine (CT), emission control shall be as follows:

a. NO<sub>x</sub> emissions from each CT shall be controlled by the utilization of water injection. When natural gas is



fired in a natural gas-fired CT, water shall be injected into the CT to control NO<sub>x</sub> formation. At a minimum, the rate of water injection shall be at least the rate established during emissions testing to meet the emissions standard set forth in this permit.

b. SO<sub>2</sub> emissions from each CT shall be controlled by the use of low sulfur fuel (pipeline quality natural gas).

c. Particulate matter emissions from each CT shall be controlled by the use of clean burning fuel (pipeline quality natural gas), and good combustion operating practices.

d. Volatile organic compounds and carbon monoxide emissions from each CT shall be controlled by the use of oxidation catalysts.

#### Testing Requirements

16. Within 60 days after achieving the maximum production rate at which the facility will be operated, but not later than 180 days after initial startup of the facility, each CT shall be stack tested for NO<sub>x</sub> (oxides of nitrogen), and CO (carbon monoxide) emissions. Stack testing shall be performed in accordance with methods defined in section 60.335 of the NSPS, Subpart GG, for NO<sub>x</sub>, and in accordance with 25 Pa. Code, Chapter 139 for CO and NO<sub>x</sub>. In the third year of operation, at least half of the CTs shall be re-tested for NO<sub>x</sub> emissions. During the fifth year of operation, the remaining CTs shall be re-tested for NO<sub>x</sub> emissions.

17. At least 60 days prior to the stack test, a test protocol, including procedures and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection representative samples, shall be submitted to the Department.

18. At least 2 weeks prior to the stack test, the Department shall be informed of the date and time of the test.

19. Within 60 days after completion of the stack test, two copies of the complete test report, including all operating conditions, shall be submitted to the Department for approval.

20. The oxidation catalyst material shall be sampled and analyzed for catalyst activity, surface area and contamination. Sampling shall occur at least annually. Sampling reports shall be provided to the Department.

#### Monitoring and Recordkeeping Requirements

21. Total emissions of NO<sub>x</sub> are restricted on a rolling 365-day basis to ensure that the facility operates as a synthetic minor source, thus avoiding applicability to New Source Review requirements for major sources. To ensure that emissions will be less than the 100 ton/year New Source Review applicability threshold, the following provisions will apply:

a. Total actual emissions of NO<sub>x</sub> from the facility, based on Part 75 Appendix E fuel monitoring and the continuous monitoring system required under 40 CFR 60.334, shall be maintained at no more than 90 tons/year unless notification is provided to the Department and additional stack monitoring is performed.

b. At a minimum, the composite Facility NO<sub>x</sub> emission rate shall be confirmed by testing on a quarterly basis, provided that the turbine is operated during that quarter, each turbine stack using a Department approved portable NO<sub>x</sub> emission analyzer. For the purposes of this monitoring requirement, the composite Facility NO<sub>x</sub> emission rate shall be defined as the sum of the steady-state NO<sub>x</sub> emission rates measured from the operating turbines (at

full load), divided by the number of operating turbines. Should the composite Facility NO<sub>x</sub> emission rate calculated using the data from at least nine measurements obtained from each turbine during three testing periods, including initial stack testing and two quarterly portable analyzer tests, exceed 0.1016 lbs NO<sub>x</sub>/MCF, or if fewer than nine measurements have been made by the end of three quarters after commencement of operations, further operations during subsequent weeks shall be limited so that the annual fuel consumption shall not exceed 1,684 MMSCF/yr (equivalent to  $\leq 90$  tpy using the emission rate of 0.1064 lbs NO<sub>x</sub>/MCF). Should the composite Facility NO<sub>x</sub> emission be determined to be equal to or less than 0.1016 lbs NO<sub>x</sub>/MCF, the annual fuel cap of 1,871 MMSCF ( $\leq 95$  tons/yr), shall be used to restrict operations.

c. The company shall submit specifications to the Department for the portable exhaust gas analyzer it proposes to use to comply with condition 22(b) herein by at least 60 days prior to the compliance performance stack required by condition 17.

d. In addition to the testing required by conditions 17 and 22(b) herein, the Department reserves the right to alter the frequency of such testing upon the respective engines based on the data gathered during the first year or subsequent testing as it may deem necessary to determine compliance with any condition contained herewith.

e. The results of all testing performed using portable gas analyzers under condition 22(b) herein, shall be submitted to the Department within 30 days of test performance.

f. The exhaust volumetric flow rate shall be measured during initial summer and winter tests to confirm estimated airflows. The methodology of measuring the flow rate shall be defined in the pretest protocol.

g. In no event shall total emissions of NO<sub>x</sub> from the facility exceed 95 tons/year in any rolling 365 day period.

h. In the event that any turbine is operated at an average capacity factor exceeding 10% during any three calendar year period, or 20% in any calendar year, that turbine shall be retrofitted with a continuous NO<sub>x</sub> emissions monitoring system, per the provisions of 40 CFR Part 75.

22. Under 40 CFR 60.334, the owner or operator of this source shall install and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water to fuel being fired in the turbine. This system shall be accurate to within  $\pm 5.0$  percent and shall be approved by the Administrator. The monitoring system shall be operated at all times that water is being injected into the CTs. The monitoring system shall be maintained and calibrated in accordance with the manufacturer's specifications. A 30-day notification prior to the demonstration of the continuous monitor's performance and subsequent notification requirements shall be submitted to the Department. The permittee shall maintain records of CT fuel consumption and the ratio of water injected to fuel being fired. The records shall be maintained on file for a minimum of 5 years, and shall be made available for Department inspection upon request.

23. The company shall install and maintain instrumentation and have available a back-up method to indicate and record hourly fuel consumption of each CT.

24. Under 40 CFR Part 60, Subpart GG, § 60.334, the owner or operator of this source shall monitor sulfur

content and nitrogen content of the fuel being fired in the turbine. The frequency of determination of these values shall be as follows:

a. If the turbine is supplied its fuel without intermediate bulk storage, the values shall be determined and recorded daily. Owners, operators or fuel vendors may develop custom schedules for determination of the values based on the design and operation of the affected facility and the characteristics of the fuel supply. These custom schedules shall be substantiated with data and must be approved by the Administrator before they can be used to comply with the daily monitoring requirements.

b. For the purposes of reports required under 40 CFR 60, § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

i. *Nitrogen Oxides*: Any 1-hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with 40 CFR 60, § 60.332 by the performance test required in 40 CFR 60, § 60.8 or any period during which the fuel bound nitrogen of the fuel is greater than the maximum nitrogen content allowed by the fuel-bound nitrogen allowance used during the performance test. Each report shall include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine load, and nitrogen content of the fuel during the period of excess emissions, and the graphs and figures developed under 40 CFR 60, § 60.335(a).

ii. *Sulfur Dioxide*: Any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds .08%.

25. The company shall submit quarterly excess emissions to the Department, to be postmarked within 30 days after the end of each calendar quarter. Quarterly reports shall contain, at a minimum:

a. Each hour in which the water injection system malfunctions or is not operated (except for defined periods of start-up and shutdown).

b. Any 1 hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the average water-to-fuel ratio determined to demonstrate compliance with the NO<sub>x</sub> limits during performance testing.

c. Operating hours when monitoring data is not available.

d. Any 365 day rolling period when facility natural gas consumption exceeds 1,871 MMSCF.

e. Any daily period in which the natural gas sulfur content limitation is exceeded.

f. The report shall include the following for each excess emission:

i. Start time, duration, equipment involved, estimated actual NO<sub>x</sub> emissions in ppmvd at 15% O<sub>2</sub> and lb/hr, average water-to-fuel ratio of the CT, fuel consumption rate, actual weather conditions (temperature and barometric pressure) and CT load.

ii. If no excess emissions are noted during the calendar quarter, the quarterly report shall state that no excess emissions were observed.

26. Variances from the requirements of Subpart GG, as obtained by the facility from the US EPA Administrator shall be reported to the Department and shall be adopted as part of this Plan Approval.

27. The company shall maintain records of all emission data and operating parameters sufficient to demonstrate compliance with conditions defined in this Plan Approval. Records shall be maintained on file for a minimum of 5 years and shall be made available to the Department upon request.

28. Any information required to be submitted as part of the above conditions shall be submitted to the attention of Devendra Verma, Chief, Engineering Services, Air Quality Control, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

29. Issuance of an Operating Permit is contingent upon satisfactory compliance with condition numbers 1—28, upon the source being constructed and operated as stated within the application, and upon satisfactory demonstration that the emissions from the source will not be in violation of applicable Rules and Regulations of the Department.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, draft Plan Approval, the Department's analysis, and other documents used in the evaluation of the application are available for public review during normal business hours at the Department, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed permit [Permit No. PA61198A]; a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines notification is sufficient. Written comments or requests for a public hearing should be directed to Robert Huston, P.E., Air Pollution Control Engineer, 230 Chestnut St., Meadville, PA 16335, (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Robert Huston, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### **Notice of Intent to Issue a Plan Approval and Amend a Title V Operating Permit**

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue two plan approvals to International Paper Co.—Erie Mill (1540 East Lake Road, P. O. Box 10050, Erie, PA 16335) in Erie, **Erie County**. The facility currently has a Title V Operating Permit No. TV-25-00028. The plan approvals will, in accordance with 25 Pa. Code § 127.450, be incor-

porated into the Title V Operating Permit through an administrative amendment at a later date.

Plan Approval No. PA-25-028C is for modification of the particulate matter emission limit defined in Air Quality Permit No. 25-315-005 from 0.02 gr/dscf to 0.04 gr/dscf. This emission limit modification will not result in a pollutant emission increase. Plan Approval No. 25-306-010B is for modification to the carbon monoxide (CO) and oxides of nitrogen (NO<sub>x</sub>) emission limits defined in Air Quality Permit No. 25-306-010A. The CO emission limit will be removed. The short term NO<sub>x</sub> limit of 150 lbs/hour will be removed. The NO<sub>x</sub> RACT limit of 0.55 lbs/mmBtu, 30-day rolling average, will replace the 150 lbs/hr limit. This emission limit modification will not result in a pollutant emission increase. Plan Approval No. 25-306-010B will also define a 21.0 ton/hour limit on the burning of wood waste. The Plan Approvals and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. These NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of

mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

#### *Coal Applications Received*

**33723006. Maud Mining Company** (P. O. Box 219, Shelocta, PA 15774). Renewal of an existing bituminous surface strip and auger operation in Winslow Township, **Jefferson County**, affecting 450.2 acres. Receiving streams: Unnamed tributaries to Soldier Run and Soldier Run. Application received May 8, 2000.

**33900105. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Renewal of an existing bituminous strip and auger operation in Snyder Township, **Jefferson County**, affecting 650.2 acres. Receiving streams: Unnamed tributaries to Little Toby Creek and unnamed tributaries to Mill Creek. Application received May 8, 2000.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**32841303. Helvetia Coal Co.** (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Lucerne No. 6 Mine in Center Township, **Indiana County** to renew the existing Lucerne No. 6 mine permit for reclamation only, no additional discharges. Application received April 10, 2000.

**03753705. Keystone Coal Mining Corp.** (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Urling No. 3 Coal Refuse Disposal Area in Plumcreek Township, **Armstrong County** to renew the existing permit for the Urling No. 3 Coal Refuse Disposal Area, no additional discharges. Application received April 10, 2000.

**11733701. BethEnergy Mines, Inc.** (Martin Tower, 1170 8th Ave., Bethlehem, PA 18016), to renew the permit for reclamation only for the Cambria Mine No. 33 Slope Refuse Area in Cambria Township, **Cambria County**, renewal for reclamation only, no additional discharges. Application received May 10, 2000.

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

**54733020R3. Lehigh Coal & Navigation Company** (P. O. Box 311, Tamaqua, PA 18252), renewal of an existing anthracite surface mine, coal refuse reprocessing, disposal and preparation plant operation in Tamaqua, Coaldale, Lansford, Summit Hill and Nesquehoning Boroughs, **Schuylkill and Carbon Counties** affecting

7,596.4 acres, receiving stream—Nesquehoning Creek. Application received May 2, 2000.

**49803201R3. Reading Anthracite Company** (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in Zerbe Township, **Northumberland County** affecting 17.6 acres, receiving stream—Zerbe Run. Application received May 3, 2000.

**49803202R3. Reading Anthracite Company** (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in Zerbe Township, **Northumberland County**, affecting 45.0 acres, receiving stream—Zerbe Run. Application received May 3, 2000.

**35000201. Northampton Fuel Supply Co., Inc.** (7500 Old Georgetown Road, 13th Floor, Bethesda, MD 20814), commencement, operation and restoration of a coal refuse reprocessing, preparation plant facility and fly ash disposal operation in Carbondale Township and Mayfield Borough, **Lackawanna County** affecting 414.0 acres, receiving stream—Lackawanna River. Application received May 4, 2000.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

**32900101**, Permit Renewal for reclamation only, **Hepburnia Coal Company** (P. O. Box 1, Grampian, PA 16838), for continued restoration of a bituminous surface mine in East Mahoning and Grant Townships, **Indiana County**, affecting 65.1 acres, receiving stream Pickering Run and unnamed tributary to Little Mahoning Creek, application received May 5, 2000.

**11980103**, Permit Revision, **Laurel Land Development, Inc.** (P. O. Box 629, Carrolltown, PA 15722), to add auger mining in Blacklick Township, **Cambria County**, affecting 148.6 acres, receiving stream South Branch Blacklick Creek, unnamed tributary to South Branch Blacklick Creek, application received May 8, 2000.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17000105. Hilltop Coal Company** (R. D. 1, Box 347, Houtzdale, PA 16651), commencement, operation and restoration of a bituminous surface mine permit in Gulich Township, **Clearfield County**, affecting 48 acres. Receiving streams: East Branch of Little Muddy Run and unnamed tributary to East Branch. Application received May 3, 2000.

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

#### *Noncoal Applications Received*

**6774SM1C4. National Limestone Quarry, Inc.** (P. O. Box 397, Middleburg, PA 17842), renewal of NPDES Permit PA0594695 in Perry Township, **Snyder County**, receiving stream—North Branch Mahantongo Creek. Application received May 4, 2000.

**74740303A4C3. Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034), correction to an existing quarry operation in Lower Mt. Bethel Township, **Northampton County**, affecting 359.8 acres, receiving stream—Martin's Creek and Delaware River. Application received May 5, 2000.

**7174SM1C3. Hempt Bros., Inc.** (205 Creek Road, Camp Hill, PA 17011), renewal of NPDES Permit No. PA0009407 in Steelton Borough and Swatara Township, **Dauphin County**, receiving stream—Susquehanna River. Application received May 8, 2000.

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

**37980304. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Revision to an existing sand and gravel operation in Slippery Rock Township, **Lawrence County**, affecting 53.0 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek. Revision to add limestone. Application received May 8, 2000.

## **APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

### **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.**

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

**E15-643.** Encroachment. **PA DOT**, 7000 Geerdes Blvd., King of Prussia, PA 19406-1525. To remove an existing deteriorated two-span, steel girder bridge which carries S. R. 3004 (State Road), Section 55 S over Big Elk Creek (WWF), and to construct and maintain, a single span prestressed adjacent box beam bridge having a clear span of 74-foot and an average underclearance of 9.5-foot at the same location and the same horizontal alignment. Work also includes minor approach roadway work for a distance of 35 feet north and south of the bridge. This work is located (Oxford, PA Quadrangle N: 0.25 inch; W: 3.62 inches) in Elk and New London Townships, **Chester County**.

**E23-397.** Encroachment. **Federal Aviation Administration, JFK International Airport**, Federal Building No. 111, Jamaica, NY 11430. To extend and maintain an existing base building, approximately 10,000 square foot within the 100 year floodplain of the Delaware River, (WWF, MF) at the Airport Traffic Control Tower/Terminal Radar Approach Facility for the Philadelphia Interna-

tional Airport, located (Woodbury, NJ-PA USGS Quadrangle N: 20.95 inches; W: 15.3 inches) in Tinicum Township, **Delaware County**.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E35-323.** Encroachment. **Keystone Property Associates, L.L.C.**, 2 Heathcote, Avon, CT 06001. To place fill in the de minimis area of PFO wetlands equal to 0.03 acre to facilitate commercial development on a 6-lot subdivision. The project is located northeast of the intersection of S. R. 0006 (Scranton-Carbondale Highway) and Commerce Boulevard (Scranton, PA Quadrangle N: 17.3 inches; W: 1.8 inches), Borough of Dickson City, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

**E40-548.** Encroachment. **Sun Pipeline Company, Inc.**, 1801 Market Street, 26th Floor, Philadelphia, PA 19103. To place and maintain approximately 75 linear feet of flexible grout matting on the streambed of Hunlock Creek (CWF) for the purpose of providing mechanical cover over a partially exposed 6-inch diameter gas pipeline. The project is located north of Township Road T-518, just east of T-532 (Nanticoke, PA Quadrangle N: 14.8 inches; W: 9.1 inches), Hunlock Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E07-330.** Encroachment. **Antis Township**, 909 N. Second St., Bellwood, PA 16617. To remove an existing stone masonry arch culvert and to construct and maintain a single span concrete bridge having a normal clear span of 18.32 feet and an underclearance of 4.5 feet across Riggles Gap Run located on Township Road T-489 about 300 feet from its intersection with Township Road T-483 (Altoona, PA Quadrangle N: 14.5 inches; W: 1.6 inches) in Antis Township, **Blair County**.

**E07-331.** Encroachment. **Norfolk Southern Railway Co.**, 99 Spring Street, Bldg. Box 142, Atlanta, GA 30303. To construct and maintain a 12.0-inch thick concrete slab in the bottoms of two existing stone masonry arch bridges, a 22.0-foot wide by 155-foot long, 12.0-inch thick concrete slab at the arch bridge across Mill Run (WWF) and a 14.0-foot wide by 120-foot long, 12.0-inch thick concrete slab at the arch bridge in an unnamed tributary to the Juniata River (WWF) to mitigate channel scour at the bridge abutments located at the railroad crossing at 31st Street in the City of Altoona and at the railroad crossing in Fostoria, Antis Township (Altoona and Bellwood PA Quadrangle N: 0.3 inches; W: 6.8 inches and N: 21.8 inches; W: 10.0 inches; respectively) in the City of Altoona and Antis Townships, **Blair County**.

**E07-332.** Encroachment. **Daniel Zimmerman**, R. D. 1, Box 503B, Roaring Spring, PA 16673. To remove an existing bridge and to construct and maintain a single span bridge having a clear span of 26.0 feet and an underclearance of 6.5 feet across Plum Creek located on a private drive located about 2,200 feet southwest of SR 164 and 1.0 mile southeast of East Sharpsburg (Martinsburg, PA Quadrangle N: 13.2 inches; W: 15.7 inches) in Taylor Township, **Blair County**.

**E22-414.** Encroachment. **DSG Development Corp.**, 2015B Southpoints Drive, Hummelstown, PA 17036. To construct and maintain a pedestrian footbridge and two

outfall swales along and across a tributary to Swatara Creek (WWF) at a point along Swatara Creek Road (Middletown, PA Quadrangle N: 19.5 inches; W: 13.4 inches) in Derry Township, **Dauphin County**.

**E22-415.** Encroachment. **Jeffrey Keiser**, Derry Township, 235 Hockersville Road, Hershey, PA 17033. To extend an existing 41-foot long, 54-inch corrugated metal pipe culvert by 25 feet in the channel of a tributary to Swatara Creek (WWF) at a point along Swatara Creek Road (Middletown, PA Quadrangle N: 91.5 inches; W: 13.4 inches) in Derry Township, **Dauphin County**.

**E31-160.** Encroachment. **PennDot District 9-0**, 1620 Juniata Street, Hollidaysburg, PA 16648. To construct and maintain a 6-inch thick concrete slab with a width extending from both abutments and a length extending from inlet to outlet in the bottom of an existing stone masonry bridge across the West Branch of Roaring Run (HQ-CWF) located on SR 3021, Segment 0090, Offset 0000 (Saltillo, PA Quadrangle N: 11.72 inches; W: 9.69 inches) in Wood Township, **Huntingdon County**.

**E31-161.** Encroachment. **PA Department of Transportation, Engineering District 9-0**, 1620 Juniata Street, Hollidaysburg, PA 16648. To (1) construct and maintain a three-span prestressed concrete adjacent box beam bridge having three spans of 477.6 feet and an underclearance of 16.5 feet over an unnamed tributary to the Frankstown Branch of the Juniata River (WWF); (2) remove an existing bridge and construct and maintain a single span bridge having a clear span of 31.31 feet and a minimum underclearance of 5.08 feet over an unnamed tributary to the Frankstown Branch of the Juniata River (WWF); (3) remove an existing box culvert and construct and maintain a 12-foot wide, 7.0-foot high, 113-foot long stream enclosure in an unnamed tributary to the Frankstown Branch of the Juniata River (WWF); and (4) place fill in 0.01 de minimis acre of associated wetlands in conjunction with the construction of the relocation of SR 6002, Section 005 and SR 0022, Section 011 located at Water Street (Spruce Creek, PA Quadrangle N: 13.0 inches; W: 2.0 inches) in Morris Township, **Huntingdon County**.

**E44-100.** Encroachment. **Norfolk Southern Railway Co.**, 99 Spring Street, Bldg. Box 142, Atlanta, GA 30303. To construct and maintain a 7.0-foot wide by 270-foot long, 12.0-inch thick concrete slab in the bottom of an existing stone masonry arch culvert in an unnamed tributary to the Juniata River (HQ-CWF) to mitigate channel scour at the culvert abutments located on the railroad right of way about 0.7 mile northeast of the Borough of Newton Hamilton (New Hamilton, PA Quadrangle N: 4.2 inches; W: 10.75 inches) in Wayne Township, **Mifflin County**.

**E67-685.** Encroachment. **Izaak Walton League of America**, York County Chapter 97, 7131 Ironstone Hill Rd., Dallastown, PA 17313. To construct and maintain a stream restoration project in and along the South Branch Codorus Creek (WWF). The project purpose is to stabilize severely eroded banks, improve water quality and improve fisheries habitat. The project will implement a natural channel design approach and construction activities will include the installation of various in stream rock structures (rock vanes, cross rock vanes and rock toe protection), removal of a debris jam, minor bank grading and planting a riparian buffer.

The first two restoration sites are located on the Raymond K. Smith property. The first site involves 100 feet of channel restoration located immediately down-

stream of the New Freedom Borough Sewage Treatment Plant. The second site will include about 800 feet of restoration located downstream of the SR 0616 bridge (Glen Rock, PA Quadrangle N: 2.5 inches; W: 11.0 inches) in Shrewsbury Township, **York County**.

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

**E17-337.** Encroachment. **Clearfield Borough Council**, 14 Front Street, Clearfield, PA 16830. To construct and maintain eight intake structures for dry hydrants in the West Branch of the Susquehanna River located at various locations along the east and west river banks from 422 feet north of the Nichols Street bridge to 3,695 feet south of the Market Street bridge (Clearfield, PA Quadrangle N: 4.0 inches; W: 9.2 inches) in the Borough of Clearfield, **Clearfield County**. Estimated stream disturbance is 80 feet; stream classification is WWF.

**E41-467.** Encroachment. **Glenn L. Powell**, 160 Powell Rd., Butler, PA 16002-8890. To 1) remove selected submerged old growth timber logs, not including the log cribs, from the West Branch Susquehanna River bed within an 18.8 mile bank-to-bank upstream reach from a point 300 feet upstream of the Hepburn Street Dam, 2) to place and maintain one anchored root-ball with a minimum diameter of 4-feet in water having a depth exceeding 10 feet for every 5 logs removed by the applicant, to improve fish habitat in the river (Williamsport, PA Quadrangle, N: 18.80 inches; W: 2.99 inches to Jersey Shore, PA Quadrangle N: 8.18 inches; W: 2.74 inches) in the City of Williamsport, Loyalsock Township, South Williamsport Borough, Duboistown Borough, Armstrong Township, Susquehanna Township, Nipponose Township, Piatt Township and Woodward Township, **Lycoming County**. This project proposes to permanently impact 18.8 miles of the West Branch Susquehanna River, which is classified as a Warm Water Fishery.

**E55-163.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing super structure and to construct and maintain a single span concrete adjacent box beam bridge on existing abutments with a span of 83.5 feet and underclearance of 15 feet across Middle Creek and to place fill along 51 feet of the upstream channel bank to widen the roadway embankment. This project is located on SR 35 approximately 100 feet west of its intersection with SR 2009 (Freeburg, PA Quadrangle N: 4.80 inches; W: 3.40 inches) in Washington and Penn Townships, **Snyder County**. This project also includes a temporary one lane bridge to maintain traffic during construction. Estimated stream disturbance is 200 feet; stream classification is TSF.

**E59-399.** Encroachment. **Phillip and Ellen Krajewski**, R. R. 1, Box 48C, Liberty, PA 16930. To construct and maintain a single dwelling private access bridge across Little Fall Creek which intends to have a width of 12 feet, a span of 28 feet and a clearance of 3.6 feet. The bridge will be constructed on concrete abutments and have a wooden superstructure. This site is located 1/2 mile south of T-642 from the intersection with SR 414 (Nauvoo, PA Quadrangle N: 13.1 inches; W: 10.7 inches) in Liberty Township, **Tioga County**. This project proposes to impact 15 lineal feet of the Little Falls Creek which is designated a High Quality Cold Water Fishery and does not propose to impact any wetlands.

**E60-143.** Encroachment. **Larry Showver**, R. R. 1, Box 478, Lewisburg, PA 17837. To construct and maintain two

steel culvert pipes, 5 feet in diameter by 20 feet long, in an unnamed tributary to Turtle Creek for a private driveway located off Mountain Creek Lane approximately 0.2 mile south of Furnace Road (Lewisburg, PA Quadrangle N: 8.00 inches; W: 7.70 inches) in East Buffalo Township, **Union County**. Estimated stream disturbance is 60 feet; stream classification is WWF.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E32-417.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 10-0**, P. O. Box 429, Indiana, PA 15701. To remove the existing structure and to construct and maintain a 1.0 foot depressed 16.0 foot x 4.0 foot concrete box culvert in an unnamed tributary to Crooked Creek (CWF) for the purpose of improving transportation safety and roadway standards. The project is located on S. R. 954, Section 451 (Ernest, PA Quadrangle N: 8.4 inches; W: 12.0 inches) in Washington Township, **Indiana County**.

*Resubmittal:* The following was published on April 19, 2000, with the address listed incorrectly. Please note the corrected address.

**E63-486.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a prestressed concrete box beam bridge having a normal span of 32.0 feet and an underclearance of 7.5 feet over Enlow Fork (TSF). Also, to conduct channel cleaning within 50 feet upstream of the bridge; to construct and maintain a temporary stream crossing; and to construct and maintain an 18-inch diameter outfall in Enlow Fork (TSF). The project is located on S. R. 4013 approximately 500 feet southeast of its intersection with S. R. 3026. (Wind Ridge, PA Quadrangle N: 18.7 inches; W: 3.0 inches) in Morris Township, **Greene County** and East Finley Township, **Washington County**.

**E02-1307.** Encroachment. **County of Allegheny, Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2951. To operate, maintain and perform perpetual maintenance dredging to an existing 580 feet long by 110 to 160 feet wide in stream sedimentation basin located with Turtle Creek (WWF). The basin was constructed by the United States Army Corp of Engineers for the purpose of collecting sediment in Turtle Creek. The project is located on the south side of Broadway Boulevard approximately 500 feet southeast of its intersection with Wall (Braddock, PA Quadrangle N: 4.5 inches; W: 3.8 inches) in the Borough of Pitcairn, North Versailles Township and the Municipality of Monroeville, **Allegheny County**.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E10-312.** Encroachment. **Jeremy J. Thrower**, 234 Westminster Road, Sarver, PA 16055. To place and maintain three 36-inch-diameter plastic culvert pipes and associated fill in a tributary to Davis Run (CWF) for a private driveway crossing and to place fill within the floodway of a tributary to Davis Run for a private driveway approximately 3,000 feet southeast of the intersection of Tower Road and SR 2012 (Curtisville, PA Quadrangle N: 20.75 inches; W: 12.5 inches) in Clinton Township, **Butler County**.

**E25-610.** Encroachment. **Engelhard Corporation**, 1729 East Avenue, Erie, PA 16503. To place and maintain a chain link fence and support posts through a wetland area (PEM/PSS) for approximately 200 linear feet to provide security fencing around the existing Engelhard Corporation Industrial Facility. This project is located at 1729 East Avenue in the City of Erie approximately 2,600 feet southeast of the intersection of SR 5 (12th Street) and East Avenue (Erie North, PA Quadrangle N: 1.2 inches; W: 6.5 inches) in the City of Erie, **Erie County**.

#### ENVIRONMENTAL ASSESSMENT

The following Environmental Assessment and request for Water Quality Certification is being processed under section 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D18-056EA.** Environmental Assessment. **William Charles** (R. D. 1, Jersey Shore, PA 17740). To breach and remove the Welfare Dam across Paddy Run (EV) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2,000 feet upstream from the confluence of Paddy Run with West Branch Susquehanna River (Renovo East, PA Quadrangle N: 15.5 inches; W: 14.3 inches) in Renovo Borough, **Clinton County**.

*SSIP Application Number*

00007

*Applicant Name and Address*

Stephen Dahm  
AES Ironwood, L.L.C.  
305 Prescott Rd.  
Lebanon, PA 17042

*County and Municipality*

Lebanon County  
South Lebanon Township

*Tank Type and Capacity*

1 AST storing  
Low Sulfur Distillate Oil  
2,300,000 gallon

#### ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

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

##### (Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P. O. Box

#### 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.

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**EA63-002CO.** Environmental Assessment. **Don Blackert** (485 Horne Run Road, Amity, PA 15311). To construct a nonjurisdictional dam across a tributary to Horne Run (TSF) for recreation impacting approximately 420 linear feet of stream channel. The dam will be located approximately 3,200 feet southeast of the intersection of (S. R. 19) and Horne Run Road (Amity, PA Quadrangle N: 13.1 inches; W: 12.5 inches), in Amwell Township, **Washington County**.

#### STORAGE TANKS

##### SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permit application has been received by the Department and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Watershed Conservation, Division of Storage Tanks, P. O. Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. 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 enact basis of the comment and the relevant facts upon which it is based.

8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

#### Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

**NPDES Permit No. PA00051951.** Sewage, **David Chapman**, 51 Grays Lane, Elverson, PA 19520, Warwick Township, **Chester County**.

The following notice reflects changes to the notice published in the April 8, 2000, *Pennsylvania Bulletin*:

This application is for the renewal of an NPDES permit to discharge treated sewage from a single residence Treatment Plant in Warwick Township, **Chester County**. This is an existing discharge to an unnamed tributary of French Creek.

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*Parameter*

CBOD<sub>5</sub>  
(5-1 to 10-31)  
(11-1 to 4-30)  
Suspended Solids  
Total Residual Chlorine  
(years 1 and 2)  
(years 3 and 5)  
Fecal Coliform  
pH

The EPA waiver is in effect.

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

*Permits Issued*

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

**NPDES Permit No. PA00578868.** Industrial waste. **Mushroom Canning Company**, 401 Birch Street, Kennett Square, PA 19348 is authorized to discharge from a facility located in Kennett Square Borough, **Chester County** into the East Branch of Red Clay Creek.

**NPDES Permit No. PA0057932.** Sewage. **John Replogle, Sr.**, 516 Hunsicker Road, Telford, PA 18969 is authorized to discharge from a facility located at Replogle Subdivision Lot No. 1 in Haycock Township, **Bucks County**, into an unnamed tributary of Dimple Creek.

**NPDES Permit No. PA0057941.** Sewage. **John Replogle, Sr.**, 516 Hunsicker Road, Telford, PA 18969, is authorized to discharge from a facility located at Replogle Subdivision Lot No. 2 in Haycock Township, **Bucks County**, into an unnamed tributary of Dimple Creek.

**NPDES Permit No. PA0057959.** Sewage. **John Replogle, Sr.**, 516 Hunsicker Road, Telford, PA 18969, is authorized to discharge from a facility located at Replogle Subdivision Lot No. 3 in Haycock Township, **Bucks County**, into an unnamed tributary of Dimple Creek.

**NPDES Permit No. PA0054933.** Industrial waste. **Quebecor Printing Atglen, Inc.**, P. O. Box 465, Lower Valley Road, Atglen, PA 19310 is authorized to discharge from a facility located in West Sadsbury Township, **Chester County**, to an unnamed tributary to Valley Creek.

**WQM Permit No. 0900404.** Sewerage. **Borough of Dublin**, 119 Maple Avenue, P. O. Box 52, Dublin, PA 18917. Applicant is granted approval for the construction and operation of a chlorination and dechlorination system at the Dublin Borough WWTP located in Bedminster Township, **Bucks County**.

**WQM Permit No. 1500202.** Industrial waste. **Sunoco, Inc.**, 4041 Market Street, P. O. Box 2060, Aston, PA 19014. Applicant is granted approval for the construction and operation of an industrial wastewater treatment

The receiving stream is classified for the following uses: exceptional value waters, aquatic life, water supply and recreation.

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

<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
10	20
20	40
10	20
monitor/report nondetect	monitor/report nondetect

200 colonies/100 ml as a geometric average  
within limits of 6.0—9.0 standard units at all times

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plant and well injection of treated effluent from Sunoco Service Station No. 0363-1025 located in East Whiteland Township, **Chester County**.

**WQM Permit No. 4600411.** Sewage. **Perkiomen Township Municipal Authority**, 1 Trappe Road, Collegetown, PA 19426. Applicant is granted approval for the construction and operation of a sanitary sewer extension to serve a Cranberry PRD Phase VII residential development located in Perkiomen Township, **Montgomery County**.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Permit No. PA-0064033.** Sewerage. **Pusti Margiya Vashnav Samaj of North America**, 347 Highway 35, Eatontown, NJ 07724, is authorized to discharge from a facility located in Wayne Township, **Schuylkill County**, to an unnamed tributary to the Lower Little Swatara Creek.

**Permit No. 1300201.** Industrial waste. **Lehightron Electronics, Inc.**, First and South Streets, Lehightron, PA 18235. Permit to construct new wastewater facilities at their plant, located in Mahoning Township, **Carbon County**.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**Permit No. PA0088421.** Sewerage. **Carolyn Schofield**, Six Park Drive, LaVale, MD 21502 is authorized to discharge from a facility located in Southampton Township, **Bedford County** to the receiving waters named tributary to Town Creek.

**Permit No. PAG103503.** General Permit—Hydrostatic Testing. **Fisher Tank Company**, 3131 West Fourth Street, Chester, PA 19013 is authorized to discharge from a facility located in Tuckerton Terminal, Muhlenberg Township, **Berks County** to the receiving waters named Laurel Creek.

**Permit No. PAG043636.** Sewerage—Single Family Residence. **Broad Top Township**, (Andrew E. and Mary J. Banco), 187 Municipal Road, P. O. Box 57, Defiance, PA 16633 is authorized to discharge from a facility located in



Broad Top Township, **Bedford County** to the receiving waters named unnamed tributary to Six Mile Run.

**Permit No. PAG043637.** Sewerage. **Dorothy Crosby**, 2926 Schellsburg Road, Claysburg, PA 16625 is authorized to discharge from a facility located in Kimmel Township, **Bedford County** to the receiving waters named unnamed tributary to Beaverdam Creek.

**Permit No. 050045.** Sewerage. **Carolyn Schofield**, Six Park Drive, LaVale, MD 21502. This permit approves the construction of Sewage Treatment Facilities in Southampton Township, **Bedford County**.

**Permit No. 6799406.** Sewerage. **Northeastern York County Sewer Authority**, P. O. Box 516, Mount Wolf, PA 17347. This permit approves the construction of Pump Station in East Manchester Township, **York County**.

**Permit No. 0683201-001.** Sewerage. **Glen-Gery Corporation, Mid-Atlantic Plant**, 423 South Pottsville Pike, Shoemakersville, PA 19555. This permit amendment approves the modification to the construction/operation of Impoundments and Liner System and Groundwater Monitoring Wells in Perry Township, **Berks County**.

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit PA0209007.** Sewerage. **Pine View Realty, Apex Homes Inc.**, 247 US Highway 522N, Middleburg, PA 17842. Renewal granted to discharge treated sewage from facility located at Washington Township, **Snyder County**.

**NPDES Permit PA0043681.** Sewerage. **Valley Joint Sewer Authority**, One South River Street, Athens, PA 18810-1701. Renewal granted to make the discharge consistent with the Water Quality Management Permit which rerated the sewage treatment plant. The facility is located at Athens Township, **Bradford County**.

**NPDES Permit Number PA0003565.** Industrial Waste. **Morgan Advanced Materials and Technology, Inc.**, 441 Hall Avenue, St. Marys, PA 15857. Renewal granted to discharge treated industrial wastewater from facility located at Eulalia Township, **Potter County**. All stormwater discharges have been included in this permit renewal.

**WQM Permit No. 5399402.** Sewerage. **Coudersport Area Municipal Authority**, P. O. Box 820, Coudersport, PA 16915-0829. Approval granted for facility improvements at the existing sewage treatment plant. The facility is located at Eulalia Township, **Potter County**.

**WQM Permit No. 5900402.** Sewerage. **Craig Summers**, 16311 Monica Circle, Cerritos, CA 90703. Approval granted to construct and maintain single residence sewer facility located at Delmar Township, **Tioga County**.

**WQM Permit No. 1700402.** Sewerage. **Scott Hoover**, P. O. Box 59, Sandy Ridge, PA 16877. Approval granted to construct and maintain a single residence sewage treatment facility located at Decatur Township, **Clearfield County**.

**WQM Permit No. 4784401-T1.** Sewerage Transfer. **David L. Martin**, 209 Baldtop Road, Danville, PA 17821. Approval granted to transfer a small flow treatment facility for single residence. Facility located at Mahoning Township, **Montour County**.

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

**NPDES Permit No. PA0005011. Amendment No. 4.** Industrial Waste. **GPU Generation**, 1001 Broad Street, Johnstown, PA 15907 is authorized to discharge from a facility located at Conemaugh Generating Station, West Wheatfield Township, **Indiana County** to receiving waters named Conemaugh River.

**NPDES Permit No. PA0005037.** Industrial. **EME Homer City Generation, LP**, 18101 Von Karman Avenue, Suite 1700, Irvine, CA 92612-1046 is authorized to discharge from a facility located at Homer City Generating Station, Center Township, **Indiana County** to receiving waters named Tributaries of Two Lick Creek, Tributary of Blacklick Creek and Cherry Run.

**NPDES Permit No. PA0218472.** Industrial waste. **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930 is authorized to discharge from a facility located at Emergency Flyash Impoundment, Springdale Borough, **Allegheny County** to receiving waters named Tawney Run.

**NPDES Permit No. PAS506101.** Industrial. **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930 is authorized to discharge from a facility located at Kissick Landfill, Indiana Township, **Allegheny County** to receiving waters named Unnamed Tributary to Little Deer Creek.

**NPDES Permit No. PA0026336.** Sewerage. **Township of Hopewell**, 1700 Clark Boulevard, Aliquippa, PA 15001 is authorized to discharge from a facility located at Wickham Village Sewage Treatment Plant, Hopewell Township, **Beaver County** to receiving waters named Tributary of Boggs Run.

**NPDES Permit No. PA0090905.** Sewerage. **Kittanning Associates**, R. D. 1, Box 27-C, Route 422 East, Kittanning, PA 16201 is authorized to discharge from a facility located at Kittanning Care Center Sewage Treatment Plant, Manor Township, **Armstrong County** to receiving waters named Tributary of Rupp Run.

**NPDES Permit No. PA0096903.** Sewerage. **G&G Mobile Home Sales**, 23 Oakridge Heights Drive, Oakdale, PA 15071 is authorized to discharge from a facility located at Hidden Valley Estates MHP STP, Robinson Township, **Washington County** to receiving waters named unnamed tributary of Little Raccoon Creek.

**NPDES Permit No. PA0204048.** Sewerage. **Conemaugh Township Municipal Water and Sewer Authority**, R. D. 1, Box 206, Saltsburg, PA 15681 is authorized to discharge from a facility located at The Tunnelton STP, Conemaugh Township, **Indiana County** to receiving waters named Conemaugh River.

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

**NPDES Permit No. PA0005592.** Industrial Waste. **Owens-Brockway Glass Container, Inc.**, Cherry Street, Brockway, PA 15824 is authorized to discharge from a facility located in Brockway Borough, **Jefferson County** to Little Toby Creek.

**NPDES Permit No. PA0028428.** Sewerage. **Borough of Brockway**, 501 Main Street, Brockway, PA 15824 is authorized to discharge from a facility located in Brockway Borough, **Jefferson County** to Toby Creek.

**NPDES Permit No. PA0030821.** Sewerage. **Poplar White Thruway Services, Inc., Green Shingle Restaurant**, 6468 Sterrettania Road, Fairview, PA 16415 is

authorized to discharge from a facility located in McKean Township, **Erie County** to an unnamed tributary to Elk Creek.

**WQM Permit No. 4200401.** Sewage. **Port Allegany Borough**, 1 Maple Street, Port Allegany, PA 16743-1318. This project is for the construction of an in-stream diffuser to convey the discharge from the existing pipe to the approximate mid-point of the Allegheny River in Port Allegany Borough, **McKean County**.

**WQM Permit No. 6200402.** Sewage. **Hickory Creek Wilderness Ranch**, P. O. Box 93, Tidioute, PA 16351. This project is for the construction and operation of a

small flow treatment facility located in Limestone Township, **Warren County**.

### INDIVIDUAL PERMITS

#### (PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAR10-G412	Landview Property Group, LLC 64 East Uwchlan Avenue Exton, PA 19341	Uwchlan Township Chester County	Shamona Creek (HQ)

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10U027-R	Forks Land Assoc., Inc. 496 Lone Lane Allentown, PA 18104	Northampton County Forks Township	Bushkill Creek HQ-CWF
PAS10U128	CMC Development Corp. 4511 Falmer Rd. Bethlehem, PA 18017	Northampton County Forks Township	Bushkill Creek HQ-CWF
PAS107418	Richard Dimmitt Bury Group 25191 U. S. Hwy. 19N Clearwater, FL 33763	Wayne County Damascus Township	Calkins Creek HQ-CWF
PAS10Q068-R	Estates at Trexler Park, Inc. P. O. Box 509 Allentown, PA 18104	Lehigh County City of Allentown	Little Lehigh Creek HQ-CWF
PAS10S085	Lake Swiftwater Club, Inc. R. R. 1, Box 62 Henryville, PA 18332	Monroe County Paradise Township	Swiftwater Creek HQ-CWF

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PAS-10-C011-R.** Individual NPDES. **Grande Construction**, 424 Miller Road, Sinking Spring, PA 19608. To implement an Erosion and Sedimentation Control Plan for the construction of the French Creek Woods subdivision on 107 acres in Union Township, **Berks County**. The project is located approximately 2,000 feet northwest of Scotty Run Lake (Elverson, PA Quadrangle N: 16.7 inches; W: 8.3 inches). Drainage will be to French Creek. (HQ-CWF)

### INDIVIDUAL PERMITS

#### (PAR)

#### Approvals to Use NPDES and Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

The Department has acted on the following requests for coverage under the specified General Permit as follows:

*List of*

*General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit For Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bridgeport Borough and Various Other Municipalities Montgomery County	PAR10-T625	Metromedia Fiber Network (MFN) One North Lexington Avenue White Plains, NY	Multi (WWF)	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lehigh County Upper Saucon Township	PAR10Q137	Matt Sorrentino 428 N. 15th St. Allentown, PA 18102	Saucon Creek	Lehigh CD (610) 391-9583
South Woodbury Township Bedford County	PAR-10-0448	New Enterprise Stone & Lime Co., Inc. Town Hill Road P. O. Box 77 New Enterprise, PA 16664	Three Springs Run	Bedford County CD 702 West Pitt Street, Suite 4 Bedford, PA 15009 (814) 623-6706
Upper Allen Township Cumberland County	PAR-10-H222	GLS Fifteen West Inc. Winding Hill Corporate Center P. O. Box 72 New Kingston, PA 17072	Cedar Run	Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Quincy Township Franklin County	PAR-10-M204	Quincy Sewer Authority 7575 Mentzer Gap Road Waynesboro, PA 17268	East and West Branches of Antietam Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Borough of Chambersburg Franklin County	PAR-10-M205	Conewago Ent. Inc. P. O. Box 407 Hanover, PA 17331	Conococheague Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Centre County Patton College Twps.	PAR10F011	Village at Penn State Pinnacle Development 501 Rolling Ridge Dr. State College, PA 16801	Unt. Big Hollow	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817

## NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lycoming County Loyalsock Township	PAR103935	Poco Hills Estates Phase 3 378 Madden Road Montoursville, PA 17754	Unt. McClures Run and Unt. Grafius Run	Lycoming County CD 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Fairview Township Erie County	PAR10K166	P.H.B., Inc. 7900 West Ridge Road Fairview, PA 16415	Trout Run (CWF/MF)	Erie Conservation Dist. 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Pine Township Mercer County	PAR104348	CBF Contracting P. O. Box 186 Sligo, PA 16255	Unnamed Tributary of Barmore Run (CWF)	Mercer Conservation District 747 Greenville Road Mercer, PA 16137 (724) 662-2242
Rockland Township Venango County	PAR107014	Steven E. Morris Handsome Lake Energy, LLC 111 Market Place Suite 200 Baltimore, MD 21202-7110	Unnamed Tributaries to Allegheny River and Pine Hill Run (CWF)	Venango Conservation District R. D. 2, Box 108 Franklin, PA 16323 (814) 676-2832

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Philadelphia County City of Philadelphia	PAR200036	The Budd Company Phila., Plant 2450 Hunting Park Avenue Philadelphia, PA 19129-1397	Little Schuylkill River	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Northampton County East Allen Township	PAR702215	Eastern Industries, Inc. 4401 Camp Meeting Road Center Valley, PA 18034	Monocacy Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Luzerne County City of Hazleton	PAR112221	Hazleton Pumps, Inc. P. O. Box 488 Hazleton, PA 18201	Black Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Luzerne County Hanover Township	PAR232232	American Rock Salt Co. LLC P. O. Box 190 Mt. Morris, NY 14510	Solomon Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Schuylkill County Pottsville City	PAR802222	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	Mill Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Lackawanna County City of Scranton	PAR802223	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	Unnamed Tributary to the Lackawanna River	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Luzerne County Pittston Township	PAR802224	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	Mill Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Schuylkill County Rush Township	PAR802225	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	Unnamed tributary to the Little Schuylkill River Unnamed tributary to the Nesquehoning Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Northampton County Williams Township	PAR232233	Polytek Development Corp. 55 Hilton Street Easton, PA 18042	Unnamed tributaries to Lehigh River	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Mifflin County Derry Township	PAR503502	Mifflin County Solid Waste Authority 87 Landfill Road P. O. Box 390 Lewistown, PA 17044	Kishacoquillas and Jack Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Antis Township	PAR603548	Robert Forshey Forshey's Garage and Auto Parts R. D. 2, Box 179 Tyrone, PA 16686	Little Juniata Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Rapho Township	PAR603549	Leroy Stanley Agreeable Auto Salvage, Inc. 865 Milton Grove Road Mt. Joy, PA 17522	Back Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Armagh Township	PAR803541	Michael Ryan Ryan's Auto Parts 138 Colonial Drive Milroy, PA 17063	UNT to Laurel Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Burnham Borough	PAR603551	Kovalchick Corporation P. O. Box 279 Indiana, PA 15701	Kishacoquillas Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Decatur Township	PAR603550	Louie Parson Parsons Auto Salvage R. R. 1, Box 2385 McClure, PA 17841	UNT to Meadow Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Wyalusing Township Bradford County	PAR124808	Taylor Packing Company, Inc. P. O. Box 188 Wyalusing, PA 18853	Wyalusing Creek and Brewer Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Cambria County Richland Township	PAR706102	Whitaker Roads Corporation P. O. Box 5657 Johnstown, PA 15904	Solomon Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Cambria County Richland Township	PAR806155	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Sams Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Beaver County Rochester Township	PAR806156	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Beaver River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Indiana County White Township	PAR806157	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Two Lick	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Armstrong County North Apollo Borough	PAR806158	United Parcel Service Inc. 521 North Center Avenue New Stanton, PA 15672	Kiskiminetas River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County City of Pittsburgh	PAR806159	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Fayette County Menallen Township	PAR806160	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Redstone Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington County South Strabane Township	PAR806161	United Parcel Service Inc. 521 North Center Avenue New Stanton, PA 15672	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Westmoreland County New Stanton Borough	PAR806162	United Parcel Service Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Sewickley Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Butler Township Butler County	PAR70832	United Refining Company 15 Bradley Street P. O. Box 780 Warren, PA 16365	Thorn Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Berks County Cumru Township	PAG043650	Robert M. Heist 500 Heist Lane Mohnton, PA 19540	Angelica Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County West Hanover Township	PAG043651	Stephanie Rider 1144 Picketown Road Harrisburg, PA 17112	Beaver Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Windsor Township	PAG043520	Barry Vitz 209 S. Main Street Red Lion, PA 17356	UNT to Kreutz Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Delmar Township Tioga County	PAG045091	Craig Summers 16311 Monica Circle Cerritos, CA 90703	UNT to Wilson Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Mahoning Township Montour County	PAG045057	David L. Martin 209 Baldtop Rd. Danville, PA 17821	UNT to Susquehanna River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Decatur Township Clearfield County	PAG045092	Scott Hoover P. O. Box 59 Sandy Ridge, PA 16877	Big Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
<i>General Permit Type—PAG-8</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Spring Township Centre County	PAG084814	Borough of Bellefonte WWTP 236 West Lamb Street Bellefonte, PA 16823	Valley Farm Sites	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

**Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-0530.*

*Location:* Lower Mahanoy Township, Northumberland County

*Project Description:* This sewage facilities plan update proposes the construction of an 85,000 gallon per day sewage treatment plant discharging to the Susquehanna River with approximately 31,880 feet of collector lines to service the Villages of Dalmatia and Hickory Corners. The project will also include one pump station with approximately 2,700 feet of forcemain.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

**SAFE DRINKING WATER**

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

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

**Permit No. 1500502.** Public water supply. **Philadelphia Suburban Water Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19010. A permit has been issued to the applicant granting permission to construct a new well, pump station and chemical feed facilities to serve the Deer Run Development in Honey Brook Township, **Chester County**.

*Type of Facility:* Public Water Supply System.

*Consulting Engineer:* CET Engineering Services, Inc., 1240 North Mountain Road, Harrisburg, PA 17112.

*Permit to Construct Issued:* May 8, 2000.

*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit No. 4700501.** The Department issued a construction permit May 8, 2000, to **Geisinger Medical Center**, 100 North Academy Avenue, Danville, PA 17822, Mahoning Township, **Montour County**. This permit authorizes the installation of three Halox Series 1000 electrochemical chlorine dioxide generators to control Legionella bacteria and as a back-up disinfectant and the addition of sodium hypochlorite chemical feed facilities at Well No. 3.

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

**Permit No. 6300501.** Public water supply. **Pennsylvania-American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033.

*Type of Facility:* Atlasburg Water Storage Tank.

*Permit issued for Construction:* May 8, 2000.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 2**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the receipt of the final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports.

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

**Penn Terminals**, Eddystone Borough, **Delaware County**. A Final Report concerning remediation of site soil contaminated with lead and heavy metals was submitted to the Department. The report is intended to document remediation of the site to meet site-specific standards. The final report was submitted on November 6, 1997.

**Flying Carport, Inc.**, City of Philadelphia, **Philadelphia County**. A Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons was submitted to the Department on September 2, 1997. The report was submitted to document remediation of the site to meet site-specific standards.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 3**

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the



*Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigations, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the content of the plans and reports, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of the plan and report appears. If information concerning the plan and report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports.

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

**Bond Shopping Center**, Upper Darby Township, **Delaware County**. A Final Report concerning remediation of site soil and groundwater contaminated with solvents was submitted to the Department. The report demonstrated attainment of site-specific standards for soils and Statewide health standards for groundwater and was approved by the Department on December 18, 1997.

**Flying Carport, Inc.**, City of Philadelphia, **Philadelphia County**. A Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons was submitted to the Department. The report demonstrated attainment of site-specific standards and was approved by the Department on November 26, 1997.

**Penn Terminals**, Eddystone Borough, **Delaware County**. A Final Report concerning remediation of site soil contaminated with lead and heavy metals was submitted to the Department. The report demonstrated attainment of site-specific standards and was approved by the Department on February 5, 1998.

**Levitz Furniture Facility**, Middletown Township, **Bucks County**. Jeffery Stein, ATC Associates, Inc., 8989 Herrmann Drive, Suite 300, Columbia, MD 21045, has submitted a combined Remedial Investigation/Final Re-

port concerning remediation of site soil and groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report was approved by the Department on April 5, 2000, for demonstrating attainment of the Statewide health standard for soil, but was disapproved by the Department on April 5, 2000, for not demonstrating attainment of the site-specific standard for groundwater.

**Tinicum Industrial Park**, Tinicum Township, **Delaware County**. Dean O. Reed, CBS Corp., 11 Stanwix Street, Pittsburgh, PA 15222-1384, has submitted a Remedial Investigation Report and Risk Assessment Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and groundwater contaminated with PCBs, heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The reports were approved by the Department on April 14, 2000.

**L. B. Smith Property**, Plymouth Township, **Montgomery County**. J. Curtis Hatfield, P.E., Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, has submitted a Remedial Investigation/Final Report concerning remediation of site soil/fill and groundwater contaminated with asbestos. The report demonstrated attainment of Statewide health and site-specific standards and was approved by the Department on April 18, 2000.

**Howard Merkel Residence**, Doylestown Township, **Bucks County**. Eric B. Rosina, Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on April 24, 2000.

**Braxton's Animal Works**, Tredyffrin Township, **Chester County**. Eric S. Poulson, Poulson & Associates, 5 Camby Chase, Media, PA 19063, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on April 25, 2000.

**Horsleys Automotive Service Center (Former)**, Lower Merion Township, **Montgomery County**. Richard Trimpi, Trimpi Associates, Inc., 889 Seminary Street, Pottsville, PA 18073, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on April 25, 2000.

**Wonder Chemical Corporation**, Falls Township, **Bucks County**. Cliff Harper, Harper Environmental Associates, Inc., 1811 Hale Hollow Road, Bridgewater Corners, VT 05035, has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with chlorides and groundwater contaminated with chlorides and solvents. The report demonstrated attainment of site-specific standards and was approved by the Department on April 26, 2000.

**Village Center Mart (Has Has Cleaners)**, Bensalem Township, **Bucks County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, has submitted a Cleanup Plan concerning remediation of site soil and groundwater

contaminated with solvents. The plan was approved by the Department on April 27, 2000.

**Emission Control Dust Monofill**, South Coatesville Borough, **Chester County**. Ana Maria Caram, Bethlehem Steel Corp., 1170 Eighth Avenue, Bethlehem, PA 18016-7699, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with lead and heavy metals and groundwater contaminated with heavy metals. The reports and cleanup plan were approved by the Department on May 4, 2000.

**Parkesburg Manufactured Gas Plant Site**, PECO Energy Co., Parkesburg Borough, **Chester County**. Frederick C. Gloeckler, PECO Energy, 2301 Market Street, S21-2, Philadelphia, PA 19101, has submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with heavy metals, BTEX and polycyclic aromatic hydrocarbons. The report was approved by the Department on May 5, 2000.

*Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 53576N43170 (Netters Street)**, Borough of West Pittston, **Luzerne County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on November 19, 1997.

**Pennsylvania Power & Light Company (PP&L), Former Beekman Street Substation**, City of Wilkes-Barre, **Luzerne County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on October 23, 1997.

**Bethlehem Steel Corporation (Webster Street Site)**, City of Bethlehem, **Northampton County**. Edwin B. Wilson, Director of Environmental Assessment and Remediation with Bethlehem Steel Corporation, Bethlehem, PA 18016 submitted a Final Report concerning the remediation of site soils found to be contaminated with metals, and site groundwater contaminated with solvents and metals. The final report demonstrated attainment of the site-specific standard, and was approved on November 13, 1997.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 63808S50135 (Weaversville Road)**, Allen Township, **Northampton County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on November 19, 1997.

**Former Penn Reed & Harness Factory**, City of Allentown, **Lehigh County**. Doug Sammak, President, American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Final Report (on behalf of his client, Sally Kutz, Penn Reed & Harness Company, 119 South Aubrey Street, Allentown,

PA 18103) concerning the remediation of site soils contaminated with lead, chromium, selenium and arsenic. The report was submitted to document remediation of the site to meet the Statewide health standard and was approved on May 11, 2000.

**Former Penn Reed & Harness Factory/Morgan Property**, City of Allentown, **Lehigh County**. Doug Sammak, President, American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Final Report (on behalf of the Robert Morgan property, 127 South Aubrey Street, Allentown, PA 18103) concerning the remediation of site soils contaminated with lead, chromium, selenium and arsenic. The report was submitted to document remediation of the site to meet the Statewide health standard and was approved on May 11, 2000.

**Former Penn Reed & Harness Factory/Deily Property**, City of Allentown, **Lehigh County**. Doug Sammak, President, American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Final Report (on behalf of Eli J. Deily, Jr., 115 South Aubrey Street, Allentown, PA 18103) concerning the remediation of site soils contaminated with lead, chromium, selenium and arsenic. The report was submitted to document remediation of the site to meet the Statewide health standard and was approved on May 11, 2000.

**Former Penn Reed & Harness Factory/Van Horn Property**, City of Allentown, **Lehigh County**. Doug Sammak, President, American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Final Report (on behalf of Tami Van Horn, 117 South Aubrey Street, Allentown, PA 18103) concerning the remediation of site soils contaminated with lead, chromium, selenium and arsenic. The report was submitted to document remediation of the site to meet the Statewide health standard and was approved on May 11, 2000.

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Westvaco Corporation Woodyard Landfill**, Snyder Township, **Blair County**. A Final Report has been submitted concerning the remediation of site soils and groundwater contaminated with BTEX. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 30, 1997.

*Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.*

**Williamsport National Bank/Paul Weltch**, City of Williamsport, **Lycoming County**. A Baseline Environmental Report has been submitted concerning soil contaminated with lead, BTEX, PHCs and PAHs. This site has been proposed to meet the special industrial area requirements. The Baseline Environmental Report was approved May 9, 1997 and the Consent Order and Agreement was finalized on December 15, 1997.

*Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**Koch Materials**, Windber Borough, **Somerset County**. Bruce A. Shaw, Fluor Daniel GTI, Inc., 637 Braddock Avenue, East Pittsburgh, PA 15112, has submitted a Final Report concerning remediation of site soil

contaminated with polycyclic aromatic hydrocarbons, benzene, toluene, ethylbenzene and xylene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on December 10, 1997.

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

**National Forge Company, AOC No. 5**, One Front Street, Irvine, PA, Brokenstraw Township, **Warren County**. A Final Report concerning remediation of site soils contaminated with heavy metals was submitted to the Department. The report demonstrated attainment of Statewide health standards and was approved on December 18, 1997.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**Chem-Freight, Inc.**, 395 Baird Street, Akron, OH 44311; License No. **PA-AH 0074**; renewal license issued May 8, 2000.

**D-Tox, Inc.**, 60 Ezra Silva Lane, Windsor, CT 06095; License No. **PA-AH 0586**; renewal license issued May 12, 2000.

**David J. Winning Company**, 5610 Aiken Road, McKees Rocks, PA 15136; License No. **PA-AH S100**; renewal license issued May 9, 2000.

**Minnesota Mining and Manufacturing Co.**, Bldg. 225-5N-07 3M Center, St Paul, MN 55144-1000; License No. **PA-AH 0296**; renewal license issued May 9, 2000.

**Superior Special Services, Inc.**, 1275 Mineral Springs Drive, Port Washington, WI 53074; License No. **PA-AH S197**; renewal license issued May 11, 2000.

**License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**Fleet Environmental Services LLC**, 59 Longwater Drive, Norwell, MA 02061; License No. **PA-AH 0658**; license issued May 8, 2000.

**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.**

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

**Pennzoil-Quaker State Company**, P. O. Box 99, Oil City, PA 16301; License No. **PA-AH 0484**; license terminated May 12, 2000.

## RESIDUAL WASTE PROCESSING FACILITIES

**Permits revoked 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.**

*Regional Office: Regional Solid Waste Manager, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. WMGR043. Atlas Environmental Services and Equipment Company, Inc.**, 2204 Club House Circle, Jamison, PA 18929. The general permit issued to Atlas for the processing of petroleum contaminated soil at their facility located at 6801 State Road, Building A, in the City of Philadelphia has been revoked and the bond has been forfeited. Atlas has failed to make required phased bond payments and has failed to comply with a demand for full payment of the bond. The permit was revoked, and the bond was forfeited, by the Southeast Regional Office on May 10, 2000. Atlas has been ordered to cease operations, remove all soil from the site, and properly close the facility.

## AIR QUALITY

### OPERATING PERMITS

**General Plan Approval and Operating Permit usage authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**GP4-01-03024: Tucker Industrial Liquid Coatings, Inc.** (407 North Avenue, East Berlin, PA 17316) authorized use of a general permit for operation of one natural gas-fired burnoff oven in East Berlin Borough, **Adams County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**GP-65-00799: CNG Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222) on May 10, 2000, for construction and operation of one AJAX Model DPC-230LE gas-fired reciprocating engine, rated at 211 HP at the Lincoln Heights Station in Hempfield Township, **Westmoreland County**.

**Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Bureau of Air Quality: Rachel Carson State Office Building, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-4325.*

**02-0054: Orion Power MidWest, L.P.** (2000 Cliff Mine Road, Suite 200, Pittsburgh, PA 15275) in Springdale Borough, **Allegheny County**. The permit was amended in accordance with the provisions of 25 Pa. Code § 127.450 to reflect the change in ownership.

**13-0003: Panther Creek Partners** (1001 Industrial Road, Nesquehoning, PA 18240) in Nesquehoning Borough, **Carbon County**. The permit was amended in

accordance with the provisions of 25 Pa. Code § 127.450 to reflect the change in Authorized Account Representative.

**25-0923: NEPA Energy, LP** (2 South Portage Street, Westfield, NY 14787) in North East Township, **Erie County**. The permit was amended in accordance with the provisions of 25 Pa. Code § 127.450 to reflect the change in ownership.

#### PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**22-05006A: Harsco Gas and Fluid Control** (1001 Herr Street, Harrisburg, PA 17105-236) on May 12, 2000, for modification of painting operations in Harrisburg City, **Dauphin County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-10326B: Oesterlings Sandblasting & Painting, Inc.** (686 Glennwood Way, Butler, PA 16001) on May 8, 2000, for construction of a spray paint booth in Center Township, **Butler County**.

**PA-25-984A: Harrison Machine Co.** (3118 Station Road, Erie, PA 16510) on May 11, 2000, for operation of a spray and dip coating operation in Wesleyville, **Erie County**.

**PA-37-308A: Glacial Sand & Gravel Co.** (Route 108, Scott Township, PA 15106) on May 9, 2000, for construction of a wet process nonmetallic mineral processing facility in Plain Grove and Scott Townships, **Lawrence County**.

**Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**14-313-038: Rutgers Organics Corp.** (201 Struble Road, State College, PA 16801) on May 5, 2000, to extend the authorization to operate a chemical process facility (Process 514) on a temporary basis until September 2, 2000, in College Township, **Centre County**.

**49-309-008D: Watsontown Brick Co., Inc.** (P. O. Box 68, Watsontown, PA 17777) on May 9, 2000, to extend the authorization to operate a shale impact mill on a temporary basis as well as the deadline for the construction of a shale roll crusher until September 6, 2000, in Delaware Township, **Northumberland County**.

**OP-14-0007A: Cerro Metal Products Co.** (P. O. Box 388, Bellefonte, PA 16823) on May 9, 2000, to extend the authorization to operate two brass billet furnaces on a temporary basis until September 6, 2000, in Spring Township, **Centre County**.

**OP-18-0004B: CNG Transmission Corp.** (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222) on May

9, 2000, to extend the authorization to operate two natural gas-fired reciprocating internal combustion engines (Engines 12 and 13) on a temporary basis until September 6, 2000, at the Leidy Compressor Station in Leidy Township, **Clinton County**.

**OP-53-0003C: CNG Transmission Corp.** (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222) on May 9, 2000, to extend the authorization to operate two natural gas-fired reciprocating internal combustion engines (Engines 3 and 4) on a temporary basis and extend the deadline for the installation of air cleaning devices (screw-in prechambers) on two additional engines (Engines 1 and 2), until September 6, 2000, at the Greenlick Compressor Station in Stewardson Township, **Potter County**.

#### MINING

##### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to these 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).

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

##### Coal Mining Permits Issued

**11991301. MB Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319), to operate the Gamelands No. 79 Deep Mine in Blacklick Township, **Cambria County**, new deep mine, unnamed trib. to South Branch of Blacklick Creek. Permit issued May 3, 2000.

**32971301. Rosebud Mining Co.** (R. D. 9, Box 379A, Kittanning, PA 16201), to transfer the permit from Britt Energy to Rosebud Mining Co., Josephine No. 3 Mine in Center Township, **Indiana County** to transfer from Britt Energy to Rosebud Mining Co., trib. to Laurel Run. Permit issued May 10, 2000.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

**32900101**, Permit Renewal for reclamation only, **Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), for continued restoration of a bituminous surface mine in East Mahoning and Grant Townships, **Indiana County**, affecting 65.1 acres, receiving stream Pickering Run and unnamed tributary to Little Mahoning Creek, application received May 5, 2000, issued May 8, 2000.

*Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.*

**63803009. Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Permit revised to change the land use from forest land to pasture land at a bituminous surface/auger mine located in Robinson Township, **Washington County**, affecting 215.5 acres. Receiving streams: unnamed tributary to Robinson Run to

Robinson Run to the Ohio River; also Little Raccoon Run to Raccoon Creek to the Ohio River. Application received: June 23, 1999. Revision issued: May 8, 2000.

**02000901. McHolme Builders, Inc.** (315 Payday Drive, Elizabeth, PA 15037). Permit issued for operation and reclamation of a bituminous incidental coal extraction site located in North Fayette and Robinson Townships, **Allegheny County**, affecting 10 acres. Receiving streams: unnamed tributary to Montour Run. Application received: January 27, 2000. Permit issued: May 10, 2000.

**65990106. Ralph Smith & Son, Inc.** (R. R. 1, Box 184C, Derry, PA 15627). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Salem Township, **Westmoreland County**, affecting 82.5 acres. Receiving streams: unnamed tributaries to Porters Run to Porters Run to Beaver Run Reservoir to the Kiskiminetas River. Application received: September 17, 1999. Permit issued: May 11, 2000.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17940123. Larson Enterprises, Inc.** (P. O. Box 96, Kylertown, PA 16847), renewal of an existing bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 30.8 acres. Receiving streams: unnamed tributary of Sulphur Run to Sulphur Run to Moshannon Creek to the West Branch Susquehanna River. Application received January 28, 2000. Permit issued May 3, 2000.

**17990104. Sky Haven Coal, Inc.** (R. R. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine permit in Covington Township, **Clearfield County** affecting 66.1 acres. Receiving streams: unnamed tributary to Grimes Run, to Grimes Run. Application received March 19, 1999. Permit issued May 5, 2000.

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

**10940101. Blackridge Associates, Inc.** (R. D. 6, Friendship Plaza, Kittanning, PA 16201). Transfer of an existing bituminous surface strip, auger and tipple refuse disposal operation from BMB Management, Inc. in Clay and Concord Townships, **Butler County** affecting 263.2 acres. Receiving streams: Unnamed tributary to South Branch Slipper Rock Creek. Application received: August 20, 1999. Permit Issued: May 3, 2000.

**33990105. S & M Mining** (R. R. 1, Box 591, Marion Center, PA 15759). Revision to an existing bituminous strip and auger operation to change the post-mining land use from forestland to unmanaged natural habitat on a portion of the Dennis and Susan A. Day property in Winslow Township, **Jefferson County**. Receiving streams: Sandy Lick Creek. Application received: March 7, 2000. Permit Issued: May 9, 2000.

**102327-24960101-E-6. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Application for a stream encroachment to mine through unnamed tributary "I" to Mead Run and construct a downslope drainage channel in Horton Township, **Elk County**. This variance also includes plans to locate erosion and sedimentation controls and a stream crossing culvert within 100 feet of the stream. Receiving streams: Four unnamed tributaries to Mead Run and Mead Run. Application received: December 23, 1999. Permit Issued: May 9, 2000.

**102327-24960101-E-7. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Application for a stream encroachment to mine through unnamed tributary "J" to

Mead Run and construct a replacement drainage channel in Horton Township, **Elk County**. This variance also includes plans to locate erosion and sedimentation controls and a stream crossing culvert within 10 feet of the stream. Receiving streams: Four unnamed tributaries to Mead Run and Mead Run. Application received: December 23, 1999. Permit Issued: May 9, 2000.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

*Small Industrial Minerals Permits Issued*

**12990801. Robert V. Rupp, Escav. Contr.** (P. O. Box 325, Emporium, PA 15834), commencement, operation and restoration of a Small Industrial Minerals (Flagstone, Stone, Sandstone) permit in Shippen Township, **Cameron County** affecting 2 acres. Receiving streams: unnamed tributaries to Bell Run and Beldin Hollow, tributary to Bell Run and Beldin Hollow. Application received August 18, 1999. Permit issued May 4, 2000.

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

*Small Noncoal (Industrial Mineral) Permits Issued*

**58992806. Matthew McClain** (24 Lakeview Drive, Tunkhannock, PA 18657), commencement, operation and restoration of a bluestone quarry in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream—none. Permit issued May 11, 2000.

**58002804. Delaware Valley Landscape Stone, Inc.** (P. O. Box 778, 6603 Route 202, New Hope, PA 18938), commencement, operation and restoration of quarry in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream—none. Permit issued May 11, 2000.

**58000806. John J. Nagy, Jr.** (R. R. 3, Box 322, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry in Silver Lake Township, **Susquehanna County** affecting 1.0 acres, receiving stream—none. Permit issued May 11, 2000.

**58000807. David Bonnice** (R. R. 2, Box 16A, Montrose, PA 18801), commencement, operation and restoration of bluestone quarry in Jessup Township, **Susquehanna County** affecting 1.0 acres, receiving stream—none. Permit issued May 11, 2000.

**58000808. William M. Ruark** (R. R. 2, Box 282, Meshoppen, PA 18630), commencement, operation and restoration of a bluestone quarry in Dimock Township, **Susquehanna County** affecting 3.0 acres, receiving stream—none. Permit issued May 12, 2000.

*Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.*

**65950301. Twin Ridge Industrial Development Corporation** (R. D. 5, Box 34, Latrobe, PA 15650). Revision issued to change name from Tasman Development Co., Ltd. on a large noncoal surface mining site located in Latrobe Borough, **Westmoreland County**, affecting 8.63 acres. Receiving streams: Loyalhanna Creek and unnamed tributaries. Application received: April 10, 2000. Name change revision issued: May 11, 2000.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Small Noncoal (Industrial Minerals) Final Bond Release Approval*

**32970801. John P. Shawley** (R. D. Box 93A, Saltsburg, PA 15681). Final Bond Release for the com-

plete restoration of a small noncoal quarry in Conemaugh Township, **Indiana County**, affecting 3.0 acres, receiving stream, unnamed tributary to Blacklegs Creek. All bonds (\$3,000) released April 14, 2000.

*Knox District Office, P. O. Box 669, Knox, PA 16232.  
Noncoal Permits Issued*

**16990301. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610). Commencement, operation and restoration of a clay operation in Monroe Township, **Clarion County** affecting 211.0 acres. Receiving streams: Unnamed tributaries to Reeds Run and Reeds Run. Application received: July 8, 1999. Permit issued: May 8, 2000.

**300819-16990301-E-1. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610). Application for a stream encroachment to construct and maintain a haul road crossing over Reids Run in Monroe Township, **Clarion County**. Receiving streams: Unnamed tributaries to Reids Run and Reids Run. Application received: July 8, 1999. Permit issued: May 8, 2000.

**300819-16990301-E-2. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610). Application for a stream encroachment to construct and maintain a haul road crossing over Reids Run in Monroe Township, **Clarion County**. Receiving streams: Unnamed tributaries to Reids Run and Reids Run. Application received: July 8, 1999. Permit issued: May 8, 2000.

#### **Bureau of Deep Mine Safety**

The Bureau of Deep Mine Safety has approved Rosebud Mining Company's request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act at the Josephine No. 3 Mine. This notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

*Summary of the request:* Rosebud Mining Company requested a variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of belt conveyor entry with other entries at the Josephine No. 3 Mine. The proposal accords protection to persons and property substantially equal to or greater than the requirements of section 242(c).

The basis for the Bureau's approval is summarized in the following statements:

1. Josephine's plan provides early warning fire detection by the use of carbon monoxide (CO) detectors and audible alarm over the mine communications system.

2. Josephine's plan provides a separate intake escapeway that will be isolated from the belt conveyor entries. The isolated intake escapeway will be maintained at a higher ventilation pressure than the belt and common entries.

3. Josephine's plan provides for the belt and common entries to serve as an alternate intake escapeway.

4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Safer access is provided to workers performing repair and maintenance work in the belt entry. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to the use of entries in common with the belt entry. All other terms and requirements of section 242(c) shall remain in effect. Continued authoriza-

tion for operation under the approval is contingent upon compliance with the measures described in Josephine's plan.

### **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rule of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.65 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).** (*Note:* Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

**E15-627. Encroachment Permit. Mr. and Mrs. Roosevelt Hairston**, 34th St. and Civic Center Blvd., The Wood Building, 6th Floor, Philadelphia, PA 19104, and **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355-1699. To install and maintain an 8-inch maximum diameter concrete sleeve across Valley Creek (EV) to facilitate the temporary installation and maintenance of a 3-inch diameter force main to provide sewer service for a proposed single family dwelling at Lot No. 2. This sleeve will also be utilized in the foreseeable future by East Whiteland Township to install and maintain a 4-inch maximum diameter force main for municipal use which will replace the aforementioned temporary force main. The site is located approximately 180 feet south of the intersection of Conestoga Road (S.R. 0401) and Hillbrook Circle (Malvern USGS Quadrangle N: 9.85 inches; W: 10.65 inches) in East Whiteland Township, **Chester County**.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E39-374.** Encroachment. **Pennsylvania Department of Transportation, District 5-0**, 1713 Lehigh Street, Allentown, PA 18103. To modify and maintain the existing S. R. 0145 bridge having four spans totaling approximately 191.30 feet (47.50 feet, 48.15 feet, 48.15 feet, 47.50 feet) and an approximate underclearance of 8 feet over Jordan Creek with work consisting of widening the bridge 14 feet including: (1) the construction of a center mountable divisor to separate north and south bound lanes; (2) the construction of new pedestrian walkways on each side of the bridge including extended abutments and center pier; (3) the removal of accumulated sediments from a 50-foot × 30-foot area within Jordan Creek; (4) the replacement of existing stormwater outfall endwalls and outlet protection. The purpose of the improvements is to reduce traffic congestion, improve access to commercial properties, and improve safety conditions. The project, known as the S. R. 0145 Jordan Creek Bridge Rehabilitation (Allentown East, PA Quadrangle N: 22.5 inches; W: 14.8 inches) is located in the City of Allentown, **Lehigh County**.

**E54-272.** Encroachment. **St. Clair Real Estate Company, L.L.C.**, 200 Mahantongo Street, Pottsville, PA 17901. To construct and maintain a prestressed concrete adjacent box beam bridge having a single span of approximately 68 feet and a minimum underclearance of approximately 13 feet for the purpose of accessing the St. Clair Walmart Supercenter, Store No. 2535. The project also includes the construction and maintenance of three stormwater outfall structures along the east side of Mill Creek. The project is located on the east side of S. R. 0061, approximately 2,800 feet north of the intersection of S. R. 1006 and S. R. 0061 (Pottsville, PA Quadrangle N: 18.7 inches; W: 8.7 inches) in St. Clair Borough, **Schuylkill County**.

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E06-446-R.** Encroachment. **Baas Enterprises**, Ralph Baas, 456 West Ridge Drive, Limerick, PA 19468. To construct and maintain a 6-foot × 12-foot R. C. box culvert in the channel of a tributary to Antietam Creek (CWF) and to fill 0.71 acre of wetlands for roadway crossings at a point downstream of Schoffers Road (Birdsboro, PA Quadrangle N: 10.75 inches; W: 12.25 inches) in Exeter Township, **Berks County**. The purpose of the project is to construct a residential community. The permittee will provide 0.53 acre of replacement wetlands adjacent to Antietam Creek and will participate in the Pennsylvania Wetland Replacement Project for 0.18 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

**E06-533.** Encroachment. **Roy Stevens**, R. D. 1, Box 399, Birdsboro, PA 19508. To maintain a bridge having a span of 52 feet and an underclearance of 7½ feet across the channel of Hay Creek (EV) at a point along Route 82 (Elverson, PA Quadrangle N: 20.5 inches; W: 12.4 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.

**E21-303.** Encroachment. **Monroe Township**, 1220 Boiling Springs Road, Mechanicsburg, PA 17055. To level the right bank's 100-year floodway and floodplain of the Yellow Breeches Creek (HQ-CWF) in order to construct a ball field called Leidigh Field located just upstream of the T-550 (Leidigh Road) (Mechanicsburg, PA Quadrangle N: 3.3 inches; W: 13.0 inches) in Monroe Township,

**Cumberland County**. This is in accordance with the Chapter 106 Floodplain Management and section 105.13(e) "Small Projects."

**E21-304.** Encroachment. **Cooke Township**, 1700 Centerville Road, Newville, PA 17241. To remove an existing structure and to construct and maintain a replacement pre-cast concrete arch having a 28.99-foot span on a 75 degree skew and a 6.33-foot underclearance over Mountain Creek (HQ-CWF). The structure services Bendersville Road (T-340) (Dickinson, PA Quadrangle N: 8.2 inches; W: 5.6 inches) in Cooke Township, **Cumberland County**. This permit also includes 401 Water Quality Certification.

**E21-305.** Encroachment. **Lauren Imgrund**, Dickinson College—ALLARM, P. O. Box 1773, Carlisle, PA 17013. To regrade and stabilize the banks of the channel of an unnamed tributary to Letort Spring Run (CWF) starting at a point at Bedford Street and extending downstream 600 feet (Carlisle, PA Quadrangle N: 12.7 inches; W: 8.6 inches) in Carlisle Borough, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E21-307.** Encroachment. **Mark Burkhead, PA Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103. To relocate and maintain the channel and to impact 0.08 acre of wetlands to an unnamed tributary to Yellow Breeches Creek having a total length of 150 feet for the purpose of constructing the Route US 15/Lisburn Road Interchange (Mechanicsburg, PA Quadrangle N: 6.5 inches; W: 0.5 inch) in Upper Allen Township, **Cumberland County**. The permittee is required to provide 0.08 acre of replacement wetland. This permit also includes 401 Water Quality Certification.

**E22-402.** Encroachment. **Jeffrey Neely**, 161 Rehrer Lane, Harrisburg, PA 17112. To excavate an impoundment area within the floodway for construction of a recreational pond in and along a tributary to Manada Creek (CWF) at a point approximately 1,100 feet upstream of Route 443 (Grantville, PA Quadrangle N: 4.4 inches; W: 14.0 inches) in East Hanover Township, **Dauphin County**. Issuance of this permit constitutes approval of the Environmental Assessment for the non-jurisdictional dam proposed at the project site. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E38-129.** Encroachment. **PA Department of General Services**, 18th and Herr Streets, Harrisburg, PA 17120. To remove the existing structure and to construct and maintain 467 lineal feet of 20-foot bottom width U-shaped reinforced concrete channel with a minimum wall height of 11-feet for the Hazel Dyke Flood Control Project located between State Drive (LR 38016) and South Lincoln Avenue. The State Drive bridge will be removed and replaced with a single-cell precast concrete box culvert having a 20-foot width with an 11-foot underclearance. A 45-foot section of reinforced concrete transition ramp will be attached to the upstream end of State Drive. The purpose of the project is to reduce flood damage to residential properties along the Hazel Dyke Creek which outlets into the Quittapahilla Creek (TSF) (Lebanon, PA Quadrangle N: 15.0 inches; W: 5.0 inches) in South Lebanon Township, and the City of Lebanon, **Lebanon County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-682.** Encroachment, **York County Commissioners**, One West Marketway, 4th Fl., York, PA 17401. To remove an existing structure (Bridge No. 193) and to construct and maintain a 90-foot single clear span concrete bridge with a minimum underclearance of 12 feet on Bowers Road (T-940) over the Little Conewago Creek (TSF) approximately 100 yards upstream of the confluence with the West Conewago Creek for roadway improvements (York Haven, PA Quadrangle N: 15.9 inches; W: 14.3 inches) in Conewago and East Manchester Townships, **York County**. This permit also includes 401 Water Quality Certification.

**E67-683.** Encroachment. **York County Commissioners**, One W. Marketway, 4th Fl., York, PA 17401. To remove the existing structure and to construct and maintain County Bridge No. 64 having twin spans of 51 feet and 52.5 feet each with an average underclearance of 9 feet. The bridge will have reinforced concrete abutments, a 3 foot width center pier and wingwalls with a prestressed concrete superstructure over Kreutz Creek (WWF) on Bair's Mill Road (T-773) (Columbia West, PA Quadrangle N: 2.5 inches; W: 6.75) in Hellam Township, **York County**. This permit also includes 401 Water Quality Certification.

*Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E17-343.** Encroachment. **Andrew S. Haversack**, R. R. 3, Box 83A, Clearfield, PA 16830. To complete and maintain 75 lineal feet of channel realignment in addition to 10 lineal feet of bank stabilization with R-6 riprap located on an unnamed tributary to Little Clearfield Creek (Glen Richey, PA Quadrangle N: 13.75 inches; W: 14.25 inches) in Lawrence Township, **Clearfield County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-297.** Encroachment. **Pine Creek Municipal Authority**, P. O. Box 608, Avis, PA 17721. To reconstruct and maintain eight municipal wastewater pumping stations at the following locations in the floodplains of Pine Creek and the West Branch of Susquehanna River (Jersey Shore, PA Quadrangle) in Pine Creek Township, **Clinton County**.

Pump Station A—041°10'25.51"N	077°21'32.11"W
Pump Station B—041°11'48.80"N	077°17'53.64"W
Pump Station C—041°11'41.23"N	077°17'57.90"W
Pump Station D—041°11'5.83"N	077°17'54.01"W
Pump Station E—041°10'30.70"N	077°18'11.87"W
Pump Station G—041°12'33.91"N	077°18'39.74"W
Pump Station H—041°10'28.18"N	077°20'25.37"W
Pump Station I—041°10'33.09"N	077°19'5.70"W

This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E19-202.** Encroachment. **Rod V. Berlin**, R. R. 3, Box 3827, Berwick, PA 18603. To construct an L-shaped addition approximately 50' by 40' by 10' wide to an existing cottage in the floodway of Fishing Creek approximately 1,200 feet east of the intersection of Route 487 with SR 4041 (Bloomsburg, PA Quadrangle North: 6.4 inches; W: 4.2 inches) in Orange Township, **Columbia County**. This permit was issued under section 105.13(e) "Small Projects."

**E49-229.** Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218. To construct a single span bridge with a span of 60 feet and widen an existing bridge by 11 feet over Limestone Run, relocate 131 feet of an unnamed tributary to Limestone Run, relocate 180 feet of an unnamed tributary to Limestone Run at SW Basin 4, extend three culverts in unnamed tributaries to West Branch Susquehanna River, and place fill in 5 acres of wetlands for the construction of two additional lanes on SR 147 beginning 1 mile south of SR 45 and extending 6.4 miles north (Northumberland, PA Quadrangle N: 22 inches; W: 12 inches) in the Borough of Milton, Turbot, Lewis, East Chillisquaque and West Chillisquaque Townships, **Northumberland County**. Wetland and stream impacts will be mitigated at a nearby site. Five acres of wetlands will be replaced and stream impacts will be mitigated by installing rock vanes and root wads to protect 1,000 feet of the streambank of Warrior Run.

**E49-234.** Encroachment. **Shamokin Creek Restoration Alliance**, P. O. Box 263, Mount Carmel, PA 17851-0263. To construct and maintain three settlement ponds, not to exceed 0.75 total acres, for precipitation of iron from acid mine water discharge on the west side of Venn Access Road approximately 0.75 mile south of the Shamokin High School Building (Shamokin, PA Quadrangle N: 5.5 inches; W: 11.6 inches) in Coal Township, **Northumberland County**.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

#### Permits Issued

**E65-755.** Encroachment. **Premier Hospitality Group—New Stanton II**, 2801 Freeport Road, Pittsburgh, PA 15238. To place and maintain fill in 0.12 acre of wetlands (PEM) for the purpose of developing a motel. To compensate for wetlands loss, the permittee shall construct a minimum of 0.12 acre of replacement wetlands (PEM). The project is located off of S. R. 3093 and Bair Boulevard (Mount Pleasant, PA Quadrangle N: 17.1 inches; W: 15.8 inches) in the Borough of New Stanton, **Westmoreland County**.

**E11-281.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a 1.0-foot depressed 20.0-foot × 7.0-foot concrete box culvert in Clearfield Creek (WWF) for the purpose of improving transportation safety and roadway standards. This permit also authorizes the placement and maintenance of fill in 0.0013 acre of palustrine emergent, scrub/shrub wetlands and the temporary placement and maintenance of fill in 0.0124 acre of palustrine emergent, scrub/shrub wetlands. The project is located on S. R. 1004, Segment 0060, Offset 0000 (Cresson, PA Quadrangle N: 18.9 inches; W: 15.8 inches) in Allegheny and Cresson Townships, **Cambria County**. Permanent wetland losses have been replaced at the Cambria County Advance Wetland Compensation Area (State Game Lands No. 108). This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E56-293.** Encroachment. **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To extend and maintain a 146.5-foot long, 108-inch diameter corrugated metal pipe for an additional distance of 16.0 feet upstream and 23.0 feet downstream in an unnamed tributary to Glades Creek (CWF). The pipe is



located on SR 1003 at the B-482 crossing over the Pennsylvania Turnpike (Berlin, PA Quadrangle N: 20.0 inches; W: 11.6 inches) in Stonycreek Township, Somerset County. Also to place and maintain fill in a de minimis area of palustrine emergent wetlands equal to 0.02 acres and located in the East Branch Coxes Creek Watershed (WWF). The fill will be located along SR 0031 at the B-438 crossing over the Pennsylvania Turnpike (Somerset, PA Quadrangle N: 0.6 inches; W: 7.2 inches) in Somerset and Stonycreek Townships, **Somerset County**. The structure and activity are being proposed to allow future reconstruction of the Pennsylvania Turnpike from Milepost 109 to Milepost 122.

**E65-750.** Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 18.0 meters and an underclearance of 1.34 meters across Hannas Run (CWF) for the purpose of improving transportation safety and roadway standards. This permit also authorizes the construction and maintenance of an outfall structure consisting of a 450 mm corrugated steel pipe along Hannas Run (CWF) and temporary shoring at the bridge location during construction, the placement and maintenance of fill in 0.058 hectare of palustrine emergent wetlands and the temporary placement and maintenance of fill in 0.025 hectare of palustrine emergent wetlands. The project is located on SR 1017, Section C00 (Wilpen, PA Quadrangle N: 3.5 inches; W: 11.0 inches) in Ligonier Township, **Westmoreland County**. To compensate for wetland impacts, the permittee contributed to the Pennsylvania Wetland Replacement Fund.

*Permits Issued and Actions on 401 Certification*

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E25-601.** Encroachment. **Lake Erie College of Osteopathic Medicine**, 1858 West Grandview Boulevard, Erie, PA 16509. To place fill in 0.36 acre of two separate wetland areas for construction of an access road, parking area and health center associated with expansion of the Lake Erie College of Osteopathic Medicine facility at 1858 West Grandview Boulevard approximately 0.75 mile west of Peach Street (S. R. 19) (Erie South, PA Quadrangle N: 14.5 inches; W: 14.5 inches) in the City of Erie, **Erie County**. This permit includes a contribution to the Pennsylvania Wetland Replacement Fund for replacement of 0.36 acre of wetland.

**E61-231.** Encroachment. **Clinton Township**, P. O. Box 216, Butler Street, Clintonville, PA 16327. To remove the existing structure and to construct and maintain a 13-foot wide by 8-foot high corrugated metal pipe arch culvert in a tributary to Scrubgrass Creek on T-305 (Hovis Road) approximately 1 mile west of S. R. 308 (Barkeyville, PA Quadrangle N: 11.1 inches; W: 1.8 inches) in Clinton Township, **Venango County**.

**ENVIRONMENTAL ASSESSMENT**

*Environmental Assessment Approval and Actions on 401 Certification*

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D36-254EA.** Environmental Assessment. **Manheim Borough Authority** (15 East High Street, Manheim, PA 17545). To breach and remove the Manheim Water Authority's intake dam across Rife Run (WWF) for the

purpose of restoring the stream to a free flowing condition. The dam is located approximately 1,100 feet southeast of the intersection of Old Line Pike (S. R. 4026) and Orchard Road (Manheim, PA Quadrangle N: 7.55 inches; W: 4.40 inches), in Manheim Borough, **Lancaster County**.

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

**EA33-005NW.** Environmental Assessment. **Hedin Environmental**, 195 Castle Shannon Boulevard, Pittsburgh, PA 15228. To impact approximately 0.4 acre of wetlands and to place an earthen embankment within the floodway of Beaver Run (CWF) to construct a 0.81 acre passive treatment wetland and a 750 ton oxic limestone bed to treat three separate Acid Mine Discharges to Beaver Run. This site is known as the Conifer East site, and is located along the east side of Beaver Run approximately 1,200 feet southeast of the intersection of S. R. 3007 and Conifer Road in the village of Conifer (Summerville, PA Quadrangle N: 15.0 inches; W: 1.8 inches) located in Beaver Township, **Jefferson County**.

**WATER QUALITY CERTIFICATION**

**Notice of Final Action on Request for Certification under section 401 of the Federal Water Pollution Control Act.**

Except as otherwise noted, the Department of Environmental Protection (Department), under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)), certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of that act, and that the construction will not violate applicable Federal and State water quality standards, provided the following requirements are met:

Implement proper erosion and sedimentation controls during and after construction.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment permit and either a United States Army Corps of Engineers individual permit or a Nationwide permit 14, 18 or 26 will be published with Actions of Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedures may be obtained from the Board. The appeal form and the Board's rules of practice and procedures are also available in braille or on audiotape from the Secretary of 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.

*Regional Office: Regional Manager, Water Management Program, Northwest Region, 230 Chestnut Street, Meadville, PA 16335.*

*Certification Request Initiated by: United States Army Corps of Engineers, Pittsburgh District, 1000 Liberty Avenue, Pittsburgh, PA 15222.*

*Date of Initial Pennsylvania Bulletin Notice: April 8, 2000.*

*Project Description: To install approximately 430 linear feet of rock riprap bank protection along the right bank of French Creek to provide erosion protection for Nickel Plate Road approximately 3,400 feet downstream of the S. R. 173 bridge (Cochranon, PA Quadrangle N: 1.6 inches; W: 6.8 inches).*

*Location: Fairfield Township, Crawford County.*

*Final Action on Request: May 8, 2000.*

#### WATER ALLOCATIONS

**Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—640) relating to the acquisition of rights to divert waters of this Commonwealth.**

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

*Permit Issued*

**WA46-67H. Water Allocation. Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010 has been granted the right to purchase up to 9.5 million gallons per day, based on a 30-day average, from the Philadelphia Water Department in Tinicum Township, Delaware County.**

*Type of Facility: Public Water Supply System*

*Consulting Engineer: Philadelphia Suburban Water Company*

*Permit Issued: May 3, 2000*

[Pa.B. Doc. No. 00-895. Filed for public inspection May 26, 2000, 9:00 a.m.]

#### Storage Tank Advisory Committee Meeting

The Department of Environmental Protection's Storage Tank Advisory Committee will hold its meeting on June 6, 2000, at the Best Western Genetti Motor Lodge, Route 309 North, R. R. 2, Box 37, Hazleton, PA 18201-9681 from 10 a.m. to 12 p.m., followed by a site visit to the Tranguch Tire Site. This meeting was originally scheduled to be held at 400 Market Street, 10th Floor Conference Room, Rachel Carson State Office Building, Harrisburg, PA 17105-8762.

Persons with a disability who wish to attend the Storage Tank Advisory Committee meeting and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Crystal Thompson, Storage Tank Advisory Committee Coordinator, at (717) 772-5829 or through the PA AT&T Relay

Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-896. Filed for public inspection May 26, 2000, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Professional Relocation Services; Request for Proposal

The Commonwealth is seeking proposals for professional moving services to provide all labor, equipment and supervision necessary to relocate about 2,300 employees into the Keystone Office Building as well as surplus furniture, fixtures and equipment within the Harrisburg region.

The Department of General Services is seeking interested firms to submit sealed proposals for consideration for the following project:

**DGS 948-41MO1**—Relocation Services, Keystone Building, Harrisburg, Dauphin County, PA.

**RFP Price**—\$25 (Includes PA Sales Tax) per RFP. Checks must be made payable to CRSS Constructors. This price is nonrefundable. Requests for the RFP should be mailed to Reliance Reprographics, Inc., Second and North Streets, Harrisburg, PA 17101, Attention: Adam Kenes, (717) 232-5700 or Fax (717) 232-3282. Contact Bidders Services at (717) 787-3923, [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or CRSS at (717) 233-7507 for the names of those who have secured the Request for Proposal.

#### Preproposal Meeting

A preproposal meeting and subsequent walk-through will be held on Tuesday, June 6, 2000, at 9 a.m. at Hearing Room No. 3, Pennsylvania Public Utility Commission, First Floor, North Office Building, Commonwealth Avenue and North Street, Harrisburg, Dauphin County, PA.

#### Walk-Through

A walk through tour will commence immediately upon completion of the preproposal meeting on June 6, 2000. The tour will commence again at 9 a.m. on Wednesday, June 7, 2000, and Thursday, June 8, 2000. Subsequent information will be provided and questions will be answered at that time. Pertinent questions concerning the scope and requirements for this relocation will be answered by publishing the questions and responses.

**Preproposal Questions**—All questions pertaining to this RFP must be received via fax by 5 p.m., Tuesday, June 13, 2000. Inquiries received after this time and date will not be considered. Address questions to: CRSS Relocation Project Team at Fax No. (717) 233-6564 and clearly identified as: Keystone Building Relocation Question. An acknowledgment of each question will be returned to the sender upon receipt. Responses will be formulated and the original question and the response will be faxed to all

prospective contractors by the next business day. All questions must be submitted by fax to ensure that documented, uniform responses can be provided to all contractors.

All proposals are due Tuesday, June 27, 2000, no later than 2 p.m., in Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Responses re-

ceived after this due date and time will be returned unopened.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-897. Filed for public inspection May 26, 2000, 9:00 a.m.]

### State Surplus Property Program

Under the provisions of Act 57 of 1998, the Department of General Services, State Surplus Property Program is offering for sale to counties, boroughs, incorporated towns, cities and townships the following items:

<i>Item</i>	<i>Make</i>	<i>Eq. No.</i>	<i>Location</i>
1. Front End Bucket Loader, 544C	John Deere	034-2040	PA Dot-Pittsburgh, PA
2. Front End Bucket Loader, 544C	John Deere	035-2040	PA Dot-Pittsburgh, PA
3. Articulated Loader, 544C	John Deere	037-2040	PA Dot-Pittsburgh, PA
4. Articulated Loader, 544C	John Deere	038-2040	PA Dot, Ft. Littleton, PA
5. Wheel Loader, 544C	John Deere	069-2040	PA Dot, Towanda, PA Q
6. Articulated Loader, 544C	John Deere	080-2040	PA Dot, Ft. Littleton, PA
7. Loader, 544C	John Deere	087-2040	PA Dot, Rochester, PA
8. Front End Wheel Loader, 544C	John Deere	125-2040	PA Dot, Uniontown, PA
9. Articulated Loader, 544D	John Deere	174-2040	PA Dot, Meadville, PA
10. Front End Loader	Yale	033-8043	PA Dot, Hyde, PA
11. Front End Loader	Yale	035-8043	PA Dot, Butler, PA
12. Back Hoe/Tractor	Case	226-6056	PA Dot, Littleton, PA
13. Loader/Wheel, W20C	Case	230-2056	PA Dot, St. Mary's, PA
14. Backhoe/Loader	Case	229-6056	PA Dot, Hollidaysburg, PA
15. Rubber Tire Loader, W20C	Case	305-2056	PA Dot, Cyclone, PA
16. Articulated Loader, W20C	Case	325-2056	PA Dot, Washington, PA
17. Tandem Excavator	Gradall	063-6365	PA Dot, Mifflintown, PA
18. Tandem Excavator	Koehring	012-6368	PA Dot, Ebensburg, PA
19. Hydraulic Excavator	Koehring Bantam	018-6368	PA Dot, Bellefonte, PA
20. Self Propelled Belt Loader	Athey	085-5369	PA Dot, Wellsboro, PA
21. Belt Loader	Athey	090-5369	PA Dot, York, PA
22. Articulating 6-Wheel/Benching Grader w/plow	John Deere	016-1678	
	Gledhill	915-9714	PA Dot, Meadville, PA
23. Road Grader, 772A	John Deere	089-6678	PA Dot, Towanda, PA
24. Articulated Grader, 730A (4x2)	Champion	022-3682	PA Dot, Wellsboro, PA
25. Trailer	Tag-a-Long	TAX-00-0025	DPW, WhiteHaven Center
26. Tractor	Ford	104-02-0385	DPW, WhiteHaven Center
27. Mower	Kutkwik	118-01-0006	DCNR, Chapman St. Park
28. Loader, JD544A	John Deere	115-08-0950	DCNR, Forest District 12 South Williamsport

The items will be sold to the highest responsible bidder by sealed bid sale. Those political subdivisions which are interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, P. O. Box 1365, Harrisburg, PA 17105 or call (717) 787-4085. Requests for bid proposals need to be made prior to the bid opening on June 15, 2000, at 1 p.m.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-898. Filed for public inspection May 26, 2000, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Chestnut Hill Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chestnut Hill Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 which requires that the membership of the medical staff

be limited to physicians and dentists who have made application in accordance with the bylaws, rules and regulations of the medical staff and with the bylaws of the hospital.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail address: mvia@state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and previous address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-899. Filed for public inspection May 26, 2000, 9:00 a.m.]

### Notice of Request for Exceptions

Under 28 Pa. Code § 51.33 (relating to exceptions), the Department of Health (Department), gives notice that the following long-term care facilities have requested exceptions to specific requirements of the regulations for long-term care facilities, 28 Pa. Code Part IV, Subpart C.

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.17 (relating to location):

Millcreek Manor  
3401 Poplar Street  
Erie, PA 16508

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Medical Center Beaver Long Term Care  
1000 Dutch Ridge Road  
Beaver, PA 15009-9700

St. Lukes Quakertown Hospital Transitional Care Unit  
1021 Park Avenue  
Quakertown, PA 18951-9003

Montgomery Hospital Skilled Nursing Unit  
1301 Powell Street, P. O. Box 992  
Norristown, PA 19404-0992

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e) (relating to prevention, control and surveillance of tuberculosis):

Washington Hospital Transitional Care Unit  
155 Wilson Avenue  
Washington, PA 15301

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(c) and (k) (relating to prevention, control and surveillance of tuberculosis):

Sewickley Valley Hospital Transitional Care Unit  
720 Blackburn Road  
Sewickley, PA 15143

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Jewish Home of Greater Harrisburg  
4000 Linglestown Road  
Harrisburg, PA 17112

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.10(e) (relating to doors):

Quarryville Presbyterian Home  
625 Robert Fulton Highway  
Quarryville, PA 17566-1400

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(b) (relating to resident bedrooms):

Green Ridge Nursing Home  
1530 Sanderson Avenue  
Scranton, PA 18509

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.24(a) (relating to dining room) and 28 Pa. Code § 205.27 (relating to lounge and recreation room):

Frick Hospital Skilled Nursing Unit  
508 South Church Street  
Mount Pleasant, PA 15666

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.24(a) and (b) (relating to dining room) and 28 Pa. Code § 205.38(d) and (e) (relating to toilet facilities):

Neshaminy Manor Home  
Route 611 and Almshouse Road  
Doylestown, PA 18901

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(a) (relating to kitchen):

Evergreen Terrace  
777 Ferry Road  
Doylestown, PA 18901

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.26(e) (relating to laundry):

Friendly Nursing Home  
R. D. 1, Box 118  
Pitman, PA 17964-9239

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room):

Presbyterian Medical Center of Washington  
835 South Main Street  
Washington, PA 15301

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(b) (relating to toilet facilities):

Meadow View Senior Living Center  
R. R. 4, Box 4000  
Montrose, PA 18801

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.71 (relating to bed and furnishings):

Pleasant View Retirement Community  
544 North Penryn Road  
Manheim, PA 17545

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.72 (relating to furniture):

Villa Teresa  
1051 Avila Road  
Harrisburg, PA 17109

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station), 28 Pa. Code § 205.6(a) (relating to function of a building), 28 Pa. Code § 205.25 (relating to kitchen), 28 Pa. Code § 205.26 (relating to laundry) and 28 Pa. Code § 205.38(e) (relating to toilet facilities):

Laurelbrooke Landing—replacement facility for:  
Pennsylvania Memorial Home  
51 Euclid Avenue  
Brookville, PA 15825

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.6(c) (relating to dietary services):

Regina Community Nursing Center  
230 North 65th Street  
Philadelphia, PA 19139-1099

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(b) (relating to kitchen):

York Terrace  
2401 West Market Street  
Pottsville, PA 17901-1833

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, Fax: (717) 772-2163, E-Mail Address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN,  
*Secretary*

[Pa.B. Doc. No. 00-900. Filed for public inspection May 26, 2000, 9:00 a.m.]

### Pennsylvania Cancer Control Prevention and Research Advisory Board

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633) will hold a public meeting on June 14, 2000, from 10 a.m. to 11 a.m. Board members will attend by telephone, and the conference call may be attended by

members of the public in Room 929, of the Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information contact Susan F. George, Program Manager, Department of Health, Cancer Control Program, 1011 Health and Welfare Building, Harrisburg, PA, (717) 787-5251.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Susan F. George at (717) 787-5251. V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN,  
*Secretary*

[Pa.B. Doc. No. 00-901. Filed for public inspection May 26, 2000, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania King's Ransom Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 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 King's Ransom.

2. *Price:* The price of a Pennsylvania King's Ransom instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania King's Ransom instant lottery game ticket will contain one play area featuring one "Lucky Numbers" area, one "Your Numbers" area and a "Bonus Box" area. The play symbols and their captions located in the "Lucky Numbers" area and "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY) and 21 (TWENTYONE). The play symbols and their captions located in the "Bonus Box" area are: Gold Bar Symbol (GLD BAR), Ring Symbol (RING), Coin Symbol (COIN) and Castle Symbol (CASTLE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$8.<sup>00</sup> (EGT DOL), \$12\$ (TWLV), \$18\$ (EGHTN), \$25\$ (TWY FIV), \$36\$ (TRY SIX), \$50\$ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$6, \$8, \$12, \$18, \$25, \$36, \$50, \$100, \$300, \$1,000 and \$25,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania King's Ransom instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$25,000 (TWYFIVTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Castle Symbol (CASTLE) in the "Bonus Box" area and four prize play symbols of \$50\$ (FIFTY) and four prize play symbols of \$25\$ (TWY FIV) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$300 (THR HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(e) Holders of tickets with a Castle Symbol (CASTLE) in the "Bonus Box" area and five prize play symbols of \$18\$ (EGHTN) and one prize play symbol of \$5<sup>.00</sup> (FIV DOL), \$3<sup>.00</sup> (THR DOL), and \$2<sup>.00</sup> (TWO DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a Castle Symbol (CASTLE) in the "Bonus Box" area and six prize play symbols of \$5<sup>.00</sup> (FIV DOL) and one prize play symbol of \$12\$ (TWLV) and \$8<sup>.00</sup> (EGT DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with a Castle Symbol (CASTLE) in the "Bonus Box" area and four prize play symbols of \$8<sup>.00</sup> (EGT DOL) and four prize play symbols of \$1<sup>.00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$36.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$36\$ (TRY SIX) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$36.

(k) Holders of tickets with a Castle Symbol (CASTLE) in the "Bonus Box" area and three prize play symbols of \$5<sup>.00</sup> (FIV DOL), two prize play symbols of \$3<sup>.00</sup> (THR DOL), a prize play symbol of \$2<sup>.00</sup> (TWO DOL) and two prize play symbols of \$1<sup>.00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(m) Holders of tickets with a Castle Symbol (CASTLE) in the "Bonus Box" area and six prize play symbols of \$2<sup>.00</sup> (TWO DOL) and two prize play symbols of \$3<sup>.00</sup> (THR DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$18.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$18\$ (EGHTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(o) Holders of tickets with a Castle Symbol (CASTLE) in the "Bonus Box" area and four prize play symbols of \$2<sup>.00</sup> (TWO DOL) and four prize play symbols of \$1<sup>.00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$12.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$12\$ (TWLV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(q) Holders of tickets with a Castle Symbol (CASTLE) in the "Bonus Box" area and eight prize play symbols of \$1<sup>.00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$8.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$8<sup>.00</sup> (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$6<sup>.00</sup> (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$3<sup>.00</sup> (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(v) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$1<sup>.00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *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>When Any Of Your Numbers Matches Either Lucky Number Or Get A Castle With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$2	\$2	1:16.67	302,400
\$1 x 2	\$2	1:8.33	604,800
\$3	\$3	1:150	33,600
\$2 + \$1	\$3	1:75	67,200
\$1 x 3	\$3	1:75	67,200
\$5	\$5	1:1,500	3,360
\$3 + \$2	\$5	1:1,500	3,360
\$2 x 2 + \$1	\$5	1:750	6,720
\$1 x 5	\$5	1:93.75	53,760
\$8	\$8	1:1,500	3,360
\$5 + \$3	\$8	1:1,500	3,360
\$3 x 2 + \$1 x 2	\$8	1:750	6,720
\$1 x 8 (CASTLE)	\$8	1:93.75	53,760
\$12	\$12	1:1,500	3,360
\$2 x 6	\$12	1:1,500	3,360
\$8 + \$2 x 2	\$12	1:750	6,720
\$3 x 4	\$12	1:500	10,080
\$2 x 4 + \$1 x 4 (CASTLE)	\$12	1:500	10,080
\$18	\$18	1:1,500	3,360
\$12 + \$3 x 2	\$18	1:1,500	3,360
\$3 x 6	\$18	1:1,500	3,360
\$6 x 2 + \$3 x 2	\$18	1:1,500	3,360
\$2 x 6 + \$3 x 2 (CASTLE)	\$18	1:250	20,160
\$25	\$25	1:1,500	3,360
\$5 x 5	\$25	1:1,500	3,360
\$12 + \$8 + \$3 + \$2	\$25	1:1,500	3,360
\$5 x 4 + \$3 + \$2	\$25	1:1,500	3,360
\$5 x 3 + \$3 x 2 + \$2 + \$1 x 2 (CASTLE)	\$25	1:250	20,160
\$36	\$36	1:12,000	420
\$12 x 2 + \$2 x 6	\$36	1:6,000	840
\$8 x 4 + \$2 x 2	\$36	1:6,000	840
\$8 x 4 + \$1 x 4 (CASTLE)	\$36	1:342.86	14,700
\$50	\$50	1:12,000	420
\$12 x 4 + \$2	\$50	1:4,000	1,260
\$8 x 6 + \$2	\$50	1:6,000	840
\$5 x 6 + \$12 + \$8 (CASTLE)	\$50	1:1,200	4,200
\$100	\$100	1:30,000	168
\$18 x 5 + \$5 + \$3 + \$2 (CASTLE)	\$100	1:3,333	1,512
\$300	\$300	1:504,000	10
\$50 x 4 + \$25 x 4 (CASTLE)	\$300	1:50,400	100
\$1,000	\$1,000	1:630,000	8
\$25,000	\$25,000	1:1,260,000	4

CASTLE = Auto Win

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania King's Ransom 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 King's Ransom, prize money from winning Pennsylvania King's Ransom 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 King's Ransom instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (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. The announcement will be disseminated through media used to advertise or promote Pennsylvania King's Ransom or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 00-902. Filed for public inspection May 26, 2000, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 115—Tarentum Borough, Allegheny County. This parcel contains approximately 0.301± Acres or 13,090± SF of land situated at the intersection of Butler Street and the former West 8th Avenue in the Borough of Tarentum, Pennsylvania. The property will be sold in "as is condition." The estimated fair market value of the parcel is \$5,500.00. It has been determined that the land is no longer needed for present or future Transportation purposes.

Interest public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Raymond S. Hack, District Engineer, Pennsylvania Department of

Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pennsylvania 15017.

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 00-903. Filed for public inspection May 26, 2000, 9:00 a.m.]

### Finding York County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to construct alignment and intersection improvements to US Route 30 from the PA Route 462 interchange through the PA Route 116 intersection in West Manchester Township, York County. The proposed project known as S. R. 0030, Section A01, is located on US Route 30 approximately 3.0 miles west of the City of York and 1.5 miles east of Thomasville. The proposed improvements include widening Route 30 from three to five lanes between PA Route 116 and PA Route 616. The Route 30 eastbound ramp at the PA Route 462 interchange will be widened to two lanes. The PA Route 116 intersection with Route 30 will be relocated approximately 600 feet west of its current location. PA Route 116 will be widened at its intersection with Route 30 to provide turn lanes.

The S. R. 0030, Section A01 project is located within the West Market Street Historic District and adjacent to Lee's Diner and the Wolf Farmstead, which were determined eligible for listing on the National Register of Historic Places. The effect of this project on these National Register Eligible resources will be mitigated by mitigation measures outlined in the Categorical Exclusion Evaluation/Section 2002 Evaluation.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from this widening and intersection improvement project.

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 00-904. Filed for public inspection May 26, 2000, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Considered by the Historic Preservation Board

National Register Nominations to be considered at the June 13, 2000, meeting of the Historic Preservation Board—Addendum.



15. Kent, Thomas, Jr. Farm. 280 Laurel Run Road, Franklin Township, Greene County.

BRENT D. GLASS,  
Chairperson

[Pa.B. Doc. No. 00-905. Filed for public inspection May 26, 2000, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 11, 2000, and took the following action:

#### Regulations Deemed Approved under Section 5(g) of the Regulatory Review Act— Effective May 10, 2000

Pennsylvania Public Utility Commission #57-198: Reporting Requirements Relating to the Submission of Gas Supply and Demand Data (amends 52 Pa. Code Chapter 59).

#### *Regulations Approved:*

Department of Revenue #15-400: Commercial Motion Pictures: Sales and Use Tax (amends the Tax Reform Code of 1971; adds § 32.38 to 61 Pa. Code; and deletes the Department's Statement of Policy in 61 Pa. Code § 60.22).

Department of Community and Economic Development #4-67: Commercial Motion Picture Sales; Tax Exemption Certificate (adds 12 Pa. Code § 33.1).

Pennsylvania Human Relations Commission #52-010: Housing Accommodations/Commercial Property (amends 16 Pa. Code Chapter 45).

Pennsylvania Turnpike Commission #60-2: Traffic Regulations (amends 67 Pa. Code Chapter 601).

State Board of Nursing #16A-5112: Fees (amends 49 Pa. Code §§ 21.5, 21.147 and 21.253).

State Board of Veterinary Medicine #16A-5710: Examinations, Licensures, Fees (amends 49 Pa. Code §§ 31.3(a), 31.11(b)(2), 31.12(b) and 31.41).

State Board of Physical Therapy #16A-657: Fees (amends 49 Pa. Code § 40.5).

State Board of Occupational Therapy, Education and Licensure #16A-673: Oral Orders (adds 49 Pa. Code § 42.25).

*Commissioners Present:* John R. McGinley, Jr., Chairperson—by phone; Alvin C. Bush, Vice Chairperson—by phone; Arthur Coccodrilli; John F. Mizner; Robert J. Harbison, III

Public Meeting held  
May 11, 2000

*Department of Revenue—Commercial Motion Pictures; Sales and Use Tax; Regulation No. 15-400*

#### Order

On March 2, 1998, the Independent Regulatory Review Commission (Commission) received this proposed rule-

making from the Department of Revenue (Department). The authority for this regulation is section 2(54) of Act 7-1997, which amended the Tax Reform Code of 1971 (72 P. S. § 7204(54)). The proposed regulation was published in the March 14, 1998 edition of the *Pennsylvania Bulletin*, with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 12, 2000.

This rulemaking adds new § 32.38 to 61 Pa. Code. It also deletes the Department's Statement of Policy in 61 Pa. Code § 60.22.

The regulation provides a sales and use tax exemption for the retail sale to, or use by, a motion picture producer of any personal property and services used directly in the production of a commercial motion picture. It also requires the commercial motion picture producer to furnish each of the vendors from whom property or services were purchased with a completed Exemption Certificate for claiming exemptions from tax.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 15-400 from the Department of Revenue, as submitted to the Commission on April 12, 2000, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson—by phone; Alvin C. Bush, Vice Chairperson—by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
May 11, 2000

*Department of Community and Economic Development—Commercial Motion Picture Sales; Tax Exemption Certificate; Regulation No. 4-67*

#### Order

On March 18, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Community and Economic Development. This rulemaking adds § 33.1 to 12 Pa. Code. The authority for this regulation is section 204(54) of the Tax Reform Code. The proposed regulation was published in the March 28, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 11, 2000.

This proposal implements section 204(54) of the Tax Reform Code by prescribing the Department of Revenue form to be used by producers of commercial motion pictures who qualify for the State sales and use tax exemption.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 4-67, from the Department of Community and Economic Development, as submitted to the Commission on April 11, 2000, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson—by phone; Alvin C. Bush, Vice Chairperson—by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
May 11, 2000

*Pennsylvania Human Relations Commission—Housing Accommodations/Commercial Property; Regulation No. 52-10*

### Order

On July 13, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Human Relations Commission (PHRC). This rulemaking amends 16 Pa. Code Chapter 45. The authority for this regulation is sections 7(d) and 9(g) of the Pennsylvania Human Relations Act (act) (43 P. S. §§ 957(d) and 959(g)). The proposed regulation was published in the July 24, 1999 *Pennsylvania Bulletin*, with a 60-day public comment period. The final-form regulation was submitted to the Commission on March 23, 2000.

On April 3, 2000, the Commission received a request from the PHRC to toll consideration of this final-form regulation to make technical corrections. On April 17, 2000, the PHRC submitted its revisions to the final-form regulation to the Commission.

This regulation sets forth words, phrases and symbols that are impermissible in housing advertisements. It replaces an existing Statement of Policy in 16 Pa. Code Chapter 45. It also outlines language that violates the act and defines what constitutes reasonable compliance with these provisions.

This rulemaking will affect advertisers, publishers and realtors. The PHRC estimates that no additional costs will be incurred by public or private entities.

The revised final-form regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 52-10 from the Pennsylvania Human Relations Commission, as revised on April 17, 2000, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson—by phone; Alvin C. Bush, Vice Chairperson—by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
May 11, 2000

*Pennsylvania Turnpike Commission—Traffic Regulations; Regulation No. 60-2*

### Order

On August 13, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Turnpike Commission (PTC). This rulemaking amends 67 Pa. Code Chapter 601. The authority for this regulation is 36 P. S. §§ 651.7 and 652d and 75 Pa.C.S. § 6110. The proposed regulation was published in the September 25, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 20, 2000.

This regulation makes several substantive and editorial changes to the PTC's existing regulations. The PTC believes that all the customers that use the Turnpike will benefit from an increase in the overall safety and free flow of traffic on the Turnpike.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 60-2 from the Pennsylvania Turnpike Commission, as submitted to the Commission on April 20, 2000, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson—by phone; Alvin C. Bush, Vice Chairperson—by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
May 11, 2000

*State Board of Nursing—Fees; Regulation No. 16A-5112*

### Order

On April 19, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code §§ 21.5, 21.147 and 21.253. The authority for this regulation is sections 11.2(a) and (d) of The Professional Nursing Law (63 P. S. §§ 221.2(a) and (d)) and section 17.5(a) of the Practical Nurse Law (63 P. S. § 667.5(a)). The proposed regulation was published in the May 1, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 7, 2000.

The regulation revises 13 fees and adds eight new fees. The Board estimates that 31,000 persons will avail themselves of one or more of the enumerated services in a 2-year period. Total additional costs to the regulated community will be approximately \$1,200,000. Only those requesting the services will be affected.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-5112 from the State Board of Nursing, as submitted to the Commission on April 7, 2000, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson—by phone; Alvin C. Bush, Vice Chairperson—by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
May 11, 2000

*State Board of Veterinary Medicine—Examinations, Licensure, Fees; Regulation No. 16A-5710*

### Order

On April 7, 2000, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Veterinary Medicine. This rulemaking

amends 49 Pa. Code §§ 31.3(a), 31.11(b)(2), 31.12(b) and 31.41. The authority for this regulation is found in sections 5(6) and 9(3) of the Veterinary Medicine Practice Act (63 P. S. §§ 485.5(6) and 485.9(3)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation revises examination requirements for licensure as a veterinarian. The North American Veterinary Licensing Examination (NAVLE) will replace the existing National Board Examination and the Clinical Competency Test. The NAVLE is the uniform examination which will be required of all applicants for licensure in the United States and Canada. The fee for the NAVLE will be \$325. This regulation also eliminates the requirement that applicants for licensure take the Pennsylvania Veterinary Legal Practice Examination.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-5710 from the State Board of Veterinary Medicine, as submitted to the Commission on April 7, 2000, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners Voting:* John R. McGinley, Jr., Chairperson—by phone; Alvin C. Bush, Vice Chairperson—by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
May 11, 2000

*State Board of Physical Therapy—Fees; Regulation No. 16A-657*

### Order

On April 13, 2000, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Physical Therapy (Board). This rulemaking amends 49 Pa. Code § 40.5. The authority for this regulation is section 8 of the Physical Therapy Act (63 P. S. § 1308) and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The regulation revises fees for the physical therapist and the physical therapy assistant examinations. The fee revisions are necessary to reflect a new contract with the Federation of State Boards of Physical Therapy, which will take effect on July 1, 2000. Total additional costs to the regulated community will be \$100 per person. Only those sitting for the licensure examination will be affected.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-657 from the State Board of Physical Therapy, as submitted to the Commission on April 13, 2000, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson—by phone; Alvin C. Bush, Vice Chairperson—by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
May 11, 2000

*State Board of Occupational Therapy, Education and Licensure—Oral Orders; Regulation No. 16A-673*

### Order

On June 3, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Occupational Therapy Education and Licensure (Board). It adds a new § 42.25 to 49 Pa. Code. The authority for this regulation is found in sections 1505(b) and 1514 of the Occupational Therapy Practice Act (act) (63 P. S. §§ 1505(b) and 1514). The proposed regulation was published in the June 19, 1999, edition of the *Pennsylvania Bulletin*, with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 7, 2000.

Section 1514 of the act provides that furnishing direct occupational therapy to an individual for a specific medical condition must be based on a referral from a licensed physician or a licensed podiatrist. This rulemaking adds new provisions clarifying the procedures that occupational therapists are to follow when a licensed physician or licensed podiatrist issues an oral order for immediate treatment of an individual.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-673 from the State Board of Occupational Therapy, Education and Licensure, as submitted to the Commission on April 7, 2000, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 00-906. Filed for public inspection May 26, 2000, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Commission may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the act (75 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

**Notice of Filing of Final Rulemakings**

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
71-7	State System of Higher Education Operation of Motor Vehicles on State System Facilities	5/11/00	4/10/02

**State System of Higher Education  
Regulation No. 71-7  
Operation of Motor Vehicles on  
State System Facilities**

**May 11, 2000**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which has not been met. The State System of Higher Education (SSHE) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 10, 2002, the regulation will be deemed withdrawn.

**1. Regulatory Analysis Form.—Economic and fiscal impact.**

Item number 20 on the Regulatory Analysis Form (RAF) requires estimates of fiscal savings and costs associated with the proposed rulemaking to the regulated community, local government and State government. This information was not included in the RAF of this proposed regulation. The SSHE should include the fiscal impact of the regulation in the final-form RAF.

**2. Preamble.—Consistency with statute; Clarity.**

There is an incorrect citation in the Preamble under "Sunset Review." Instead of citing the Pennsylvania Crimes Code, 18 Pa.C.S. § 7705, the SSHE should cite 24 Pa.C.S. § 20-2006-a(13.1).

**3. Section 507.13. Crimes and offenses relating to the operation and parking of a motor vehicle.—Economic and fiscal impact; Reasonableness; Clarity.**

*Subsection (c) Fines*

Subsection (c) allows the Board of Governors of the SSHE, upon the recommendation of the chancellor or the respective university president, to set the amounts for vehicular violations. The proposed regulation does not contain the process by which the Board of Governors can adjust fines. It would be reasonable to include the process that will be used for fine adjustments in the final-form regulation.

Subsection 507.14(c) contains language that requires facilities to publish notification of the towing and booting provisions in facilities' parking rules. It is also reasonable for facilities to notify drivers on SSHE campuses of fines. For this reason, the SSHE should add a parallel notification provision, similar to subsection 507.14(c), relating to all fines in section 507.13.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-907. Filed for public inspection May 26, 2000, 9:00 a.m.]

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Final-Form</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-188	Insurance Department Premium and Retirement Deposit Funds	5/11/00
57-211	Pennsylvania Public Utility Commission Procedures to Ensure Customer Consent to a Change of Natural Gas Supplier	5/17/00
57-207	Pennsylvania Public Utility Commission Natural Gas Choice and Competition	5/17/00
<i>Final-Omit</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-467	Department of Public Welfare Welfare Reform Omnibus Amendments	5/17/00

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-908. Filed for public inspection May 26, 2000, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Application for Merger**

An application has been received requesting approval of the merger of State Title Insurance Company, a stock title insurance company organized under the laws of the Commonwealth of Pennsylvania, with and into Commonwealth Land Title Insurance Company, a stock title insurance company organized under the laws of the Commonwealth of Pennsylvania. The initial filing was received on May 1, 2000, and was made under requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. §§ 1921—1932 and 15 P. S. §§ 21205—21207. Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Pennsylvania Insurance Department within 15 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance

Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; email cbybee@ins.state.pa.us.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 00-909. Filed for public inspection May 26, 2000, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Blue Cross Community-Rated Group Rate Increase; Filing No. 463-BC-CR-10/1/2000**

Blue Cross of Northeastern Pennsylvania submitted a filing requesting the Insurance Department's (Department) approval to increase the monthly rates by 31.64% for the Blue Cross Community-Rated Program for an effective date of October 1, 2000. Also, to adequately keep pace with the emerging medical care cost trends, which are significantly higher than those projected in last year's approved filing, Blue Cross of Northeastern Pennsylvania is requesting the Department's approval of raised rates for September 1, 2000, groups with less than 51 eligible contracts. The new proposed September 1, 2000, rates were developed by indexing backward one quarter from the proposed October 1, 2000, rates using the rate filing trend factor of 3.03% per quarter. The rate increase will impact approximately 16,450 policyholders and will produce additional annual income of \$8.8 million.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 00-910. Filed for public inspection May 26, 2000, 9:00 a.m.]

**Capital Blue Cross Community-Rated Group 65-Special Rate Increase; Filing No. 00-H**

Capital Blue Cross proposed to increase the rate for the community-rated group 65-Special Program. The proposed increase is 19.26% for the 65-Special Program and 24.74% for the 65-Special optional prescription drug rider based on third quarter rates. This rate change will produce an estimated additional annual income of \$1.5 million and will affect approximately 8,200 members. An effective date of October 1, 2000, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry

Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 00-911. Filed for public inspection May 26, 2000, 9:00 a.m.]

**Insurance Coverages or Risks Eligible for Export by Insurance Commissioner**

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P.S. § 991.1604(2)(ii)), the Insurance Commissioner hereby declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and hereby adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

**Export List**

**Amusements**

- Carnival ride owners/operators
- Amusement parks and their devices
- Auto racing and automobile race tracks
- Golf courses and driving ranges
- Midget autos and go-karts
- Animal rides
- Rodeos and horse shows
- Balloon rides—hot air/gas
- Recreational and sporting events
- Guide, lodge or outfitters
- Horseback/pony riding establishments
- Hunting clubs
- Special short term events
- Skating rinks (roller and ice) and skate board parks
- Ski resorts owners/operators liability
- Theatrical presentations

**Armored cars**

**Aviation**

- Cargo
- Vehicles maintaining or servicing aircraft
- Fixed base operations
- Nonownership liability
- Hull
- Chartered
- Excess passenger liability
- Antique aircraft
- Airport liability
- Hangarkeeper's liability
- Helicopters

**Blood banks, blood and organ facilities**

**Boat rentals**

**Chemical spray and/or drift**

**Day care centers liability, including sexual abuse coverage**

**Demolition contractors liability**

**Earthquake**

**Explosive hauling**

**Explosives, munitions or fireworks manufacturing/storage/sales**

**Flood insurance not provided under federal flood insurance**

**Ground applicators—chemical**

**House movers**

**Kidnapping, ransom and extortion insurance**

**Law Enforcement Liability**

Liability for employment related practices  
 Liquor liability—monoline  
 Nuclear energy general liability  
 Products recall coverage  
 Railroad liability  
 Security/Detective/Patrol agencies  
 Vacant Properties

This list supersedes the list published at 29 Pa.B. 2735 (May 22, 1999), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, E-mail cbybee@ins.state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-912. Filed for public inspection May 26, 2000, 9:00 a.m.]

### **Nationwide Mutual Insurance Company; Private Passenger Automobile Rate Revision**

On May 15, 2000, the Insurance Department (Department) received from Nationwide Mutual Insurance Company a filing for a rate level change for private passenger automobile insurance.

Nationwide Mutual Insurance Company requests an overall 5.0% increase amounting to +\$24,833,100 annually, to be effective August 15, 2000, for new and renewal business.

Unless formal administrative action is taken prior to July 14, 2000, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (E-mail at cromberg@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-913. Filed for public inspection May 26, 2000, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special

Rules of Administrative Practice and Procedure). These administrative hearings will be held in the Insurance Department's Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of De H. Le; file no. 00-181-02477; Progressive Northern Insurance Co.; doc. no. P00-05-002; June 8, 2000, at 10 a.m.;

Appeal of June Stephen; file no. 00-181-02632; Nationwide Mutual Insurance Company; doc. no. P00-05-008; June 14, 2000, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, 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 may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-914. Filed for public inspection May 26, 2000, 9:00 a.m.]

### **Review Procedure Hearings under the Unfair Insurance Practices Act**

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's residential or personal coverage. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held at the Capitol Association Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of John W. Lewis; file no. 00-265-01176; Fair of Pennsylvania; doc. no. PH00-05-009; June 14, 2000, at 1 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, 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 may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-915. Filed for public inspection May 26, 2000, 9:00 a.m.]

#### Vernon B. Fields; Order to Show Cause; Doc. No. SC00-02-013

A hearing is scheduled for June 21, 2000 at 10:30 in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

On or before June 7, 2000, each party shall file with the Administrative Hearings Office and serve upon the other party an entry of appearance designating the lead attorney or representative to receive service of orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or representative who will attend the hearing, if different from the person designated for service.

On or before June 7, 2000, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

The Presiding Officer will consider a written request for continuance of the scheduled hearing, for good cause only. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an

auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-916. Filed for public inspection May 26, 2000, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Allegheny County, Wine and Spirits Shoppe # 0209, 4104 Butler Street, Pittsburgh, PA 15201-3122.

*Lease Expiration Date:* May 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 4,000 net useable square feet of new or existing retail commercial space serving the Lawrenceville neighborhood, Pittsburgh. Off-street parking and good loading facilities are preferred.

*Proposals due:* June 16, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Thomas Deal, (412) 565-5130

Allegheny County, Wine and Spirits Shoppe # 0279, 722 Brookline Boulevard, Pittsburgh, PA 15226-2102.

*Lease Expiration Date:* May 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 3,600 net useable square feet of new or existing retail commercial space serving the Brookline area, Pittsburgh. Must have access for rear truck delivery.

*Proposals due:* June 16, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Cambria County, Wine and Spirits Shoppe # 1101, 426 Main Street, Johnstown, PA 15901-1802.

*Lease Expiration Date:* May 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 to 4,500 net useable square feet of new or existing retail commercial space serving the Central Business District, Johnstown. Off-street parking and good loading facilities are preferred.

*Proposals due:* June 16, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Thomas Deal, (412) 565-5130

Dauphin County, Wine and Spirits Shoppe # 2205, 529 South Market Street, Lykens, PA 17048-1510.

*Lease Expiration Date:* May 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,665 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of Main Street (Route 209) and Market Street, Borough of Lykens.

*Proposals due:* June 16, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

Somerset County, Wine and Spirits Shoppe # 5606, 306 Main Street, Boswell, PA 15531-1132.

*Lease Expiration Date:* June 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,200 to 1,500 net useable square feet of new or existing retail commercial space serving the Boswell area, Boswell.

*Proposals due:* June 16, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Westmoreland County, Wine and Spirits Shoppe # 6522, 111 Westmore Avenue, New Stanton, PA 15672-5437.

*Lease Expiration Date:* May 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 to 3,000 net useable square feet of new or existing retail commercial space serving the New Stanton area, New Stanton. Off-street parking and good loading facilities are preferred.

*Proposals due:* June 16, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Thomas Deal, (412) 565-5130

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 00-917. Filed for public inspection May 26, 2000, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700k.10.1) that the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on July 6, 2000, commencing at 8:30 a.m. in Room 202 of the Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive evidence concerning minimum prices milk dealers shall pay to producers for various classes of milk; minimum prices milk dealers shall charge for milk, including prices to be charged to wholesale customers such as stores, restaurants, and institutions; discounts; and minimum prices to be charged to consumers for milk sold for consumption off the premises. Evidence will also be received concerning the various types, classifications and containers of fluid milk and milk products; in-store handling costs; reasonable profit margins for milk dealers and stores; and adoption of a cost replacement system, including whether in-store handling costs should be part of that system.

The Area 3 Milk Dealers Association and the Pennsylvania Food Merchants Association, which petitioned for the hearing, are deemed to be parties, as is the staff of the Board, and their attorneys are deemed to have entered their appearances. Other persons that may be affected by the Board order fixing prices in Area No. 3 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, on or before June 7, 2000, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25, which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21, filing with the Board, on or before June 7, 2000, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. On or before June 21, 2000, each party shall file with the Board seven copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. On or before June 28, 2000, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office on or before May 31, 2000.



The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format, should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD Users).

LYNDA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 00-918. Filed for public inspection May 26, 2000, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Certificate of Public Convenience Without Hearing

**A-310125F0002 and A-310213F0002. AT&T Communications of Pennsylvania, Inc. and TCG Pittsburgh.** Application of AT&T Communications of Pennsylvania, Inc., and TCG Pittsburgh to amend their certificate of public convenience to begin to offer, render, furnish or supply facilities-based competitive local exchange telecommunications services in the service territories of Alltel Pennsylvania, Inc., Armstrong Telephone Company-Pennsylvania, The Bentleyville Telephone Company, Citizens Telephone Company of Kecksburg, Hickory Telephone Company, Marianna and Scenery Hill Telephone Company, North Pittsburgh Telephone Company and Yukon Waltz Telephone Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 12, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* AT&T Communications of PA, Inc. TCG Pittsburgh

*Through and By Counsel:* Daniel Clearfield, Esquire, Alan Kohler, Esquire, Wolf, Block, Schorr, and Solis-Cohen, LLP, Locust Court, Suite 300, 212 Locust Street, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-919. Filed for public inspection May 26, 2000, 9:00 a.m.]

### Railroad With Hearing

**A-00114548. Southeastern Pennsylvania Transportation Authority.** Application of Southeastern Pennsylvania Transportation Authority to reconstruct the existing Mainline railroad bridges No. 5.03 and No. 5.03A over Wayne Avenue (State Route 4007, AAR 592 732 V), located in the City of Philadelphia, and the allocation of costs thereof.

An Initial PreHearing Conference on this matter will be held Friday, June 23, 2000 at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad

and Spring Garden Streets, Philadelphia, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-920. Filed for public inspection May 26, 2000, 9:00 a.m.]

### Railroad With Hearing

**A-00116167. Southeastern Pennsylvania Transportation Authority.** Application of Southeastern Pennsylvania Transportation Authority (SEPTA) for an exemption from the provisions of Subchapter C of 52 Pa. Code § 33.122(b) and (c) and to exercise the rights contained in 52 Pa. Code § 33.122(f) to permit the construction of one partial high level platform associated with the renovated Lansdale Railroad Station, located in the County of Montgomery, PA.

An Initial Hearing on this matter will be held Tuesday, June 20, 2000, at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-921. Filed for public inspection May 26, 2000, 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 June 19, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests 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-00116812. Western Alliance Emergency Services, Inc.** (13B Canton Street, Troy, Bradford County, PA 16947), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Bradford, Lycoming, Sullivan and Tioga, and from points in said counties, to points in Pennsylvania, and vice versa; limited to the transportation of persons who are disabled or require assistance for personal mobility. *Attorney:* Evan Williams, 111 West Main Street, Troy, PA 16947.

**A-00116842. KNJ Limo Services, Inc.** (7804 Conwell Road, Laverock, Montgomery County, PA 19038), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Bucks, Montgomery, Chester and Delaware, and the city and county of Philadelphia, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* Kenneth A. Murphy, Suite 3402, 1818 Market Street, Philadelphia, PA 19103.

**A-00116843. Bruce Wayne Felter** (310 Burke Street, Jersey Shore, Lycoming County, PA 17740)—persons upon call or demand in the borough of Jersey Shore, Lycoming County, and within an airline distance of 10 statute miles of the limits of said borough.

**Applications of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle for the transportation of persons as described under each application.**

**A-00093487, Folder 1, Am-B. Bortner Bus Company** (1200 Conroy Place, Easton, Northampton County, PA 18040), a corporation of the Commonwealth of Pennsylvania—discontinuance of service—groups and parties of persons: (1) from the boroughs of Sharpsville, Clarksville, Wheatland and West Middlesex, the cities of Sharon and Farrell and the townships of South Pymatuning, Pymatuning, Hickory and Shenango, Mercer County, to points in Pennsylvania; (2) from the borough of Grove City, Mercer County, to points and places in Pennsylvania; A-00093487, F. 1, Am-A and (3) from the boroughs of Greenville, Jamestown, Clarksville, Fredonia and Sheakleyville, and the townships of Delaware, Fairview, Greene, Hempfield, Pymatuning, Perry, South Pymatuning, Salem, Sandy Creek, Sugar Grove, and West Salem, Mercer County, to points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**A-00093487, Folder 2, Am-C. Bortner Bus Company** (1200 Conroy Place, Easton, Northampton County, PA 18040), a corporation of the Commonwealth of Pennsylvania—discontinuance of service—(1) *persons on schedule over the following route: South Pymatuning Township—Sharon Route:* Beginning on Highway Route 846 approximately 2 miles north of Pritchard's Corners in South Pymatuning Township, thence on Highway Route 846 to its intersection with Highway Route 43081 at Pritchard's Corners, thence on Highway Route 43081 to its intersection with Highway Route 718 through Orangeville, thence on Highway Route 718 through the village of Five Points to its intersection with Highway Route 43103 at Stambaugh's Corners, thence on Highway Route 43103 and Highway Route 43081 to Pritchard's Corners thence on Highway Route 43103 at Byerley's Corners, thence on Highway Route 43103 to Stambaugh's Corners, thence on Highway Route 718 to North Water Avenue in the city of Sharon, thence on North Water Avenue, State Street, Sharpsville Avenue and Clark Street to North Water Avenue in Hickory Township, and returning over the same route; with the right to operate on inbound operations over a portion of above route as follows: Beginning at the intersection of Clark Street and North Water Avenue in Hickory Township, thence on Clark Street to Sharpsville Avenue in the city of Sharon, thence on Sharpsville Avenue, State Street and North Water Street to Clark Street in Hickory Township, all in Mercer County; subject to the following conditions: That

no right, power or privilege is granted to render service locally on that portion of the route located in Hickory Township and in the city of Sharon south of the intersection of Clark Street and North Water Street in Hickory Township; (2) *Hickory Township—Sharon Route:* Beginning at Lamont's Corners at the intersection of Highway Route 18 and Highway Route 43099 in the township of Hickory, thence on Highway Route 43099 to Highway Route 43005, thence on Highway Route 43005 to Highway Route 62, thence on Highway Route 62 to Highway Route 18, thence on Highway Route 18 to its intersection with Highway Route 518 at Bobby's Corners, thence on Highway Route 18 and Old Highway Route 18 to its intersection with Highway Route 418, thence on Highway Route 418 to Highway Route 62, thence on Highway Route 62 to South Buhl Farm Drive (Highway Route 43008) to King Drive, thence on King Drive to Greenwood Avenue, thence on Greenwood Avenue to Highway Route 62, thence on Highway Route 62 to East State Street in the city of Sharon, thence on East State Street to Sharpsville Avenue, thence on Sharpsville Avenue to Clark Avenue, thence returning over the same route to the place of beginning, all in Mercer County; subject to the following condition: That no right, power or privilege is granted to render service locally between the intersection of Greenwood Avenue and Highway Route 62 in Hickory Township and the terminus of the route at the intersection of Sharpsville Avenue and Clark Avenue in the city of Sharon; (3) *persons between the borough of Grove City and the city of Sharon, Mercer County, over the following route:* Beginning at the intersection of South Broad Street and West Main Avenue in the borough of Grove City, thence via West Main Avenue and Highway Route 58 to Wilson Avenue in the borough of Mercer, thence via Wilson Avenue, east Market Street, Pitt Street, North Diamond Street, Erie Street, West Market Street to the limits of said borough, thence via Highway Route 262 to the terminal at 216 State Street in the city of Sharon, thence returning via the same route to the place of beginning, including the right to render shuttle service between points on the said route; and **A-00093487, F. 2, Am-B (4).** *Persons, baggage and newspapers, on schedule between points in and near the borough of Greenville, Mercer County, over the following routes:* (a) Beginning at the intersection of North High Street and the borough line in the borough of Greenville, thence on North High Street to West Main Street, thence on West Main Street to Main Street thence on Main Street to South Mercer Street (State Highway Traffic Route 58), thence on State Highway Traffic Route 58 to the Greenville Country Club located north of Township Highway Route 715 in the township of Hempfield, thence returning over the same route to place of beginning, all in Mercer County; (b) Beginning at Schuster's Cafe near the intersection of State Highway Traffic Route 18 and State Highway Legislative Route 43038 in the township of West Salem, thence via State Highway Traffic Route 18 to the borough of Greenville, thence on Clarksville Street to Orangeville Street, thence on Orangeville Street to South High Street, thence on South High Street to West Main Street, thence on West Main Street, thence on Main Street to South Main Street to First Avenue, thence on First Avenue to North Main Street, thence on North Main Street to State Highway Legislative Route 2255 (Leeches Corners Road) and State Legislative Route 13065 (Oagood Road) to the plant of R. D. Warner Company in the township Sugar Grove, thence returning over the same route to the place

of beginning, all in Mercer County with the right above subject to the following conditions: That the rights, powers and privileges herein granted shall include the right to digress from the aforesaid routes to render service to mass gatherings, such as churches, schools, sports and social event located within a distance of 1/2 mile from such routes; and that the rights, powers and privileges herein granted shall include the right to render shuttle service between points on each of the proposed routes and through services without change of busses between points on any route to points on other routes; (5) *persons on schedule between the borough of Greenville and the village of Transfer, Pymatuning Township, Mercer County, over the following route:* Beginning at the intersection of Main Street and Canal Street in the borough of Greenville, thence on Main Street to Clarksville Street and State Highway Traffic Route 18, thence on State Highway Traffic Route 18 to its intersection with Township Highway T-635, thence on Township Highway T-635 to the village of Transfer, Pymatuning Township, and return over the same route to the place of beginning, all in Mercer County; (6) *persons on schedule between points in the borough of Greenville and the city of Sharon, Mercer County, over the following route:* Beginning at the intersection of Canal Street and Main Street in the borough of Greenville, thence on Main Street (State Highway Traffic Route 18), Clarksville Street and State Highway Traffic Route 18 to LaMont's Corners, thence on State Highway Traffic Route 518 through the borough of Sharpsville to Hall Avenue in the city of Sharon, thence on Hall Avenue, Thorton Street and Sharpsville Avenue to East State Street, thence on East State Street, Dock Street and Pitt Street to Sharpsville Avenue, thence returning on Sharpsville Avenue and the same route to the place of beginning, excluding local service within or between the borough of Sharpsville and the city of Sharon. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**Applications of the following for approval of the right and privilege to partially discontinue/abandon operating as common carriers by motor vehicle for the transportation of household goods in use as described under each application.**

**A-00079466, Folder 4, Am-A. H. J. Gongaware Sons, Inc.** (8080 Pennsylvania Avenue, North Huntingdon, Westmoreland County, PA 15642), a corporation of the Commonwealth of Pennsylvania—discontinuance of service—property including household goods in use, between points in the borough of Irwin, Westmoreland County and within a radius of 3 miles of the limits of said borough; (2) property including household goods in use, between points in the borough of Irwin, Westmoreland County and within 10 miles by the usually traveled highways of the limits of the said borough; and (3) household goods in use, from points in the said area, to points in Pennsylvania within a radius of 40 miles of the point of origin. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**Application of the following for the approval of the transfer of stock as described under each application.**

**A-00106785, Folder 5001. Metro Care, Inc.** (333 Jenkintown Commons, Jenkintown, Montgomery County, PA 19046), a corporation of the Commonwealth of Pennsylvania—for approval of the transfer of 100 shares of issued and outstanding stock held by Brian Somerman to

Aleph Management Systems, Inc. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-922. Filed for public inspection May 26, 2000, 9:00 a.m.]

### Telecommunications

**A-311050F0003. D&E Systems, Inc. and D&E Omnipoint Wireless Joint Venture L.P. d/b/a PCS ONE.** Joint Petition of D&E Systems, Inc. and D&E/Omnipoint Wireless Joint Venture L.P. d/b/a PCS ONE for approval of a replacement interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

D&E Systems, Inc. and D&E/Omnipoint Wireless Joint Venture L.P. d/b/a PCS ONE, by its counsel, filed on May 8, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a replacement interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the D&E Systems, Inc. and D&E/Omnipoint Wireless Joint Venture L.P. d/b/a PCS ONE Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-923. Filed for public inspection May 26, 2000, 9:00 a.m.]

### Telecommunications

**A-311050F0003. Denver and Ephrata Telephone and Telegraph Company (D&E Telephone Company) and NPCR, Inc. (Nextel Partners).** Joint Petition of Denver and Ephrata Telephone and Telegraph Company (D&E Telephone Company) and NPCR, Inc. (Nextel Partners) for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Denver and Ephrata Telephone and Telegraph Company (D&E Telephone Company) and NPCR, Inc. (Nextel Partners), by its counsel, filed on May 16, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Denver and Ephrata Telephone and Telegraph Company (D&E Telephone Company) and NPCR, Inc. (Nextel Partners) Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-924. Filed for public inspection May 26, 2000, 9:00 a.m.]

### Telecommunications

**A-310945. GTE North Incorporated and TSR Wireless LLC.** Joint Petition of GTE North Incorporated and TSR Wireless LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

GTE North Incorporated and TSR Wireless LLC, by its counsel, filed on April 26, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the GTE North Incorporated and TSR Wireless LLC Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-925. Filed for public inspection May 26, 2000, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Invitation for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project # 9923.3, Modify Meter Spread and Install Backflow Preventer, Pier 82 South, until 2 p.m. Thursday, June 15, 2000. The bid documents can be obtained from the Director of Procurement, PRPA, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available May 31, 2000. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. The PRPA is an equal opportunity employer. The contractor must comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held June 8, 2000, 10 a.m. at the guard shed, Columbus Blvd. and

McKean Street. The PRPA will consider only those bids received from parties who attended the prebid meeting.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 00-926. Filed for public inspection May 26, 2000, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of Engineering Firms

#### Open-End Contract Materials Inspection Services Mon/Fayette Transportation Project

#### Allegheny, Fayette and Washington Counties

#### Reference No. E-017

The Turnpike Commission (Commission) will retain an engineering firm for an open-end off-site construction materials inspection and acceptance testing service contract at related plant and laboratory locations for sections of the Mon/Fayette Transportation Project under construction in Allegheny, Fayette and Washington Counties. Construction of these sections will include earthwork, drainage, structures, concrete and bituminous paving, signing, roadway lighting and toll plaza building construction. A testing laboratory participating in the AASHTO Accreditation Program, capable of performing concrete, bituminous, soils, aggregate and other construction materials tests in a timely manner and must be available throughout the duration of the Open-End Contract. Construction projects may be financed with Federal, State and Turnpike funds and applicable Federal requirements will apply, when appropriate.

The contract will be for a maximum cost of \$500,000 or for a 24-month period.

The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical personnel to support the laboratory functions. In addition, the firm selected may be required to attend the prebid meetings and preconstruction conferences for each project with the Commission.

The selected firm may be required to test materials at offsite aggregate, concrete, asphalt, supply and precast plants, perform soils testing or testing associated with the manufacture of selected construction materials. Duties may also include the witnessing of testing by the material producers, suppliers, manufactures, fabricators, or contractors. In addition, the selected firm may be required to keep records of material inspections and tests, document the testing program, attend job conferences when requested and perform other duties as may be required.

The selected firm or any of its subconsultants may not be a prime contractor, subcontractor, consultant or have any financial interest in any construction contract for the Mon/Fayette Transportation Project.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in these contracts will be 10% each. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in these contracts, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to

achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transportation at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Turnpike Commission by calling (717) 939-9551, Ext. 4241.

Direct inquiries to Eugene C. Mattson at (717) 939-9551, Ext. 3502; or by E-mail at emattson@paturpike.com.

**Open-End Contract Materials Inspection Services  
Districts 3, 4 and 5**

**Berks Bucks, Carbon, Chester, Cumberland,  
Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh,  
Luzerne, Montgomery and York Counties**

**Reference No. 4-055**

The Commission will retain an engineering firm for an open-end contract for construction materials inspection and testing services both at the project site and at related plant locations in the Eastern Region (Milepost 200.0 to Milepost 359.0 and the Northeast Extension) of the Pennsylvania Turnpike. A testing laboratory capable of performing concrete, bituminous, aggregate, and soils tests in a timely manner must be available throughout the life of the contract. The types of projects that materials inspection and testing will be conducted under this contract may include, but are not limited to, roadway reconstruction, bituminous overlays, bridge construction and rehabilitations, service plaza parking lot expansions and toll plaza construction.

The contract will be for a maximum cost of \$750,000 or for a 36-month period. The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. In addition, the firm selected may be required to attend construction meetings with the Commission.

The selected firm may be required to test materials at asphalt and concrete plants, perform soils and aggregate testing, or perform testing associated with the manufacture of selected construction materials. Duties may also include the witnessing of onsite testing by the contractor. In addition, the selected firm may be required to keep records, document the construction work, attend monthly job conferences, determine from the project records the final quantities of certain contract items, and perform other duties as may be required.

Direct inquiries to Eugene C. Mattson at (717) 939-9551, Ext. 3502; or by E-mail at emattson@paturpike.com.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for these projects:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation and Commission projects.

f. Other factors, if any, specific to the project.

**General Requirements and Information**

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A three page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Department of Transportation and Commission projects.

5. An Annual Qualification Package similar to the one submitted to the Department of Transportation for the current year that is in the same District as this project or one that is best suited for this project.

The Annual Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-state headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Michael W. Flack, P.E., Assistant Chief Engineer for Construction, at the Turnpike Commission Administration Building located at 176 Kost Road, Carlisle, PA 17013-0779. (FedEx address: 176 Kost Road, Carlisle, PA 17013-0779) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by noon, Local Time, Friday, June 16, 2000. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to these solicitations, one firm will be selected for each contract. The order of preference will

be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 00-927. Filed for public inspection May 26, 2000, 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". The 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.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 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

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### 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 A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!**

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Commodities**

**2509-00-2** Flannel Material in accordance with PCID 1049 effective October 9, 1998. 3.5 oz. per sq. yd. 50/50 poly/cotton 60" wide. To be bid as needed approximately quarterly.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Inst., Dallas, PA 18612  
**Duration:** FY 00  
**Contact:** Joseph P. Kanjorski, (570) 773-2158, Ext. 560

**2509-00-1** Interlock Stretch Knit Fabric: 50/50 polyester/cotton, 5/6 oz. per sq. yd. 60" open width. To be bid as needed approximately quarterly.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Inst., Dallas, PA 18612  
**Duration:** FY 00  
**Contact:** Joseph P. Kanjorski, (570) 773-2158, Ext. 560

**8252040** Truck, tractor, conventional cab with trailer. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8252190** Excavator, hydraulic. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1575219** Furnish and install carpeting. For a copy of bid package fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Pittsburgh, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**PSU 195-g** Ten optical transmitters, receivers and accessories. To receive the bid package please fax a request for the bid number listed above to (814) 865-3028, Attention: Steven Blazer.

**Department:** State System of Higher Education  
**Location:** Penn State University, University Park, PA 16802  
**Duration:** N/A  
**Contact:** Steve Blazer, Fax: (814) 865-3028

**1021110** Beans and peas. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Bellefonte, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**PSU 196-g** 21" monitors. To receive the bid package please fax a request for the bid number listed above to (814) 865-3028, Attention: Steve Blazer.

**Department:** State System of Higher Education  
**Location:** Penn State University, University Park, PA 16802  
**Duration:** N/A  
**Contact:** Steve Blazer, Fax: (814) 865-3028

**PSU 197-g** Singlemode fiber ATM module. To receive the bid package please fax a request for the bid number listed above to (814) 865-3028, Attention: Steve Blazer.

**Department:** State System of Higher Education  
**Location:** Penn State University, University Park, PA 16802  
**Duration:** N/A  
**Contact:** Steve Blazer, Fax: (814) 865-3028

**PSU 198-g** Smartwindow and Smartcard. To receive the bid package please fax a request for the bid number above to (814) 865-3028, Attention: Steve Blazer.

**Department:** State System of Higher Education  
**Location:** Penn State University, University Park, PA 16802  
**Duration:** N/A  
**Contact:** Steve Blazer, Fax: (814) 865-3028

**1528119** 2000 or newer 45' box trailer, furnished. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Camp Hill, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-0725

**1016110** Chambray and Sheeting. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8104430** Photographic processing equipment. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Middletown, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**7809-99-85** Waistband Material, snugtex color: black size: 2 1/2".

**Department:** Corrections  
**Location:** Correctional Industries, SCI Waymart, Route 6, Waymart, PA 18472  
**Duration:** 1 year  
**Contact:** MaryAnn Ulrich, (717) 731-7134

**1017200** Horse feed, hay and straw. For a copy of bid package fax request to (717) 787-0725.

**Department:** State Police  
**Location:** Hershey, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199



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# SERVICES

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## Advertising—01

**KURFP-0020** Kutztown University is interested in receiving proposals from advertising agencies for the preparation and placement of university classified position advertising. The main responsibilities are but shall not be limited to: work closely with university to develop strategies to reach targeted audiences, reduce the total number of insertions, recommend select publications in specific markets for ad placements, etc. Interested professionals should request a Request for Proposal package in writing from: Barbara Reitz, Director of Purchasing, Kutztown University, Kutztown, PA 19530, fax: (610) 683-4674, E-mail: reitz@kutztown.edu. Proposal packages will be available May 30, 2000. A preproposal meeting will be scheduled for June 8, 2000, at 2 p.m. The proposals must be received on or before noon on June 23, 2000. Late submissions will not be accepted.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 1 year with option for four additional 1 year periods  
**Contact:** Barbara Reitz, (610) 683-4132

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## Audio/video—04

**VIDEO-2500** Multiplexer, color, 16 channel, duplex mode. Model LTC 2662/60, Philips or approved equal. To include any other related item that may be required during this period.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Robert G. Berkey, (570) 675-1101, Ext. 325

**RFP 99-15-2580-014** The Commonwealth is reissuing RFP 99-15-2580-014, revised, to provide telecommunications billing audit services for voice services under the jurisdiction of the Department of General Services. These auditing services will be provided with the express intent of finding billing errors and recovering the appropriate funds for the Commonwealth.

**Department:** General Services  
**Location:** Statewide  
**Duration:** Two with three optional 1 year renewals  
**Contact:** John B. Malcolm, Jr., (717) 783-1965

**119400002** The contractor shall provide all labor, equipment, materials and supplies necessary to maintain closed circuit television (CCTV) systems, VCRs, camcorders and collateral audio visual equipment as needed and requested by the State Correctional Institution at Greensburg.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 2000—June 30, 2003  
**Contact:** Jack A. Loughry, (724) 853-3502

## Computer-related Services—08

**B0000305** Millersville University is seeking qualified bidders who can provide an HP 9000 L-class Enterprise Server, Model L2000/2 to be used to support the University's administrative functions. We require two 440MHZ PA8500 processors and at least 90 gig usable RAID 5 storage in Auto RAID configuration. We also require HP installation including all parts needed to rack mount and support, and all appropriate software. Interested bidders should fax their requests to be placed on a bidders list to Anna Stauffer, (717) 871-2000, no later than 11 a.m., Friday, June 2, 2000.

**Department:** State System of Higher Education  
**Location:** Millersville University, Millersville, PA 17551  
**Duration:** Indeterminate 1999—2000  
**Contact:** Anna Stauffer, (717) 872-3041

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## Construction—09

**DGS948-41M01** Project Title: Relocation Services. Brief Description: The Commonwealth is seeking proposals for professional moving services to provide all labor, equipment and supervision necessary to relocate about 2,300 employees into the Keystone Office Building as well as surplus furniture, fixtures and equipment within the Harrisburg region. RFP Price: \$25 per set (Includes PA Sales Tax). Checks made payable to: CRSS Constructors. This price is nonrefundable. Contact the office listed below to arrange for delivery of documents. Mail requests to: Reliance Reprographics, Inc., 535 W. Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz. Tel: (610) 821-5100. Date for receiving RFP: Tuesday, June 27, 2000 at 2 p.m. A preproposal meeting and subsequent walk-through will be held on Tuesday, June 6, 2000, at 9 a.m. at Hearing Room 3, Pennsylvania Public Utility Commission, 1st Floor, North Office Bldg., Commonwealth Ave. and North St., Harrisburg, PA. A walk-through tour will commence immediately upon completion of the Preproposal Meeting on June 6, 2000. The tour will commence again at 9 a.m. on Wednesday, June 7, 2000 and Thursday, June 8, 2000. Subsequent information will be provided and questions will be answered at that time. Pertinent questions concerning the scope and requirements for this relocation will be answered by publishing the questions and responses. All questions pertaining to this RFP must be received by fax by 5 p.m., Tuesday, June 13, 2000. Inquiries received after this time and date will not be considered. Address questions to: CRSS Relocation Project Team at fax, (717) 233-6564 and clearly identified as: Keystone Bldg. Relocation Questions. An acknowledgment of each question will be returned to the sender upon receipt. Responses will be formulated and the original question and the response will be faxed to all perspective contractors by the next business day. All questions must be faxed to ensure documented uniform responses can be provided to all contractors.

**Department:** General Services  
**Location:** Keystone Building, Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1999—2000  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA251-585** Project Title: Bulk Salt Storage Facility with High Gambrel Roof. Brief Description: Demolish a 116' concrete dome, ring, retaining wall and floor pad and construct a new 80' x 96' high arch salt building. Estimated Range: \$100,000 to \$500,000. General and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. 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 a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, May 31, 2000, at 11 a.m.

**Department:** General Services  
**Location:** PennDOT Maintenance Stockpile, Waynesburg, Greene County, PA  
**Duration:** 100 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA251-578** Project Title: Bulk Salt Storage Facility with High Gambrel Roof. Brief Description: Demolish a 100' concrete ring retaining wall and floor pad and construct a new 80' x 96' high arch salt building. Estimated Range: \$100,000 to \$500,000. General and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. 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 a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, May 31, 2000, at 1 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance Stockpile, Norristown, Montgomery County, PA  
**Duration:** 100 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**CU99.2011** Project consists of partial renovations to interior and exterior of Library at Cheyney University. Plan deposits, nonrefundable, \$60 per set payable to: STV Architects. Contact Virginia Stoudt, 205 West Welsh Drive, Douglassville, PA 19518 to arrange for delivery of documents. Call or fax Virginia Stoudt by dialing (voice) (610) 385-8325 or (fax) (610) 385-8501. Bid packets will be ready May 22, 2000. Contact Stu Rothenberger for technical questions at (610) 385-8337.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319  
**Duration:** 90 days  
**Contact:** Antonia Williams, (610) 399-2000

**012** Construct approximately 475 S.F. equipment calibration clean room on the interior of Bldg. 10-105. Construction shall include: concrete block/metal stud walls, electrical/mechanical appliances, and wall, floor and ceiling finishes.

**Department:** Military Affairs  
**Location:** Bldg. 10-105, Ft. Indiantown Gap, Annville, PA 17003  
**Duration:** July 1, 2000—January 31, 2001  
**Contact:** Emma Schroff, (717) 861-8518

**DGSA251-586** Project Title: Bulk Salt Storage Facility with High Gambrel Roof. Brief Description: Demolish a 80' concrete dome, ring, retaining wall and floor pad and construct a new 70' x 88' high arch salt building. Estimated Range: \$100,000 to \$500,000. General and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. 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 a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, May 31, 2000, at 11 a.m.

**Department:** General Services  
**Location:** PennDOT Maintenance Stockpile, Mercer, Mercer County, PA  
**Duration:** 100 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA251-584** Project Title: Bulk Salt Storage Facility with High Gambrel Roof. Brief Description: Demolish a 116' concrete dome, ring, retaining wall and floor pad and construct a new 80' x 120' high arch salt building. Estimated Range: \$100,000 to \$500,000. General and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, May 31, 2000, at 1 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance Stockpile, Temple, Berks County, PA  
**Duration:** 100 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS416-9** Project Title: Replace Steam Line. Brief Description: Replace 6" steam and 3" condensate piping in underground conduits which are leaking and replace with new piping and conduits. Estimated Range: \$100,000 to \$500,000. Mechanical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after bid opening date. 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 a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, June 14, 2000, at 10 a.m. A Prebid Conference has been scheduled for Wednesday, May 31, 2000, at 10 a.m. at Scranton State School for the Deaf in the Board Room, Scranton, PA. Contact: Richard Yanovich, Tel: (717) 783-3266. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Scranton State School for the Deaf, Scranton, Lackawanna County, PA  
**Duration:** 125 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA229-23** Project Title: Construct Storage Building. Brief Description: Construct new storage building. Estimated Range: Under \$100,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after bid opening date. 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 a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, June 14, 2000, at 2 p.m.

**Department:** General Services  
**Location:** PA State Police, Transportation Division, Harrisburg, Dauphin County, PA  
**Duration:** 100 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

## Engineering Services—14

**08430AG2559** A multiphase, specific project agreement to provide preliminary design, completion of environmental documentation, final design and services during construction for the Hosensack Bridge Replacement on S.R. 2027, Section 02B and for the Spinnerstown Bridge Replacement on S.R. 2031, Section 05B in Lehigh County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** 30 days after construction completion  
**Contact:** N/A

**08430AG2560** A multiphase, specific project agreement to provide preliminary design, completion of environmental documentation, final design and services during construction for the Center Valley Bridge Replacement on S.R. 2045, Section 01B and for the Saucon Creek Bridge Replacement on S.R. 2045, Section 02B in Lehigh County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** 30 days after construction completion  
**Contact:** N/A

**08430AG2558** Open-End Contract for various engineering and/or environmental services on various projects located in Engineering District 5-0, that is, Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** 60 months  
**Contact:** N/A

**08430AG2557** To provide supplementary construction inspection staff of approximately eight inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S.R. 0061, Section 13S (Dusselink Safety Improvement) in Schuylkill County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** 30 days after construction completion  
**Contact:** N/A

**08430AG2556** To provide review and inspection of highway occupancy permit projects in Engineering District 1-0, that is, Crawford, Erie, Forest, Mercer, Venango and Warren Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 1-0  
**Duration:** 60 calendar months  
**Contact:** N/A

**08430AG2555** A multiphase, specific project agreement to provide preliminary engineering, environmental services, final design and services during construction for the replacement of the existing Tulpehocken Creek Bridge on S.R. 3061, Section TLP, Marion Township, Berks County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** 30 days after construction completion  
**Contact:** N/A

**08430AG2561** To provide final design and construction services for the reconstruction and improvement of horizontal and vertical alignments on S.R. 4022, Section 191 (Tarrtown Road) in Armstrong County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 10-0  
**Duration:** 30 days after construction completion  
**Contact:** N/A

## Environmental Maintenance—15

**BF 453-101.1** Under the act of October 12, 1984 (P.L. 914, No. 180), the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of abandoned strip mine projects. Letters of interest must be received by Roderick A. Fletcher, P.E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m. Local Time, June 26, 2000, to be considered.

**Department:** Environmental Protection  
**Location:** 8 acres of reclamation in Bell Township  
**Duration:** N/A  
**Contact:** Joseph Schueck, (717) 783-5649

## Food—19

**SMI-FS-0010** Frozen eggs and frozen egg products, whole type II, class 4. Packaged in 30 lb. plastic containers. To be bid on an as-needed basis determined by the Institution. Interested bidders should contact the Purchasing Department, in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0014** Bread and roll bases including, but not limited to, half-n-half rye bread maker and conditioner, base; Bak-krisp instant bread and roll base; half-n-half wheat bread base and #20 dinner roll base. Items to be bid on an as-needed basis determined by the Institution. Interested bidders should contact the Purchasing Department in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0012** Frozen Items—including, but not limited to, vegetables (broccoli spears, cauliflower, brussels sprouts), bakery products to include entrees, pizza, etc. Interested bidders should contact the Purchasing Department in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**HUN346** Fresh Milk; Homogenized, pasteurized milk, packaged in 1/2 pint, 5 gallon containers (whole, skim and 2% white and chocolate). Monthly bids/weekly deliveries, group bid award and bid prices according to the Milk Marketing Board.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Phyllis Sheffield, Pur. Agt. I, (814) 643-2400, Ext. 303

**SMI-FS-0009** Baking Products including, but not limited to, canned sauces and related items as required. Items to consist of some of the following: waffles, pizza shells, tacos, taco seasonings, baking soda, baking powder, yeast, various extracts, pizza sauces, flour and wheat, all purpose cake blend, 100 lb. bag, cheese pizzas and oleomargarine. Bid when required on quarterly basis if not available through Statewide contract. Interested bidders should contact the Purchasing Department in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0008** Cheese—consisting of yellow and white American cheese, shredded mozzarella or various block cheeses and related items as requested by the institution. Quantities on an as needed basis. Interested bidders should contact the Purchasing Department, in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0007** Ice Cream—Cottage Cheese. Ice cream, vanilla and neopolitan slices and similar items as requested by the institution. (No pork products). Cottage Cheese, large curd, all quantities as needed basis. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0006** Processed Meats—including, but not limited to, beef/pork products—frankfurters (all beef and turkey franks), turkey ham, turkey bologna, turkey salami, beef, beef liver, lebanon bologna, bacon, turkey franks, veal patties and pullman hams and similar items as required. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0004** Protein alternative products—as needed only to include, but not limited to, soy burgers, grainburgers, garden burgers, dry mixes, soy products (when not available from Statewide contract). Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0013** Eggs, shell, white, Grade A, Class 1, Medium Naturals. All deliveries must be received between the hours of 8 a.m. and 10 a.m. Quarterly bids—quarterly awards, weekly deliveries. Interested bidders should contact the Purchasing Department, in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0003** Bread, white, fresh—28 oz. loaves, 28 usable slices, excluding heels. Quarterly bids—quarterly awards, weekly deliveries (four times per week). Quantities as needed. Interested bidders should contact the Purchasing Department in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0002** Fresh produce—Food group consisting of approximately 15 items, including but not limited to lettuce, celery, cucumbers, carrots, oranges, apples, potatoes, onions, kale, spinach, bananas, cabbage, grapefruit, tomatoes, peppers, watermelon, tangerines, cantaloupe and similar items. Monthly bids—monthly contract awards—weekly deliveries (two deliveries per week). All produce must be delivered between the hours of 8 a.m. and 10 a.m. on scheduled delivery dates. Interested bidders should contact the Purchasing Department in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0001** Fresh Milk—Homogenized, Pasteurized Milk—packaged in 1/2 pts, skim and 2%. Monthly bids—monthly awards—weekly deliveries. All quantities as needed. All requested deliveries must be received between the hours of 8 a.m. and 10 a.m. Interested bidders should contact the Purchasing Department in writing to request a bid package or by fax at (814) 946-7339

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**SMI-FS-0005** Fish and Seafood—as needed only—approximate requirements—haddock and cod. Breaded and unbreaded. Minced Clams and other seafood as required by the institution. Tuna, solid water packed (when not available from Statewide contract). And other similar items as required. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**Bid No. 53** The bid is for fresh bread, rolls and related products. A copy of the bid packet is available by contacting the Purchasing Department by phone (610) 740-3428 or fax (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Lois Kerbacher, Purchasing Agent II, (610) 740-3428

**SO-209** The State Correctional Institution at Somerset will be soliciting bids for supplies and equipment needed for the dispensing of noncarbonated beverages. Product shall be a concentrated base packaged in bag-in-box form. Winning vendor will be responsible for supplying product and supplying and maintaining all equipment required. Listing of specifications can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001  
**Duration:** July 1, 2000—June 30, 2003  
**Contact:** Jackie Albright, (814) 443-8100, Ext. 313

**SMI-FS-0011** Poultry and Poultry Products: approximate requirements: turkey roasts, chicken, drumsticks, chicken fryers, ground turkey, stewing chickens, chicken wing dings, chicken breast fillets, whole turkey and other related items as required by the Institution. Interested bidders should contact the Purchasing Department in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Peggy A. Chilcote, Purchasing Agt., (814) 643-6520, Ext. 125

**HUN347** Fresh Produce: Lettuce, pascal celery, carrots, oranges, apples, onions, bananas, cabbage, baking/round potatoes, grapefruit, tomatoes, peppers, cucumbers, watermelon, cantaloupe, etc.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Phyllis Sheffield, Pur. Agt. I, (814) 643-2400, Ext. 303

**HUN348** Processed Meats and Cheese: All Beef Frankfurters, beef liver, cheddar cheese, pork loin, bologna, mozzarella cheese, all beef sausage, kielbasa, turkey roasts, Lebanon bologna, ham pork, diced chicken meat, turkey ham, frying chicken quarters, turkey salami, meatballs, yellow American cheese, clams, chicken breast fritters, grilled beef steak with peppers and onions, turkey roasts, soy and vegetable burgers and burger crumbles.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Phyllis Sheffield, Pur. Agt. I, (814) 643-2400, Ext. 303

**Bid No. 054** The bid is for meat and meat products (frozen). A copy of the bid packet is available by contacting the Purchasing Department by phone (610) 740-3428 or fax (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103  
**Duration:** July—September 2000  
**Contact:** Lois Kerbacher, Purchasing Agent II, (610) 740-3428

**Bid No. 55** The bid is for miscellaneous foods (frozen baked goods, cakes, pies, entrees, egg products and non-meat items). A copy of the bid packet is available by contacting the Purchasing Department by phone (610) 740-3428 or fax (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103  
**Duration:** July—September 2000  
**Contact:** Lois Kerbacher, Purchasing Agent II, (610) 740-3428

## HVAC—22

**HUN 349** Service contract for preventative maintenance for institutional boilers. Service to include repair, replace or plugging boiler tubes. Bid Specifications will be provided by contacting the Agency.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Robert Jessell, Pur. Agt., (814) 643-2400, Ext. 304

**060011** Project Title: Installation of Magnesium Storage Tank Systems: All work necessary to complete the installation of magnesium storage tank systems at five stockpiles within District 6-0. One system will be installed in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties. These systems shall consist of a 5,000 gallon capacity within a containment structure of 5,500 gallon capacity, pump, plumbing, electric controls and an overhead spray apparatus. Bidding packages may be obtained by faxing in a request to the PA Department of Transportation, District 6-0 at (610) 205-6909 or in writing at 7000 Geerdes Blvd. (Maintenance Unit, 4th Floor), King of Prussia, PA 19406-1525, Attn. Louis J. Porrini, Highway Maintenance Manager.

**Department:** Transportation  
**Location:** Bucks, Chester, Delaware, Montgomery and Philadelphia Counties  
**Duration:** September—November 2000  
**Contact:** Louis J. Porrini, (610) 205-6703

## Lodging/Meeting—27

**201000018** The Pennsylvania State Police is seeking a facility to conduct a 3-day conference within a 15-mile radius of State College, PA on October 10, 11 and 12, 2000. Must provide a common meeting area and small meeting rooms, lodging rooms, break refreshments, breakfast, lunch and dinner for approximately 50 attendees. Complete details will be sent to all interested bidders.

**Department:** State Police  
**Location:** State College, PA area (within a 15-mile radius)  
**Duration:** October 10, 11 and 12, 2000  
**Contact:** Diane Bolden, Procurement and Supply Division, (717) 705-5923

## Medical Services—29

**134100021** Provide Alternate Licensed Pharmacist services for coverage of staff Pharmacist when on leave.

**Department:** Military Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** October 1, 2000—June 30, 2005  
**Contact:** Jeanette Gualtieri, (814) 878-4930

**Personnel Temp.—31**

**05-E-00** Provide temporary clerical services to State Workers' Insurance Fund on an as needed basis.

**Department:** Labor and Industry  
**Location:** State Workers' Insurance Fund, 914 Penn Avenue, 6th Floor, Pittsburgh, PA 15222  
**Duration:** 1 year  
**Contact:** Brian J. Finnerty, (570) 963-3130

**05-C-00** Provide temporary clerical services to State Workers' Insurance Fund on an as needed basis.

**Department:** Labor and Industry  
**Location:** State Workers' Insurance Fund, 500 S. Centre Street, Pottsville, PA 17901  
**Duration:** 1 year  
**Contact:** Brian J. Finnerty, (570) 963-3130

**05-B-00** Provide temporary clerical services to State Workers' Insurance Fund on an as needed basis.

**Department:** Labor and Industry  
**Location:** State Workers' Insurance Fund, 444 N. 3rd Street, Philadelphia, PA 19123  
**Duration:** 1 year  
**Contact:** Brian J. Finnerty, (570) 963-3130

**05-A-00** Provide temporary clerical services to State Workers' Insurance Fund on an as needed basis.

**Department:** Labor and Industry  
**Location:** State Workers' Insurance Fund, 100 Lackawanna Avenue, Scranton, PA 18503  
**Duration:** 1 year  
**Contact:** Brian J. Finnerty, (570) 963-3130

**05-D-00** Provide temporary clerical services to State Workers' Insurance Fund on an as needed basis.

**Department:** Labor and Industry  
**Location:** State Workers' Insurance Fund, 216 N. 6th Street, Sunbury, PA 17801  
**Duration:** 1 year  
**Contact:** Brian J. Finnerty, (570) 963-3130

**Property Maintenance—33**

**00676-000-99-DCEDS** Project scope include tree removal, tree pruning, stump grinding, tree installation, seeding/topsoil and split-rail fence repair at Washington Crossing Historic Park, Washington Crossing, Bucks County, Pennsylvania. A Mandatory Prebid meeting and sign-in will be held on Friday, June 16, 2000, at 11 a.m. at the Washington Crossing Historic Park, Washington Crossing, PA for all firms interested in submitting bids for the project. For directions contact Mark Heeb the Project Manager, at (717) 787-7788 or the site at (215) 493-4076. All interested bidders should submit a \$50 (nonrefundable) check and a request for a bid package in writing to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120, Attention: Judi Yingling, (717) 772-2401. All proposals are due on Friday, June 30, 2000, at 11:45 a.m. Bid opening will be held in Room 526, 5th Floor of the State Museum Building, corner of 3rd and North Streets, Harrisburg, PA 17120.

**Department:** Historical and Museum Commission  
**Location:** Washington Crossing Historic Park, P. O. Box 103, Washington Crossing, PA 18977  
**Duration:** July 30, 2000—June 30, 2001  
**Contact:** Judi Yingling, (717) 772-2401

**404029** Furnish and install freezer and refrigerator doors.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., North Warren, PA 16365-5099  
**Duration:** July 1, 2000—December 31, 2000  
**Contact:** Bobbie D. Muntz, PA III, (814) 726-4496

**Real Estate Services—35**

**373883** Lease Office Space to the Commonwealth of Pennsylvania 4,179 sq. ft. of office space with five parking spaces, in Harrisburg, Dauphin County, within the City Limits of Harrisburg and must be located on a major public bus route. The Office of Attorney General will occupy the space. Proposals Due: June 12, 2000. Solicitation No. 93082.

**Department:** Attorney General  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** N/A  
**Contact:** Cynthia T. Lentz, (717) 787-0925

**Miscellaneous—39**

**sp134300019** This commodity is for the delivery of oxygen tanks to the facility. Vendor must be on call and able to deliver within a 24 hour notice. Types of tanks are listed below: sttle k-251, style otd-14, style ote-23. We are a long-term care nursing home for veterans. 514 beds in use at this time. Please fax your request to (814) 696-5395, Attn: Becky Clapper.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648  
**Duration:** Contract to begin approximately July 1, 2000 and end approximately June 30, 2001  
**Contact:** Becky Clapper, Purchasing Agent 3, (814) 696-5210; Fax (814) 696-5395

**00972024** Overhaul emergency generator engine in facility boiler plant, install exhaust pipe insulation blankets on exhaust system, replace engine preheater unit for information or to request a copy of proposal, fax all company information to F. Molisee, (412) 257-6761 or call the number listed in this advertisement.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** F. Molisee, Purchasing Agent 2, (412) 257-6215

**0400-DW** Degrease, steamclean and wash approximately 56 loaders, 19 graders, 17 backhoes, 9 excavators, 81 single axle trucks, 69 tandem trucks and 29 pieces of miscellaneous equipment in the six counties of District 4-0. All quantities are estimated. Contractor must also collect and dispose of used wash water per specifications. The contract will be for a 3 year period. The bid opening will be June 22, 2000, at 1 p.m. Contact Gerald Pronko at (570) 963-4039 for bid package.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties  
**Duration:** Three years upon approval of contract  
**Contact:** Gerald Pronko, (570) 963-4039

**99-09-1** The Department of Corrections is soliciting proposals to provide community-based comprehensive transitional employment services for 90—120 days to parolees who have successfully completed the correctional program at the Quehanna Boot Camp or who have been released from the State Correctional Institution at Chester. These individuals will be supervised by the PA Board of Probation and Parole and will primarily reside in the Greater Philadelphia area.

**Department:** Corrections  
**Location:** 2520 Lisburn Road, Camp Hill, PA 17011  
**Duration:** Maximum of 3 years  
**Contact:** Suzanne Malhenzie, Admin. Officer, (717) 975-4973

**KURFP-0024** Kutztown University is seeking qualified firms able to provide Public Safety Dispatching Services. Selected firm must possess strong customer service interactions, be able to handle multiple emergency situational tasks, operate switch board, monitor Emergency Medical System pager, monitor police, fire and ambulance scanner, etc. Interested firms should request a Request to Proposal package in writing from: Barbara Reitz, Director of Purchasing, Kutztown University, Kutztown, PA 19530, fax: (610) 684-4674, E-mail: reitz@kutztown.edu. Proposal packages will be available May 30, 2000. A preproposal meeting/tour of facilities will be scheduled for June 8, 2000, at 10 a.m. The proposals must be received on or before 2 p.m. on June 23, 2000. Late submissions will not be accepted.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** Two years with the option to renew for three additional 1 year terms  
**Contact:** Barbara Reitz, (610) 683-4132

**1103500002** Vendor to provide all parts and labor to repair, as needed, laundry equipment located at the State Correctional Inst., Graterford. Equipment located at SCIG: Milnor, American, Uni-Mac Washers/extractors, Heusch, Thermamatic dryers, Chicago flatwork ironer, Hoffman, Forenta, Ajax presses and Brunner air compressor.

**Department:** Corrections  
**Location:** State Correctional Inst., Graterford, Box 246, Rt. 29, Graterford, PA 19426  
**Duration:** Three years July 1, 2000—June 30, 2003  
**Contact:** Kelly Richardson, (610) 489-4151

**SO-210** The State Correctional Institution at Somerset will be soliciting bids for Sloan Royal Flush Valves. Parties interested in bidding on these valves should contact institution directly for specifications and bid package.

**Department:** Corrections  
**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001  
**Duration:** May 11—July 31, 2000  
**Contact:** Theresa Solarczyk, Pur. Agent II, (814) 443-8100, Ext. 311

**KURFP-0021** Kutztown University is seeking qualified firms to submit proposals for laser printer toner recycling. The University is interested in a firm able to provide the University with a quality product, be proactive in the recycling of a consumable product, and reduce costs of the purchase of new printer cartridges. Interested firms should request a Request for Proposal package in writing from: Barbara Reitz, Director of Purchasing, Kutztown University, Kutztown, PA 19530, fax (610) 683-4674, E-mail: reitz@kutztown.edu. Proposal packages will be available May 30, 2000. The proposals must be received on or before noon on June 23, 2000. Late submissions will not be accepted.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** One year with the option to renew for four additional 1 year terms  
**Contact:** Barbara Reitz, (610) 683-4132

**92519** Preventive maintenance and repair to specific photographic lab equipment by factory authorized and qualified service personnel. Vendor must be located within 50 mile radius of Harrisburg.

**Department:** General Services  
**Location:** Commonwealth Media Services, 22nd and Forster Streets, 2nd Floor, Harrisburg, PA 17125  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Roy Armstrong, (717) 787-2095

[Pa.B. Doc. No. 00-928. Filed for public inspection May 26, 2000, 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 &amp; Construction Maintenance: Buildings, 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:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
4710-01	5/18/00	Advanced Drainage Systems Inc.	973,679.00
4710-01	5/18/00	Hancor Inc.	240,389.45
6350-01 SUP # 1 & RIP # 1	5/11/00	Assessment & Control International Inc.	150,000.00
6350-01 SUP # 1 & RIP # 1	5/11/00	Philadelphia Protection Bureau Inc.	150,000.00
6350-01 SUP # 1 & RIP # 1	5/11/00	Eltech Security Systems Inc.	150,000.00
6350-01 SUP # 1 & RIP # 1	5/11/00	Quanta Security Systems Inc.	150,000.00
6350-01 SUP # 1 & RIP # 1	5/11/00	Harrington & Sons Inc.	150,000.00
6350-01 SUP # 1 & RIP # 1	5/11/00	Rost Enterprises LP & Secure Technologies Joint Venture	150,000.00
6350-01 SUP # 1 & RIP # 1	5/11/00	Gregson Industries Inc. d/b/a Barrier Technologies	150,000.00
6350-01 SUP # 1 & RIP # 1	5/11/00	Esco Inc.	150,000.00
6350-01 SUP # 1 & RIP # 1	5/11/00	BLW Inc. t/a Security Services & Technologies	150,000.00
8345-01	5/18/00	Annin and Co.	40,855.00
1248359-01	5/15/00	E-N-G Mobile Systems Inc.	113,327.00
1256119-01	5/15/00	Galey and Lord Inc.	361,500.00
1306229-01	5/15/00	Five Star International LLC	48,278.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1327389-01	5/15/00	Allenwood Equipment Inc.	139,889.00
1345209-01	5/15/00	Engineered Communications Inc.	150,585.00
1374139-01	5/15/00	Rohrer Bus Sales	49,992.00
1389119-01	5/15/00	Ultimate Application of Computers Inc. d/b/a RJO Products & Services	25,660.00
1414389-01	5/15/00	Highway Equipment & Supply Co.	174,995.00
1420119-01	5/15/00	Independent Hardware Inc.	26,065.50
1448229-01	5/15/00	Aquatic Systems Engineering	41,283.60
1465119-01	5/15/00	Grinnell Fire Protection Systems Co.	36,000.00
1466389-01	5/15/00	Holden Industries Inc.	39,321.00
1486389-01	5/15/00	Prosser Sportsfield Services	191,725.00
1494209-01	5/15/00	Advertising Specialties	3,920.00
1494209-02	5/15/00	Grimm Trophy & Gifts	8,550.00
8141840-01	5/15/00	Foster Grading Co.	1,193,940.40
8223010-01	5/15/00	Egoltronics Corp.	55,125.00
8250740-01	5/15/00	Valk Manufacturing Co.	37,410.00

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 00-929. Filed for public inspection May 26, 2000, 9:00 a.m.]





# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[28 PA. CODE CH. 27]

### Reporting of Communicable and Noncommunicable Diseases

The Department of Health (Department), with the approval of the State Advisory Health Board (Board), proposes to amend Chapter 27 (relating to communicable and noncommunicable diseases). The proposed amendments are to read as set forth in Annex A.

#### A. Purpose of the Proposed Amendments

Most of the regulations in Chapter 27 were originally promulgated in 1959. Since that time, there have been dramatic changes in society, technology and the environment which necessitate a review and revision of these regulations. Where once outbreaks of disease could be held within geographical boundaries, today, the speed of air travel and the global economy are fostering the worldwide spread of life-threatening pathogens. Persons infected in one place can be on the other side of the world by the time symptoms appear. New infectious agents are emerging which require new prevention and control techniques. New conditions are becoming recognized which benefit from early detection and treatment. Disease outbreaks continue to occur, antibiotic resistance of some diseases is spreading, and previously controlled agents are in resurgence. Although more exotic diseases like Group A streptococcus (flesh eating bacteria), the hantavirus and the ebola virus receive most of the attention from the media, other infectious diseases continue to pose public health problems. For example, there have been recent outbreaks of cryptosporidiosis, *E. coli* O157:H7, *Salmonella enteritidis*, hepatitis A and shigellosis. There are strains of multidrug resistant tuberculosis, which reduces the ability to treat the disease, and there have been recent reports from Japan of evidence of resistance of *Staphylococcus aureus* to the drug, Vancomycin, long considered the last line of defense. This Commonwealth is not immune from these public health threats. A few examples of threats to the public health within this Commonwealth over the past few years include a 1996-1997 outbreak of cyclospora caused by Guatemalan raspberries, ongoing *Salmonella enteritidis* outbreaks caused by, among other things, infected eggs; rabies outbreaks from 1991 to the present; a shigellosis outbreak in 1996, spread from Ohio to this Commonwealth; multidrug resistance to tuberculosis; and the ongoing epidemic of Lyme disease. The Department has chosen to revise the regulations to ensure that the disease control and prevention needs of changing diseases and conditions and current health care priorities are adequately addressed.

#### B. Requirements of the Proposed Amendments

##### CHAPTER 27. COMMUNICABLE AND NONCOMMUNICABLE DISEASES

The Department proposes to delete from its regulations all unnecessary clinical references; superseded public health methods and practices; currently reportable diseases and conditions which, in its opinion, no longer need to be reported; and outdated scientific or technical references and information. In the place of the deleted material, the Department is proposing to add state-of-the-art public health practices and methods; new reportable

diseases, infections and conditions that the Department, with the approval of the Board, considers necessary to protect the public health of this Commonwealth; and current scientific or technical information and references. The following is a discussion of the major amendments, additions and deletions that are being proposed.

#### Subchapter A. General Provisions

##### Subchapter B. Reporting of Diseases, Infections and Conditions.

The current regulations contain several lists of reportable diseases and conditions in two different subchapters. Section 27.2 (relating to reportable diseases) in Subchapter A contains a list of reportable diseases. This list is not exclusive, however. It is supplemented by separate sections in both Subchapter A, and in Subchapter B. For example, § 27.4 (relating to noncommunicable diseases and conditions) in Subchapter A sets out specific reporting requirements for lead. Section 27.22 (relating to reporting laboratory results indicative of certain infections or conditions) in Subchapter B contains a separate list of diseases reportable solely by laboratories.

The Department is proposing to include all the specific reporting requirements in Subchapter B, which it is proposing to retitle, "Reporting of Diseases, Infections and Conditions." In that subchapter, the Department proposes to break up the listings of reportable diseases, infections and conditions by the individuals and entities which are to report them, and proposes to include specific time frames within which these diseases, infections and conditions are to be reported. The Department is proposing to include in Subchapter A only general provisions relating to reporting.

#### Subchapter A. GENERAL PROVISIONS

##### Section 27.1. Definitions.

Several terms used in the current regulations are outdated or inadequately defined. The Department proposes to replace outdated terms with language that reflects state-of-the-art public health practices and methods, add new terms used by public health professionals, and clarify existing definitions of terms.

The Department proposes adding the terms "ACIP," "caregiver," "case," "case report form," "central office," "child," "clinical laboratory," "district office," "health care facility," "health care practitioner," "health care provider," "infectious agent," "local health department," "medical record," "modified quarantine," "physician" and "segregation" to further clarify the regulations. The definitions of these terms are self-explanatory.

Additionally, the Department proposes adding a definition of the term "child care group setting" to further clarify proposed §§ 27.76 and 27.77 (relating to exclusion and readmission of children and staff in child care group settings; and immunization requirements for children in child care group settings). The Department also proposes adding a definition of the term "operator" to further clarify the definition of "child care group setting."

The Department also proposes to add a definition of the term "local morbidity reporting office (LMRO)" to further clarify proposed §§ 27.41a, 27.42a and 27.43a (relating to reporting by local morbidity offices). The proposed definition describes the various types of offices that may be designated by the Department to receive case reports on a local basis. The Department is also proposing revisions to

the existing definitions of "local health officer" and "local health authority" to clarify the differences between a local health authority and a local health department, and to more fully explain what the responsibilities of a local health officer are. These clarifications are important to an understanding of the reporting requirements, and of the disease prevention and control responsibilities of these entities.

Also, the Department proposes adding a definition of the term "outbreak" since the regulations set forth special reporting and investigative procedures for outbreaks. By defining the term, any possible confusion with respect to what is considered to be an outbreak would be eliminated, which would allow the Department to more quickly investigate outbreaks and implement the appropriate intervention strategies.

Further, the Department proposes to expand the term "surveillance" by including two definitions, "surveillance of contacts" and "surveillance of disease," in these regulations. This would assist the Department to explain requirements for the continuing scrutiny of all aspects of occurrence and spread of disease that are pertinent to effective control of diseases. Communicable diseases may spread by means other than through persons and animals exposed to those communicable diseases. Therefore, it is important that the Department be able to supervise all aspects of the occurrence and spread of disease; not just supervise those individuals or animals exposed to the disease.

Finally, the Department proposes to replace the term "venereal disease," which is an outdated term, with the more modern term "sexually transmitted disease." The definition of "sexually transmitted disease" is broader than the current definition of "venereal disease," which only includes five diseases. The proposed definition includes chlamydia trachomatis infections as well as the five diseases which have been covered by the term "venereal disease," and would allow for the future addition of diseases by the Department.

*Section 27.2. Specific identified reportable diseases, infections and conditions.*

The Department is proposing to delete the specific listing of reportable diseases and conditions currently included in this section, and to include this listing with some additions and deletions, in proposed § 27.21a (relating to reporting of cases by health care practitioners and health care facilities). Proposed § 27.21a is included in proposed Subchapter B, which will contain all specific reporting requirements. Proposed § 27.2 would contain a general requirement that specified diseases, conditions and infections be reported to the Department or other appropriate entity within the time frames and in the manner required by the proposed regulations, in keeping with the Department's proposal to include in proposed Subchapter A all general provisions relating to reporting.

*Section 27.3. Reporting outbreaks and unusual diseases, infections and conditions.*

The Department proposes to amend this section to clarify the reporting time frames for outbreaks and incidents of unusual diseases, infections and conditions, including those not specifically reportable under Subchapter B, but which, nonetheless, pose a potential public health threat. This would allow the Department to more quickly investigate these situations and implement the appropriate intervention strategies.

*Section 27.4. Reporting cases.*

The Department proposes to rewrite this section to give the general rule on where case reports would be made. Under this general rule, case reports would be made to the local morbidity reporting office (LMRO) where the case resides, unless the residence of the case is unknown, another provision of the chapter were to direct otherwise, or the reporter were a clinical laboratory. Clinical laboratories would report to the appropriate office of the Department unless otherwise directed in the proposed rulemaking.

Subsection (b) would provide a comprehensive list of Department offices to which the proposed regulations require certain specific case reports to be made. The Department proposes to include this list for the ease of reference of the persons who would be utilizing the proposed regulations.

The Department proposes to delete current subsection (a), which requires reports of diseases and conditions to be made to those places where the Secretary can then most effectively determine and employ efficient and practical means to protect and promote the health of the residents of this Commonwealth, but which does not identify those places. The Department proposes to specifically set out where diseases and conditions are to be reported, including noncommunicable diseases and conditions, and to detail what information is to be included in those reports. See proposed §§ 27.21a, 27.22, 27.30, 27.31, 27.33 and 27.34.

Subsection (b), which discusses the reporting of lead cases, would also be redundant once the proposed regulations become final. The provisions of this subsection would be included in other portions of the proposed regulations, specifically in proposed §§ 27.22 and 27.34 (relating to reporting of cases by clinical laboratories; and reporting cases of lead poisoning).

*Section 27.5. (Reserved).*

The Department proposes to delete this section, which currently pertains to the Cancer Registry. The Department proposes to address that subject matter in § 27.31 (relating to reporting cases of cancer). This would locate all of the cancer reporting requirements in two sections of the proposed regulations, §§ 27.21a and 27.31.

*Section 27.5a. Confidentiality of case reports.*

This section would be new. This section would further clarify the confidentiality requirements for case reports set forth in section 15 of the Disease Prevention and Control Law of 1955 (act) (35 P. S. § 521.15) (relating to confidentiality of reports and records).

*Section 27.6. Disciplinary consequences for violating reporting responsibilities.*

This section would be new. In the past, the Department has been unable to conduct some disease investigations and implement the appropriate intervention strategies because certain entities and individuals have failed to report diseases, infections or conditions to the Department. To encourage compliance with the reporting requirements under this chapter, the Department proposes to add a section to inform laboratories, health care facilities and health care practitioners that violations of their reporting requirements may result in disciplinary consequences under their respective licensing statutes.

*Section 27.7. Cooperation between clinical laboratories and persons who order laboratory tests.*

This section would be new. The Department proposes adding this section to impress upon clinical laboratories and persons ordering laboratory tests the necessity of providing all demographic and other information the Department is requesting on the reporting form, whether the clinical laboratory is required to report electronically, or on paper. In the past, the Department has had great difficulty obtaining the necessary information from persons, including clinical laboratories. Recognizing that, at times, the individual requesting the test from the laboratory has failed to obtain all requested information from the subject, thus making it impossible for the laboratory to completely report to the Department, the Department proposes to require the laboratory to provide the necessary form to the individual requesting the test, and require the individual requesting the test to provide all information requested on that form. Failure to comply with these requirements could result in a recommendation for disciplinary action either against the laboratory or the individual requesting the test. See proposed § 27.6 (relating to disciplinary consequences for violating reporting responsibilities).

*Section 27.8. Criminal penalties for violating the act or this chapter.*

This section would be new. It would reiterate the language in sections 19 and 20 of the act (35 P. S. §§ 521.19 and 521.20) which provide for the imposition of criminal penalties and fines on persons who violate the act or regulations promulgated thereunder. The Department proposes to include the criminal penalties and fines in this regulation to emphasize the importance of complying with the requirements of this chapter.

*Section 27.9. Authorized departures from the regulations.*

This section would be new. It would allow the Department to authorize an exception to any regulation in this chapter if the requirement of the regulation is not also a statutory requirement. An exception would be permitted if the regulatory standard would become outdated due to medical or public health developments, and if the exception would be determined by the Department to be necessary to protect the health of the people of this Commonwealth. For the exception to remain in effect, it would then need to be approved by the Board within a 90-day period. If the Board were to fail to approve the exception within this time period, the exception would expire. This proposed section is intended to allow the Department the flexibility to meet changing public health needs.

*Subchapter B. REPORTING OF DISEASES, INFECTIONS AND CONDITIONS*

Early in 1994, the Department assembled an expert committee comprised of Department staff from each of the Department's program areas to review and revise these regulations. The committee met a total of 14 times over a 2-year period and determined which diseases and conditions should be modified, deleted or added to the list of reportable diseases and conditions. The committee's proposed changes to the list of reportable diseases are described in the following. The Department is also proposing to use more accurate terminology for what is reportable. Therefore, although infections and conditions must currently be reported to the Department, the Department is proposing to add these words to the title of Subchapter B to more accurately describe the scope of reporting required by the act and the proposed regulations.

In reviewing the structure of the regulations, the Department also decided that it would propose doing away with a general list of reportable diseases and conditions, and specify in each relevant section which diseases, conditions and infections are to be reported by the entities identified in the section.

*GENERAL*

*Section 27.21. Reporting of AIDS cases by physicians.*

The Department is proposing to move the current requirements of this section to other, more relevant sections. The Department is proposing to add a separate section setting forth reporting requirements of all health care practitioners, including physicians. This proposed section, § 27.21a, would include in its provisions the current requirement that when a physician treats or examines a person suffering from, or who the physician suspects of having, a reportable disease, the physician is to make a report of that disease or condition. The Department is not proposing to include, in the relevant provisions of § 27.21a, language which requires a physician to report when a person the physician treats is suspected of being a carrier or when the person is affected asymptotically. The current provisions of § 27.21 which include the manner in which reports are to be made, and to what place, would be included in § 27.4 which would set out how cases are to be reported. The current provisions which discuss how venereal diseases are to be reported would be included in § 27.33 (relating to reporting cases of sexually transmitted disease). Lastly, because of changes in Federal law, physicians will now be required to report cases of cancer, and those requirements would be set out in § 27.31.

Reporting cases of AIDS is a reporting responsibility which would fall solely upon the physician under these proposed regulations. The current regulations require reporting of AIDS by hospitals and physicians. The Department is proposing adding language to this section which would require physicians to report cases of AIDS within 5 work days.

*Section 27.21a. Reporting of cases by health care practitioners and health care facilities.*

The Department is proposing to include in this section the list of diseases, infections and conditions which must be reported by health care practitioners and health care facilities. The Department is proposing to categorize the list of diseases, infections and conditions by the time frame within which each disease, infection and condition must be reported. The Department includes those which it proposes must be reported within 24 hours of identification in proposed subsection (a)(1). Those which the Department proposes be reported within 5 work days, it includes in proposed subsection (a)(2).

The Department is also proposing to make the following modifications to the general list currently set out in § 27.2 (relating to specific identified reportable diseases, infections and conditions) for the following reasons:

*AIDS*

The Department proposes excluding AIDS from the list of diseases, infections and conditions it proposes to make reportable in this section. The proposed reporting requirements of this section apply to all health care practitioners and health care providers. The Department proposes to change the current requirement that AIDS be reported by hospitals and physicians, and to make AIDS reportable only by physicians. To do this, it would be necessary to delete AIDS from this section and create a separate

section requiring only physicians to report cases of AIDS. The Department proposes to set out this physician reporting requirement in § 27.21 (relating to reporting of AIDS cases by physicians).

#### *Arbovirus Disease*

The Department has determined that arbovirus disease (AD) should be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. AD is transmitted by a mosquito insect vector. Examples of AD include, Eastern equine encephalomyelitis, Saint Louis encephalitis, Venezuelan equine encephalomyelitis, Western equine encephalomyelitis and yellow fever. An outbreak of AD is a Nationally reportable condition.

#### *Chancroid*

The Department has determined that chancroid should be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. Chancroid is a sexually transmitted disease characterized by painful genital ulceration caused by *Hemophilus ducreyi* that is probably present in this Commonwealth. This is a Nationally reportable condition.

#### *Chickenpox (varicella)*

The Department has determined that chickenpox should be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of diseases, infections and conditions reportable by health care providers. Between 1970 and 1984, when chickenpox was last reportable, an average of 2,443 cases were reported each year. In 1973, there was a chickenpox outbreak of 7,315 cases. Therefore, outbreaks of chickenpox, especially within group settings, may be controlled if cases are identified and appropriate intervention strategies are implemented. Additionally, by reporting chickenpox cases, the efficacy of the new chickenpox vaccine can be measured. It is not yet clear that chickenpox can be prevented by a new vaccine. For reporting by health care providers to provide the Department with information which will be useful in determining the efficacy of the vaccine, the Department is proposing to obtain 3 years of reporting data from laboratories before requiring health care providers to report chickenpox.

#### *Cryptosporidiosis*

The Department has determined that cryptosporidiosis should be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. Cryptosporidiosis is caused by the protozoan *cryptosporidium parvum* and characterized by diarrhea, abdominal cramps, loss of appetite, low-grade fever, nausea and vomiting. The disease may be prolonged and life-threatening in severely immunocompromised persons. This is a Nationally reportable condition.

#### *Enterohemorrhagic E. coli*

The Department has determined that enterohemorrhagic *E. coli* should be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. Large outbreaks of *E. coli* 0157:H7 bacteria have been reported in the United States, including a 1993 outbreak linked to undercooked hamburgers with more than 600 reported cases and four deaths. In 1996, more than 6,000 schoolchildren in Japan developed *E. coli* 0157:H7 infection from eating contaminated radish

sprouts. In August of 1997, 25 million pounds of ground beef patties were recalled by the United States Department of Agriculture because they had been epidemiologically linked to a disease outbreak of *E. coli* 0157:H7. This is a Nationally reportable condition.

#### *Granuloma Inguinale*

The Department has determined that granuloma inguinale (GI) should be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. GI is a slowly progressive ulcerative disease of the skin and lymphatics of the genital perianal area caused by infection with *Calymmatobacterium granulomati*, a bacteria that is most likely present in this Commonwealth.

#### *Hantavirus Pulmonary Syndrome*

The Department has determined that hantavirus pulmonary syndrome (HPS) should be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. HPS is a rare but serious acute lung disease caused by hantavirus infection. In June of 1993, the first cases in the United States were diagnosed in the Southwest. On November 25, 1997, HPS was diagnosed, post-mortem, in a resident of this Commonwealth who presumably acquired the fatal condition from infected rodents in Northeastern Pennsylvania. In addition, an ongoing retrospective review of unexplained deaths lead to the diagnosis of a March 1997 unexplained death in a Commonwealth citizen as also being caused by HPS. HPS is a Nationally reportable condition.

#### *Hemorrhagic Fever*

The Department has determined that hemorrhagic fever (HF) should be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. HF is an often fatal viral disease with an early high fever with subsequent vascular and neurological symptoms. Most HF is caused by Biosafety Level 4 (spacesuit isolation) viruses for which neither treatment nor vaccination is available. Examples of HF include: Argentina HF (Junin virus), Bolivian HF (Machupo virus), Brazilian HF (sabia virus), Congo-Crimean HF (CCHF virus), ebola HF (ebola virus-Sudan, Zaire, Reston), HF with renal syndrome (hantavirus: Hantaan, Seoul, Puumala viruses), Lassa fever (Lassa virus), Marburg HF (Marburg virus-Kenya) and Venezuelan HF (Guanarito virus). An outbreak of HF is a Nationally reportable condition.

#### *Hepatitis, viral, including types A, E, B, C, D and G*

Currently, the Department requires the reporting of the following types of hepatitis: hepatitis A; hepatitis B; and hepatitis non-A and hepatitis non-B (NANB). Because hepatitis C cases constitute a large majority of the NANB cases, the Department proposes to make newly identified specific types of viral hepatitis reportable: hepatitis C, hepatitis E and hepatitis G. Adding these types of hepatitis is important so that disease specific trends can be followed within this Commonwealth and the Nation.

#### *Influenza*

The Department has determined that influenza (flu) needs to be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. Flu is a highly contagious disease of the respiratory tract caused by influenza A and B viruses, which, in some people, can cause severe illness or death. It is estimated that more

than 10,000 Americans die of flu each year. The Hong Kong avian influenza (H5N1) outbreak, which could have been the start of the next influenza pandemic, emphasizes the need to make confirmed laboratory cases of flu reportable in this Commonwealth.

#### *Kawasaki Disease*

The Department has determined that Kawasaki disease (KD) no longer needs to be a reportable disease or condition in this Commonwealth and proposes that it be excluded from the list of reportable diseases, infections and conditions. KD is an acute febrile, self-limited, systemic vasculitis of early childhood that is believed to be caused by a bacterial toxin secreted by staphylococcus aureus, or group A streptococcus. In the Department's opinion, public health intervention is no longer warranted and the small number of cases of KD in this Commonwealth does not justify keeping it as a reportable condition. Further, KD is not a Nationally reportable condition.

#### *Lead Poisoning*

Currently, requirements on reporting of lead poisoning and toxicity appear in several different places in the regulations, and do not appear in others. Although lead poisoning and toxicity is listed as a disease or condition to be reported by persons in charge of laboratories, it is not listed as a reportable disease in the general reporting section. The requirement that lead levels be reported is currently contained in § 27.4(b), which only requires reporting at very high lead levels.

To clarify requirements of reporting, the Department is now proposing to include lead poisoning both in the proposed amendments to this section and in the list of diseases and conditions which must be reported by clinical laboratories. See proposed § 27.22 (relating to reporting of cases by clinical laboratories).

Lead poisoning is a Nationally recognized public health problem which causes mental retardation in either children consuming leaded paints, or in workers exposed to lead at their work site. One of the National objectives for the Year 2000 is the elimination of lead exposures that cause workers to have blood lead levels higher than 25 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ). The Department's goal is to reach childhood blood levels of 0  $\mu\text{g}/\text{dL}$ . The proposed changes to Chapter 27 concerning blood lead levels would assure that the Department is in compliance with current policy statements on elevated blood lead levels by the Centers for Disease Control and Prevention (CDC) and the National Institute for Occupational Safety and Health.

#### *Leprosy (Hansen's Disease)*

The Department has determined that leprosy needs to be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. Leprosy is a chronic bacterial disease of the skin, peripheral nerves and the upper airway caused by *Mycobacterium leprae*. The current ability of persons to rapidly and freely travel from the tropics, like Hawaii, to this Commonwealth, makes leprosy a potential problem in this Commonwealth. Leprosy is a Nationally reportable condition.

#### *Listeriosis*

The Department has determined that listeriosis needs to be made a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. Listeriosis is caused by *Listeria monocytogenes*, which may produce any of several clinical syndromes, including

stillbirth, newborn infection, meningitis, bacteremia or localized infections. Outbreaks of listeriosis are often determined to be a food borne illness.

#### *Phenylketonuria*

*Primary Congenital Hypothyroidism in Children up to 5 Years or 60 Months of Age*

#### *Maple Syrup Urine Disease (MSUD)*

*Sickle Cell Hemoglobinopathies in Children up to 5 Years or 60 Months of Age*

The Department proposes to apply the reporting requirements of this section to four metabolic diseases of the newborn child. These four diseases, phenylketonuria (PKU) primary congenital hypothyroidism in children up to 5 years or 60 months of age, maple syrup urine disease (MSUD) and sickle cell hemoglobinopathies in children up to 5 years or 60 months of age, are the four metabolic diseases of the newborn child for which the Department screens in its Newborn Screening Program (NBS). Currently, only two of these four diseases are included in the regulations. The Newborn Child Testing Act (35 P. S. §§ 621—625) enacted in 1992, added sickle cell hemoglobinopathies and MSUD to the list for which newborn children are screened. See section 3(b) of the Newborn Child Testing Act (35 P. S. § 623(b)). As with lead poisoning, these two diseases were only included in the list currently set out in § 27.22. All four diseases would now appear in this section and in proposed § 27.22.

The Department proposes to add MSUD and sickle cell hemoglobinopathies to the list of diseases reportable to the Department because of the passage of the Newborn Child Testing Act, and because of the necessity of early detection of these diseases in children to prevent mental retardation, death and serious illness. The more quickly families and health care providers are aware of these conditions, the more quickly prophylactic measures can be taken to ameliorate serious harm to the child. Particularly with MSUD, and to a lesser extent with PKU, if the disease is not detected quickly, and treatment begun, severe mental retardation or even death can occur.

Therefore, the Department proposes to require persons other than laboratories to report to the Department cases of PKU primary congenital hypothyroidism in children up to 5 years or 60 months of age, MSUD and sickle cell hemoglobinopathies in children up to 5 years or 60 months of age within 5 days of being identified, and that clinical laboratories report within 24 hours. See proposed § 27.22. Given the necessary testing with some of these diseases, only a laboratory would be able to report these diseases in less than a 5 day time period.

The Department also proposes to narrow the cases of primary congenital hypothyroidism and sickle cell hemoglobinopathies which must be reported to those cases identified in children up to the age of 5 years or 60 months. This is not to say that the Department would not accept reports of these conditions in children over the age of 5 years; however, given the serious nature of these conditions during the early stages of a child's growth and development, the most beneficial action is taken to prevent death or serious illness or injury within the first 5 years of a child's life.

#### *Reye's Syndrome*

The Department has determined that Reye's syndrome (RS) no longer needs to be a reportable disease or condition in this Commonwealth and proposes that it be excluded from the list of reportable diseases, infections and conditions. RS is a frequently recognized hepatic and

central nervous system complication of influenza B, and less commonly, influenza A virus infection. Again, in the Department's opinion, public health intervention is no longer warranted, and the small number of cases of RS, does not justify keeping it as a reportable condition. RS is also not a Nationally reportable condition.

*Streptococcal Invasive Disease (Group A)*

The Department has determined that streptococcal invasive disease (group A) should be a reportable disease or condition in this Commonwealth and proposes that it be added to the list of reportable diseases, infections and conditions. Streptococcal invasive disease may manifest as any of several syndromes, including pneumonia, bacteremia, or deep soft tissue infection (necrotizing fasciitis, or "flesh eating bacteria"). This is a nationally reportable condition.

*Tuberculosis*

Since tuberculosis disease can be found in many parts of the body, such as the lungs, kidneys, and bones, the Department has determined that tuberculosis occurring in all sites of the body, including pulmonary and extra pulmonary tuberculosis disease, should be reportable in this Commonwealth. Accordingly, the Department proposes to replace the word "forms" with the word "sites" to clarify that tuberculosis disease in all sites of the body is reportable. The use of the word "sites" would not make tuberculosis infection reportable since it is not identified by site.

The Department is also proposing to include in this section the standards by which the health care practitioner and health care facility are to report cases. For example, the Department proposes to include in subsection (b) the requirement that a health care practitioner and health care facility be required to report a case when the practitioner or facility has treated or examined the person with the disease, infection and condition, or when the practitioner suspects the person of having a disease, infection or condition. Secondly, the Department proposes that a health care practitioner or health care facility would only need to report a case once. For example, if a practitioner or facility treats a person and reports a disease, and then laboratory testing confirms the case, the practitioner or facility need not report the disease again. This prevents duplicative reporting.

The Department also proposes to require school nurses to report unusual cases of absenteeism. This would give the Department early warning of outbreaks among a vulnerable population.

The Department also proposes, in subsection (b), that health care practitioners and health care facilities only report cases of influenza and chlamydia trachomatis infection after laboratory confirmation of the causative agent is obtained. It is important that these cases be confirmed by laboratory evidence to ensure accurate epidemiological reporting, and to prevent over-reporting of cases.

The Department also proposes to require that both health care facilities and health care practitioners report cases of cancer. The regulations currently prohibit a physician from reporting cancer cases. The Department is proposing to add this requirement because the 1992 Cancer Registries Amendment Act (42 U.S.C.A. §§ 280e and 280e-1—280e-4) requires assurances from states, applying for Federal grants as part of the National Program of Cancer Registries, that authorization under state law exists for the establishment of a statewide cancer registry. To comply with the 1992 Cancer Regis-

tries Amendment Act, the Department is proposing to amend this section to require health care practitioners and health care facilities to report cases of cancer.

Lastly, because the proposed definition of "health care facility" includes inpatient drug and alcohol abuse treatment facilities, the Department recognizes that this proposed section may pose a potential confidentiality problem, as it has in the past. The Department, therefore, has executed Qualified Service Organization Agreements with these facilities. These agreements would permit the drug and alcohol abuse treatment facilities to make reports of reportable diseases, infections and conditions within the scope of the law, and provide for adequate disease prevention and control while keeping the strict requirements of confidentiality for drug and alcohol abuse treatment clients in view.

*Section 27.22. Reporting of cases by clinical laboratories.*

The Department is proposing to substantially revise this section to remove those provisions dealing with reporting requirements specific to individual diseases, infections or conditions. The Department proposes to include these requirements in sections relating specifically to reporting those diseases, infections or conditions. See proposed §§ 27.30, 27.31, 27.33 and 27.34.

In subsection (a), the Department proposes to impose reporting time frames on clinical laboratories, except as noted otherwise in the chapter. The Department considers it necessary to impose these time frames to ensure the Department's receipt of the reports in sufficient time to generally enable the Department to prevent and control the spread of disease.

In subsection (b), the Department is proposing to include substantially the same list of diseases, infections and conditions to be reported as are included in proposed § 27.21a, although different time frames for reporting are proposed. The proposal would add certain diseases, including measles, mumps, pertussis, poliomyelitis, rubella and tetanus, to those which laboratories have been required to report. Reporting requirements for laboratories reporting chickenpox would take effect immediately upon publication in the *Pennsylvania Bulletin*.

Further, under the recommendation of the American Thoracic Society and the CDC, the Department is proposing to require in subsection (b) that laboratories report to the Department the results of drug susceptibility testing for tuberculosis. The reporting would enable the Department to be aware of drug-resistant tuberculosis and multidrug resistant tuberculosis as soon as possible.

In subsection (c), the Department proposes to clarify the types of information a clinical laboratory is required to report, and how a clinical laboratory is to report, including permitting a clinical laboratory to submit reports in an electronic format specified by the Department.

The Department also proposes to add language in subsection (j) which would permit the Department to make changes to the requirements in subsections (f)—(i). Those subsections would require a laboratory to submit isolates of certain specified diseases, infections, or conditions to the Department's Bureau of Laboratories for further testing within a specified time frame. The proposed language would also permit the Department to require clinical laboratories to submit isolates of reportable diseases other than those specified in subsections (f)—(i). The Department proposes to add language allowing it to alter these requirements based upon medical or public health developments when the change is determined by the Department to be necessary to protect the

health of the people of this Commonwealth. The Board would then have 90 days to approve the change. If the Board failed to approve the change within the 90-day period, the change would expire. This would provide the Department with the ability to implement the most up-to-date laboratory procedures to effectively control and prevent the spread of diseases, infections or conditions.

*Section 27.23. Reporting of cases by persons other than health care practitioners, health care facilities, veterinarians or laboratories.*

The Department proposes to delete the original provisions of this section. The provisions relating to school nurses would be contained in proposed § 27.21a. The Department is proposing to add language to this section which would require individuals in charge of institutions maintaining dormitories and living rooms, orphanages, and child care group settings to report all suspected cases of a reportable disease, infection or condition, except for cancer, to the local morbidity reporting office. This would provide the Department or local health authority with the opportunity to investigate, identify and respond to cases of a reportable disease, infection or condition in these settings.

*Section 27.24. (Reserved).*

The Department proposes to delete this section, which pertains to reporting by heads of institutions, since reports by heads of institutions would be addressed under proposed § 27.23 (relating to reporting of cases by persons other than health care practitioners, health care facilities, veterinarians or laboratories). Because, under these proposed regulations, only physicians would be required to report cases of AIDS, the Department proposes deleting the current requirement in subsection (b) that hospitals are to report cases of AIDS.

*Section 27.24a. Reporting of cases by veterinarians.*

This section would be new. The Department proposes to add this section to require a veterinarian to report a case only if the veterinarian treats or examines an animal that the veterinarian suspects of having a reportable disease, infection or condition listed in proposed § 27.35 (relating to reporting of cases of disease in animals). The receipt of reports of certain diseases, infections or conditions in animals is important to the Department's disease prevention and control function because animals and animal products frequently serve as vehicles for transmission of disease to humans.

*Section 27.25. (Reserved).*

The Department proposes to delete this section, which pertains to reports by health care practitioners who are not physicians, as the requirement that other licensed health care practitioners report cases is included in proposed § 27.21a.

*Section 27.26. (Reserved).*

The Department proposes to delete this section, which pertains to the reporting of cases by persons such as owners of hotels, motels and other lodgings, as its requirements are included in proposed § 27.23 (relating to reporting of cases by persons other than health care practitioners, health care facilities, veterinarians or laboratories).

*Section 27.27. (Reserved).*

The Department proposes to delete this section, which pertains to a physician revising the diagnosis of a disease or condition for which isolation or quarantine is required, as it is no longer necessary.

*Section 27.28. (Reserved).*

The Department proposes to delete this section, which pertains to reporting the occurrence of an unusual disease or group expression of illness. The requirements of this section would be included in proposed § 27.3 (reporting outbreaks and unusual diseases, infections and conditions).

#### *DISEASES AND CONDITIONS REQUIRING SPECIAL REPORTING*

*Section 27.30. Reporting results of metabolic disease testing in the newborn child.*

The Department is proposing to delete the current language of § 27.30 and proposes to add language requiring that reports of the four reportable conditions in newborn children, PKU, primary congenital hypothyroidism, MSUD and sickle cell hemoglobinopathies, be reported to the Department's Division of Maternal and Child Health, in the Bureau of Family Health. This would require reports to go directly to the division of the Department which operates the program that provides diagnosis, follow-up and referral for treatment of children with one of these four metabolic conditions.

*Section 27.31. Reporting cases of cancer.*

Currently, only hospitals and laboratories are required to report cases of cancer. The Department proposes to add the requirement that all health care facilities and all health care practitioners, as defined in the proposed regulations, also be required to report cases of cancer. With the changes in technology and physician practice patterns, more patients than ever before are being diagnosed and treated for cancer outside the hospital setting. Reporting from nonhospital sources is critical for finding a significant percentage of melanoma, lymphocytic leukemia, and cancers of the eye, vulva, oral cavity and prostate. Reporting by nonhospital health care facilities and health care practitioners is necessary to assure complete reporting of all cancer cases and accurate calculation of cancer statistics for this Commonwealth. Also, these added reporting requirements are necessary for the Department to comply with the 1992 Cancer Registries Amendment Act which requires the Department to promulgate regulations that would provide for the complete reporting of cancer cases to the Statewide Cancer Registry by health care facilities and health care practitioners.

The Department also proposes to change the time frame in which health care facilities must report cases of cancer. The time frame would be changed from 90 to 180 days following inpatient discharge or outpatient treatment. Changing the reporting requirement from 90 to 180 days would provide the time necessary to collect additional information that is not always available within 90 days. Additionally, the 180 day reporting requirement would be consistent with reporting requirements of the American College of Surgeons Commission on Cancer, the accrediting agency for cancer programs; the North American Association of Central Cancer Registries, the standard setting organization for central cancer registry data collection; and the CDC in administration of the National Program of Cancer Registries.

Further, the Department proposes to add language to require health care practitioners to report cases of cancer within 5-work days of diagnosis. This language would make the reporting time frames consistent with the health care practitioner reporting time frames for other reportable diseases.



The Department also proposes to add language to ensure that the Department has access to all records maintained by health care facilities and health care practitioners which would identify cases of cancer, or establish characteristics of the cancer, treatment of the cancer, or medical status of an identified cancer patient. The added language is needed for the Department to comply with the Cancer Registries Amendment Act, which requires the Department to promulgate regulations that would provide for access by the Cancer Registry to all these records.

*Section 27.32. (Reserved).*

The Department is proposing to delete this section, which pertains to reporting cases of AIDS, because the reporting requirements are included in proposed § 27.21.

*Section 27.33. Reporting cases of sexually transmitted disease.*

This section would be new. In this section the Department lists the sexually transmitted diseases and infections that it proposes to make reportable. The term, "sexually transmitted disease," is broader than the previously used, "venereal disease," and would include chlamydia trachomatis infections.

Under proposed subsection (b), reports of cases of syphilis would be made reportable directly to the appropriate health authorities in Philadelphia and Allegheny counties for cases occurring in those counties. Each of these counties has a computerized registry of positive laboratory results for previously known syphilis cases reported in that county.

*Section 27.34. Reporting cases of lead poisoning.*

This section would be new. The Department proposes to add this section, and delete specific language concerning the reporting of lead poisoning and toxicity from § 27.22, to combine all the requirements for reporting of lead poisoning into one section. The current regulations contain lead reporting requirements in §§ 27.4, 27.22 and 27.117. The Department also proposes that § 27.117, which pertains to reporting and control measures for lead poisoning, be deleted as outdated and unnecessary. Section 27.117 is one of over 40 sections in the current regulations which includes specific information detailing how the spread of diseases is to be prevented. The Department proposes to include the necessary reporting information relating to lead poisoning in this section.

The Department also proposes to change the required blood levels for reporting for both children under the age of 16 and pregnant women, and for persons age 16 and older. Changes in the required levels would reflect current policy direction from the CDC. The Department proposes to require that all lead test results on venous and capillary blood specimens, including those at 0 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) and up, be reported to the Department. Reporting of all levels for children under the age of 16 and for pregnant women would allow the Department to carry out case management more effectively and to ensure that the appropriate medical and environmental follow-up services are provided to children and pregnant women in need of those services.

The Department also proposes that the blood lead level at which reports must be made to the Department for persons aged 16 and older be lowered to comport with CDC policy. That level would be changed from 40  $\mu\text{g}/\text{dL}$  to 25  $\mu\text{g}/\text{dL}$ . The Department is also attempting to avoid the necessity of continually amending the regulations to reflect continuing changes in policy by proposing to

include language which would permit the Department to change the reporting level to comport with regulatory requirements or guidelines of Federal or environmental occupational health agencies by publishing a notice to that effect in the *Pennsylvania Bulletin*. The Board would then have 90 days to approve the change. If the Board did not act within the 90-day period, the change would expire. This would provide the Department with greater flexibility to meet current standards, and would eliminate the need to solely rely upon the cooperation of reporting entities for reporting test results consistent with national recommendations that precede regulatory changes.

The Department further proposes to set out in some detail the methods to be used to obtain all the necessary information required to be included on reporting forms submitted by the laboratories. The Department has had problems in the past obtaining all the information requested on the forms. The procedures in proposed subsections (g) and (h) would permit the laboratory to process the specimen in a timely manner when an incomplete report form is submitted to it. They would allow the laboratory to submit the incomplete report to the Department and return the incomplete report form to the specimen submitter. The person who submitted the specimen would be required to complete and return the report form to the laboratory within 14 days of the date of the letter returning the incomplete form. Under proposed subsection (h), the laboratory would then be required to send the completed form to the Department within 1 day.

The Department also proposes to add language to require the laboratory to notify the Department if the specimen submitter fails to return the information within the specified time periods. See proposed subsection (i). The Department could then recommend disciplinary action under proposed § 27.6 (relating to disciplinary consequences for violating reporting responsibilities). A laboratory that would fail to comply with the requirements in this may be subject to disciplinary consequences by the Department. See proposed subsection (j).

The Department has also proposed changing the reporting procedures, but only for reporting of results on children up to the age of 16 and on pregnant women. Laboratories reporting results on these persons, and which conduct more than 100 tests per month, would be required to report these results to the Department's Division of Maternal and Child Health electronically and in the format specified by the Department. Laboratories performing less than 100 tests per month would be able to choose to report either electronically or by paper.

*Section 27.35. Reporting cases of disease in animals.*

This section would be new. The Department proposes to add this section to clarify that any case of a listed zoonotic disease (a disease in an animal which is transmissible to humans), or any disease, infection or condition covered by proposed § 27.3, must be reported. The language of subsection (b) is intended to clarify that the Department only has authority with regard to the control and prevention of disease or infection in animals when the disease or infection is dangerous to humans.

**REPORTING BY LOCAL MORBIDITY REPORTING OFFICES**

*Section 27.41a. Reporting by local morbidity reporting offices of case reports received.*

*Section 27.42a. Reporting by local morbidity reporting offices of completed case investigations.*

These sections would be new. The Department proposes to add these sections to clarify the reporting responsibil-

ity of the local morbidity reporting offices when a case report has been received and when a case investigation has been completed. The language in proposed § 27.42a also identifies the appropriate Department offices to which the completed case investigation reports would be submitted. These sections would make existing §§ 27.41 and 27.42 (relating to individual case reports and summary reports) of the current regulations obsolete. The Department proposes deleting those sections.

*Section 27.43a. Reporting by local morbidity reporting offices of outbreaks and selected diseases.*

This section would be new. The Department proposes to add this section requiring LMROs to report outbreaks and incidences of selected diseases by telephone to the appropriate Department office on the date that the reports are received. This would enable the Department to promptly conduct an investigation to identify the source of the outbreak or selected disease and implement procedures to prevent the further spread of the outbreak or selected disease. Proposed § 27.43a would make § 27.43 (relating to immediate reports by telephone or telegraph) of the current regulations obsolete. The Department proposes deleting that section.

*Section 27.44. (Reserved).*

*Section 27.45. (Reserved).*

*Section 27.46. (Reserved).*

*Section 27.47. (Reserved).*

These sections pertain to destination of reports, reports made to the Department, reports made to local health officers, and reports made by the Department back to local health boards, respectively. The Department proposes to replace them with §§ 27.41a, 27.42a and 27.43a, all of which relate to reports by local morbidity reporting offices. The Department proposes deleting §§ 27.44—27.47 since they would no longer be necessary.

#### *REPORTING VIRAL HEPATITIS TO BLOOD BANKS*

*Section 27.51. (Reserved).*

This section requires health officers to report to blood banks cases of viral hepatitis. The Department proposes to delete this section. It is no longer necessary because blood banks now automatically test blood for viral hepatitis.

#### *Subchapter C. QUARANTINE AND ISOLATION GENERAL PROVISIONS*

*Section 27.60. Disease control measures.*

This section would be new. The Department proposes to add a section which allows the Department or local health authority to direct isolation of a person or animal with a communicable disease or infection and to implement any other disease control measures that the Department or local health authority considers to be appropriate, including surveillance, segregation, quarantine or modified quarantine of contacts of persons or animals with a communicable disease or infection. This proposed section is important to the Department's disease control and prevention function, in that it would allow the Department the discretion to implement the most appropriate disease control measures for the situation. If the local health authority is not a local health department, it would be required to obtain approval from the Department prior to instituting disease control measures. This distinction between local health departments and boards of health takes into account the differing levels of experience and qualifications that different types of local health authorities may have.

*Section 27.61. Isolation.*

*Section 27.65. Quarantine.*

*Section 27.66. Placarding.*

*Section 27.67. Movement of persons and animals subject to isolation or quarantine by action of a local health authority or the Department.*

*Section 27.68. Release from isolation and quarantine.*

*Section 27.69. Laboratory analysis.*

The proposed amendments to these sections set forth the requirements for the isolation and quarantine of persons and animals by the Department or local health authorities. Proposed amendments to §§ 27.61 and 27.65—27.67 consolidate the isolation and quarantine requirements currently in §§ 27.62—27.64. The Department proposes deleting these sections from the regulations. The proposed amendments contain requirements necessary for disease control and prevention that may, if improperly used, unnecessarily impinge upon the rights of citizens of this Commonwealth. The Department is proposing, therefore, to add language requiring local health authorities without much experience in disease control or prevention, or whose qualifications in these areas may not be optimum, to seek the advice and approval of the Department before moving to take these actions.

Additionally, to prevent and control the spread of disease, the Department is proposing to amend these sections to apply quarantine and isolation requirements to animals. Frequently, animals are the vehicle to human exposure to disease. The only animals, however, over which the Department or a local health authority would have jurisdiction under these regulations are those animals which can expose humans to disease. For a list of relevant diseases, refer to proposed § 27.35 (relating to reporting cases of disease in animals).

#### *COMMUNICABLE DISEASES IN CHILDREN AND STAFF ATTENDING SCHOOLS AND CHILD CARE GROUP SETTINGS*

The Department is proposing to apply the requirements of the regulations under this heading to children and staff in schools and child care group settings. Because staff are present along with the children, attempts to prevent and control the spread of diseases, conditions and infections in schools and child care group settings would not be effective if staff were allowed to attend while children with the same symptoms were not. The term "staff" is intended to include all individuals that may work in schools, including volunteers.

*Section 27.71. Exclusion of pupils and staff for specified diseases and infectious conditions.*

The Department proposes to amend this section to clarify that any case of a listed communicable disease should be excluded from attending school until the case is no longer infectious.

The Department is also proposing to update the criteria for readmission and the period of exclusion for each listed disease. Further, the Department proposes to add specific criteria for readmission to schools and child care group settings for pupils and staff with ringworm and with tuberculosis. The criteria relating to tuberculosis are based on current medical practice and are consistent with the Department's Policy on Infectiousness of Tuberculosis Patients.

*Section 27.72. Exclusion of pupils and staff showing symptoms.*

The Department proposes to amend this section to include basic clinical symptom criteria to be used by school officials to determine whether or not a pupil or staff member should be excluded from attending school until a clinical diagnosis is made of his or her illness. The Department also proposes to require schools to maintain a record of each exclusion, and the reasons for that exclusion, and to then use the record to make a determination of when unusual rates of absenteeism occur. The Department proposes to publish periodically in the *Pennsylvania Bulletin* what constitutes an unusual rate of absenteeism.

*Section 27.73. Readmission of excluded pupils and staff.*

*Section 27.74. Readmission of exposed or isolated pupils and staff.*

*Section 27.75. Exclusion of pupils and staff during a measles outbreak.*

The Department proposes to amend these sections to make them applicable to staff in schools. Disease can be spread by the staff as well as by the children. The Department also proposes to add language in § 27.73(b) requiring a physician's determination that the illness is either resolved, noncommunicable or in a noncommunicable state, when the symptoms of the illness are rash with fever or behavioral change, or a productive cough with fever.

*Section 27.76. Exclusion and readmission of children and staff in child care group settings.*

This section would be new. It would apply the requirements in proposed §§ 27.71–27.75, which pertain to communicable diseases in children and staff attending schools, to child care group settings, except that the readmission of children and staff in child care group settings would be contingent upon a physician verifying that the criteria for readmission, set forth in the proposed section, have been satisfied. This section differs from proposed § 27.73 (relating to readmission of excluded pupils and staff), because it makes readmission contingent upon a physician, rather than a school nurse, being satisfied that the condition for which the person was excluded is not communicable.

The Department proposes to include conditions and circumstances, in addition to those that would be set forth in § 27.71 (relating to exclusion of pupils and staff for specified diseases and infectious conditions), for which a child or staff person in a child care group setting shall be excluded. Readmission criteria are also proposed. The Department also proposes to require that the caregiver at the child care group setting provide for instruction of the staff regarding exclusion and screening criteria, and instruction of parents and guardians in exclusion criteria, and that they are to notify the caregiver within 24 hours after it is determined or suspected that a child has an illness or a condition for which exclusion is required. The caregiver would also be required to have staff screen the children each day, at the time the child is brought to the child care group setting, for the presence of conditions requiring exclusion. The Department considers it necessary to impose these requirements on child care group settings because child care group settings have a population highly susceptible to disease.

*Section 27.77. Immunization requirements for children in child care group settings.*

This section would be new. It would set forth the responsibilities of a caregiver in a child care group setting

with respect to ensuring compliance with immunization standards. The proposed section would authorize the caregiver not to accept or retain a child 2 months of age or older after specified time periods if the child had not received the appropriate immunizations, if the verifications specified in the section were not received by the caregiver, or if a religious objection to the requirements has not been raised in writing. The caregivers would be required to obtain immunization data from all enrolled children and maintain up-to-date immunization records on the children. The records would need to identify which children were properly immunized, which were under-immunized, and which were exempt from immunizations.

The section would also provide an exemption from immunization requirements if the parents or guardian of the child were to object in writing. Further, if the setting is a kindergarten, elementary school or high school, the proposed regulations would not apply. The proposed regulations would also not apply if the child were known by the caregiver to be 6 years of age or older, or to attend a kindergarten, elementary school or high school. The requirements would also not apply in a child care group setting where the caregiver does not serve as a caregiver for at least 40 hours during at least 1 month. The requirements of subsection (a), pertaining to caregiver responsibilities, would not apply during a month the caregiver did not serve as a caregiver for at least 40 hours.

This section would also require the immunization status of all children in child care group settings to be reported to the Department annually. The reporting of the immunization status of children would allow the Department to monitor compliance with immunization requirements. Reporting also would allow for onsite quality assurance reviews and prompt responses to reports of disease occurrence by the Department. The imposition of immunization requirements in school students has effectively eliminated large and extended disease outbreaks in schools. The Department has the same expectations for child care group settings if the provisions of this proposed section are followed and noncompliant enrollees are identified and excluded from child care group settings.

Subsection (b) would also set forth the standards for immunization which children enrolled in a child care group setting would be required to meet. These standards are standards which were developed by the CDC's Advisory Committee on Immunization Practices (ACIP). Subsection (c) would provide for the Department to publish a notice containing a list of all publications containing ACIP recommendations issued under these standards.

Lastly, the section would provide the Department or local health department with the ability to exclude an individual who is susceptible to a disease set forth in the regulation from a child care group setting when that disease is identified within such a setting, and from any child care group setting which is determined to be at high risk for the transmission of that disease. This, too, is intended to protect a particularly vulnerable part of the population from the spread of serious disease.

*Subchapter D. SEXUALLY TRANSMITTED DISEASES, TUBERCULOSIS AND OTHER COMMUNICABLE DISEASES*

*Section 27.81. Examination of persons suspected of being infected.*

*Section 27.82. Refusal to submit to examination.*

*Section 27.83. Court ordered examinations.*

The Department proposes to make minor revisions to these sections. The revisions would more closely reflect the language of the sections of the act which deal with these issues, and changes the term, "venereal disease," to "sexually transmitted disease," as has already been discussed.

Section 27.81 permits the Department or a local health authority to require a person which either suspects of having a sexually transmitted disease to undergo a medical examination. The Department proposes adding language which requires a local health authority which is not an LMRO to consult with and receive approval from it prior to taking action. This language would ensure that local health authorities with less experience than LMROs do not restrict a person's liberty without good cause.

*Section 27.84. Examination for sexually transmitted disease of persons detained by police authorities.*

The Department proposes to amend this section to clarify its authority and the authority of local health authorities under sections 7 and 8 of the act (35 P. S. §§ 521.7 and 521.8) (relating to examination and diagnosis of persons suspected of being infected with sexually transmitted disease, tuberculosis, or any other communicable disease, or of being a carrier and venereal disease). Under these sections, the Department and local health authorities have the authority to pursue a judicial action for enforcement if a person detained by police authorities, for certain purposes, refuses to permit an examination or to provide a specimen for a laboratory test for a sexually transmitted disease. The proposed amendments would add language to this section to clarify that fact.

*Section 27.85. Diagnosis and treatment of sexually transmitted disease.*

The Department proposes to make minor revisions to this section to delete references to the act, and to replace the term, "venereal disease," with "sexually transmitted disease."

*Section 27.86. (Reserved).*

The Department proposes to delete this section, which prohibits the sale of remedies for the treatment of venereal disease, except under a physician's prescription. The provisions of the section are contained in section 10 of the act (35 P. S. § 521.10). Repetition in the regulations would serve no purpose. The Department is not the enforcing agency.

*Section 27.87. Refusal to submit to treatment for communicable diseases.*

The Department proposes to amend this section to clarify its authority under section 11 of the act (35 P. S. § 521.11) (relating to persons refusing to submit to treatment for sexually transmitted diseases, tuberculosis, or any other communicable disease) to order persons to complete therapy if they are infected with a communicable disease which may be significantly reduced in its communicability if that therapy is continued. This provision is of particular importance in cases of tuberculosis, which require that an individual complete the drug therapy to render the tuberculosis noncommunicable.

The Department also proposes the addition of language which requires a local health authority which is not an LMRO to consult with the Department and receive Department approval before taking any action under this section.

*Section 27.88. Isolation and quarantine in appropriate institutions.*

The Department is proposing that this section be amended to remove references to jails. The Department proposes broadening the term to permit the Department to order isolation or quarantine in institutions where movement is restricted. This would permit the Department to place the individual in the type of institution which would best serve the individual's medical needs.

*Section 27.89. Examinations for syphilis.*

The provisions of 23 Pa.C.S. §§ 1101—1905 (relating to Marriage Law) pertaining to premarital syphilis testing were deleted in June of 1997. Accordingly, the Department proposes to delete the requirement for premarital syphilis testing from the regulations.

The Department proposes to retain the syphilis prenatal testing requirements which are currently set forth in § 27.94. The Department proposes to update the syphilis prenatal testing requirements and to move them from § 27.94 to this section. The Department proposes deleting § 27.94 since it would no longer be necessary.

Additionally, to encourage prompt testing, the Department proposes to clarify that the first examination following a diagnosed pregnancy includes the visit when the pregnancy test is first positive. Also, in an effort to prevent congenital syphilis, the Department proposes to add a third trimester syphilis test on pregnant women in counties where the incidence of infectious syphilis is at a rate of syphilis occurring in the population for which the CDC has determined it is cost-effective to institute special precautions. The current rate established by the CDC is any rate above 2.0 per 100,000 population. The Department proposes to publish changes to this rate in the *Pennsylvania Bulletin* as necessary. The proposed addition of a syphilis test of a newborn or a stillborn in counties where the rate is above the CDC established rate would help to identify newborns and mothers with syphilis who were not found through prenatal testing. Finally, the proposed language regarding both the timing of syphilis testing after delivery, and timing of medical record entries of tests for syphilis on the medical records of both the newborn and the mother, would help to prevent their discharge without review of the test results. This is important since the blood taken at birth is an indicator of the infection status of both mother and child. Because only Philadelphia has a rate of syphilis above the current CDC established rate, these specific requirements presently apply only to Philadelphia. However, the standard would enable the Department to broaden a surveillance network to prevent congenital syphilis elsewhere in the event the established CDC rate is exceeded elsewhere.

*Section 27.90. (Reserved).*

*Section 27.91. (Reserved).*

*Section 27.92. (Reserved).*

*Section 27.93. (Reserved).*

The Department proposes to delete §§ 27.90—27.93. These sections basically repeat the statutory requirements specific to premarital syphilis testing, which were deleted in June of 1997.

*Section 27.94. Prenatal examination for syphilis.*

The Department proposes to delete this section as it is including provisions for prenatal examinations for syphilis in proposed § 27.89 (relating to an examinations for syphilis).

*Section 27.95. Reporting syphilis examination information for births and fetal deaths.*

The Department proposes to make changes to this section to reflect the changes made in § 27.89.

*Section 27.96. Diagnostic tests for sexually transmitted diseases.*

The Department is proposing minor editorial changes to this section. In subsection (a), the Department is also proposing to replace the reference to itself as the agency approving tests to be used in diagnosing sexually transmitted diseases with a reference to the Food and Drug Administration (FDA). The FDA is the appropriate agency to approve these tests. Subsection (b) would specify that an individual may contact the Division of Clinical Microbiology of the Department's Bureau of Laboratories to obtain a list of approved tests.

*Section 27.97. Treatment of minors.*

The Department proposes to amend this section to clarify section 14.1 of the act (35 P. S. § 521.14a) (relating to treatment of minors). The proposed language would permit a person under the age of 21, who has consented to diagnosis and treatment for a sexually transmitted disease, to undergo the diagnosis and treatment without the consent of his parents. A similar consent provision is included in section 3 of the act of February 13, 1970 (P. L. 19, No. 10) (35 P. S. § 10103), which permits a minor to give effective consent for medical and health services to determine the presence of or to treat reportable diseases under the act, including sexually transmitted diseases.

*Section 27.98. Prophylactic treatment of newborns.*

The Department proposes to delete tetracycline ophthalmic ointment or solution as a prophylactic treatment of newborns since it is no longer the standard prophylactic treatment. A silver nitrate solution or an erythromycin ophthalmic ointment or solution is the standard prophylactic treatment of newborns.

*Section 27.99. Prenatal examination for hepatitis B.*

This section would be new. To reduce the risk of hepatitis B virus (HBV) infection, the Department proposes adding this section to require physicians to test pregnant women for HBV at or before the time of delivery, and if the results are positive, to provide the appropriate prophylaxis treatment to the newborn within 12 hours after birth. This section would also contain language providing for a religious objection to the test. HBV infection is a major public health problem throughout the world. Children born to HBV infected mothers are at especially high risk. Approximately 22,000 infants are born to HBV-infected mothers each year in the United States. Infants born to positive mothers have a 70% to 90% chance of becoming HBV-infected perinatally, and 85% to 90% of infants infected with HBV become chronic carriers. HBV-related acute and chronic liver disease causes about 5,000 deaths each year.

*Subchapter E. SELECTED PROCEDURES FOR PREVENTING DISEASE TRANSMISSION*

Subchapter E of the regulations currently identifies the procedures for treating each reportable disease, many of which are outdated. Accordingly, the Department proposes deleting Subchapter E, which includes §§ 27.101—27.146, and replacing it with a new Subchapter E, which would contain state-of-the-art public health procedures which would best prevent disease transmission. These state-of-

the-art public health procedures would be in proposed §§ 27.151—27.164. These sections would all be new sections.

*Section 27.151. Restrictions on the donation of blood, blood products, tissue, sperm and ova.*

The Department proposes prohibiting persons known to be infected with the causative agent of a reportable disease from donating blood, blood products, tissue, sperm or ova for use in other human beings. The Department also proposes language which would prohibit the receipt of blood, blood products, tissue, sperm or ova for donation without laboratory evidence showing the absence of hepatitis B, hepatitis C, HIV and other diseases and infections, which the Department may specify through notice in the *Pennsylvania Bulletin*. The Board would then have 90 days to approve the additions to the list. If the Board does not act within the 90-day period, the changes would expire. This would give the Department flexibility to add dangerous diseases and infections as they become known, and would help to prevent the transmission of reportable disease, infections and conditions through blood, blood products, tissue, sperm or ova.

*Section 27.152. Investigation of cases and outbreaks.*

The Department proposes adding a section to clarify the authority of the Department and local health authorities under sections 3 and 5 of the act (35 P. S. §§ 521.3 and 521.5) (relating to responsibilities and measures for disease prevention and control) to investigate any case or outbreak of disease judged by the Department or local health authority to be a potential threat to the public's health. Specifically, the proposed language would prohibit any person from interfering or obstructing an investigation by the Department or local health authority and would authorize the Department or local health authority to conduct a confidential review of medical records during the course of its investigation. This proposed language would ensure that the Department or local health authority is able to conduct a complete disease investigation.

*Section 27.153. Restrictions on food handlers.*

*Section 27.154. Restrictions on child care group setting caregivers.*

*Section 27.155. Restrictions on health care practitioners.*

The Department proposes in these sections to place restrictions on food handlers, child care group setting caregivers and health care practitioners with amebiasis, enterohemorrhagic *E. coli*, shigellosis, typhoid or paratyphoid fever, hepatitis A, viral hepatitis, or jaundice of an unspecified etiology, or diarrhea. The Department considers it necessary to place restrictions on these specific types of individuals because of their potential to spread a reportable disease, infection or condition to many people.

*Section 27.156. Special requirements for amebiasis.*

*Section 27.157. Special requirements for enterohemorrhagic *E. coli*.*

*Section 27.158. Special requirements for shigellosis.*

*Section 27.159. Special requirements for typhoid and paratyphoid fever.*

The Department proposes in these sections to restrict household contacts of laboratory confirmed cases of amebiasis, enterohemorrhagic *E. coli*, and shigellosis, from working as food handlers, from attending or working in child care group settings, or from providing direct patient care, until the required laboratory tests for these diseases are confirmed negative. The Department pro-

poses placing similar requirements on both symptomatic and asymptomatic contacts of typhoid or paratyphoid fever. Chronic carriers of typhoid or paratyphoid fever would also be excluded from these activities until laboratory tests are confirmed negative. The Department proposes these special requirements because these diseases are easily communicable by food handlers, persons working in or attending child care group settings and persons providing direct patient care.

*Section 27.160. Special requirements for measles.*

An effective way to reduce secondary cases of measles is to identify cases early, define the zone of risk, identify the susceptible individuals, and exclude the susceptible individuals from the setting. Accordingly, the Department proposes setting forth special procedures that are to be followed during a measles outbreak in a child care group setting and which would minimize person-to-person exposure. These procedures are recommended by both the ACIP and the CDC. The procedures also would be consistent with measles outbreak procedures in other types of settings.

*Section 27.161. Special requirements for tuberculosis.*

The Department proposes adding this section to set forth the appropriate isolation requirements for persons infected with tuberculosis and their close contacts. The procedures would include requiring close contacts to have a Mantoux tuberculin skin test or chest X-ray, or both. These requirements are based on current medical practice. This proposed section would replace § 27.142, which pertains to tuberculosis, and which the Department is proposing to delete.

*Section 27.162. Special requirements for animal bites.*

The Department proposes adding this section to set forth the procedures for addressing animal bites to humans, including the quarantine and euthanasia of the animal and subsequent laboratory testing of brain tissue. The Department considers these special requirements necessary to ensure that the Department is able to conduct a complete investigation to determine whether or not the animal is infected with rabies, and to spare persons who have been bitten from undergoing costly and painful treatment that may prove to be unnecessary.

*Section 27.163. Special requirements for psittacosis.*

The Department proposes to require that Chlamydia psittaci contaminated buildings be appropriately decontaminated prior to either reoccupancy or reuse. The Department proposes adding this section to respond to the public health need to decontaminate buildings of Chlamydia psittaci, a need that is currently unaddressed.

*Section 27.164. Special requirements for close contacts of cases of plague, pharyngitis or pneumonia.*

The Department proposes to require close contacts of cases of plague, pharyngitis and pneumonia to take certain precautions to prevent the spread of these diseases.

*Subchapter G. MISCELLANEOUS PROVISIONS*

*IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS*

*Section 27.191. Importation of animals and animal products during a public health emergency.*

The current regulations authorize the Department to place restrictions on the importation of rabbits, hares or rodents during a public health emergency. Since disease may be spread by animals other than rabbits, hares and

rodents, the Department proposes replacing all references to "rabbits, hares or rodents" in this section with "animals and animal products." Because animals and animal products frequently serve as vehicles for disease, the Department's authority to place restrictions on these items is important for its disease prevention and control function.

*DISPOSITION OF EFFECTS AND REMAINS OF INFECTED PERSONS*

*Section 27.203. Preparation for burial or transportation of deceased human bodies.*

The Department is proposing to delete and replace the provisions of this section with a general statement requiring that appropriate precautions be taken. These precautions will change as accepted practice standards change.

*Section 27.205. (Reserved).*

The Department proposes to delete this section, which pertains to standards for transferring the body of a person who has died of certain diseases. The Department finds this section to be unnecessary.

*C. Who is Affected by the Proposed Amendments*

The proposed amendments will impact on health care providers, health care practitioners, clinical laboratories, health care facilities and child care group settings in this Commonwealth. They will be required to comply with the updated disease reporting procedures, which are not significantly different from current reporting requirements. Additionally, every citizen in this Commonwealth will be affected by the proposed amendments, as each will benefit from a reduced risk of exposure to, and resulting morbidity and mortality from infection with the more than 47 reportable disease, infections and conditions.

*D. Cost and Paperwork Estimates*

The proposed amendments will have no measurable fiscal impact on this Commonwealth, local government, the private sector or the general public because the disease reporting system already exists in this Commonwealth. In fact, the application of Nationally accepted state-of-the-art public health practices and communicable disease prevention and control strategies within this Commonwealth should create savings in related health care costs each year. The regulated community and local governments will see a benefit directly proportional to the numbers and types of disease cases prevented, thereby reducing community health care costs. This Commonwealth will also benefit in an amount directly proportional to the numbers and types of disease cases and disease outbreaks prevented, thereby greatly reducing State government health care costs.

The proposed amendments are essentially a fine-tuning of an already existing disease reporting system in this Commonwealth and will not result in additional paperwork. Newly listed reportable diseases, infections and conditions will be reported and investigated in a similar manner to currently listed diseases, infections and conditions using national case-definitions and investigation forms provided by the CDC.

*E. Statutory Authority*

The Department's overarching authority to promulgate these regulations is found in the act. Section 16(a) of the act (35 P. S. § 521.16(a)), gives the Board the authority to issue rules and regulations on a variety of issues relating to communicable and noncommunicable diseases, including the following: which diseases are to be reported; the methods of reporting diseases; the contents of reports and

the health authorities to whom diseases are to be reported; what control measures are to be taken with respect to which diseases; provisions for the enforcement of control measures; requirements concerning immunization and vaccination of persons and animals; requirements for the prevention and control of disease in public and private schools; requirements for the treatment of venereal disease, including patient counseling; and any other matters the Board may deem advisable for the prevention and control of disease and for carrying out the provisions and purposes of the act. Section 16(b) of the act, gives the Secretary of the Department the authority to review existing regulations and make recommendations to the Board for changes the Secretary considers to be desirable.

There is also Legislative authority for specific provisions of the proposed regulations in other statutes. The Administrative Code of 1929 (71 P. S. §§ 51—720.13) (code), contains several pertinent provisions. First, section 2102(g) of the code (71 P. S. § 532(g)), provides general authority for the Department to promulgate its regulations.

Section 2106(a) of the code (71 P. S. § 536(a)), provides the Department with additional authority to declare diseases to be communicable, and to establish regulations for the prevention and control of disease. Section 2106(b) of the code provides the Department with the authority to establish and enforce quarantines to prevent the spread of disease, and section 2106(c) of the code gives the Department the authority to administer and enforce the laws of this Commonwealth with respect to vaccination and other means of preventing the spread of communicable disease.

Section 2111(b) of the code (71 P. S. § 541(b)), provides the Board with additional authority to promulgate regulations deemed by the Board to be necessary for the prevention of disease, and for the protection of the lives and the health of the people of this Commonwealth. That section further provides that the regulations of the Board shall become the regulations of the Department.

Section 2111(c.1) of the code, also provides the Board with the authority to make and revise a list of communicable diseases against which children are required to be immunized as a condition of attendance at any public, private, or parochial school, including kindergarten. The section requires the Secretary to promulgate the list, along with any rules and regulations necessary to insure the immunizations are timely, effective and properly verified. The regulations that primarily carry out this responsibility are in Chapter 23, Subchapter C (relating to immunizations).

Other statutes speak to the Department's authority to promulgate regulations in relation to specific diseases, infections or conditions. The Newborn Child Testing Act (35 P. S. §§ 621—625), provides the Department with the authority to promulgate regulations listing reportable diseases and conditions in the newborn child, and setting out the operation of a program of screening, follow-up, assessment and diagnosis of newborn children for these reportable diseases and conditions. See section 3 and 5 of the Newborn Child Testing Act (35 P. S. §§ 623 and 625). The Pennsylvania Cancer Control, Prevention, and Research Act (35 P. S. §§ 5631—5637), authorizes the Department to create a cancer registry to which persons in charge of hospitals and laboratories must report cases of cancer in accordance with rules and regulations adopted by the Department with the advice of the Pennsylvania Cancer Control, Prevention and Research Advisory Board.

See section 6(b) of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5636(b)). This Legislation has been impacted by Federal legislation which was enacted in 1992, and which requires complete reporting of cancer cases to be made by all health care practitioners, and all hospitals or other facilities providing screening, diagnostic or therapeutic services to patients with respect to cancer. See 42 U.S.C.A. §§ 280e and 280e-1—280e-4). Finally, what is known as the "Turtle Law" the act of March 3, 1972 (P. L. 102, No. 37) (35 P. S. §§ 1071—1077), provides the Department with the authority to prohibit a person from bringing, causing to be brought, or transporting any live turtle into this Commonwealth, unless the turtle or lot of turtles is accompanied by a permit issued by the Department or another agency authorized by the Department to issue a permit. The permit may only be issued if there is adequate biological proof that the turtles are free from salmonella. The same permit is required when the turtles originate within this Commonwealth.

Several statutes provide the Department with authority to command disease prevention and control measures within certain institutions. Section 803 of the Health Care Facilities Act (35 P. S. § 448.803), provides the Department with the authority to promulgate regulations relating to the licensure of health care facilities, and allows the Department to require certain actions relating to disease control and prevention to occur within health care facilities. Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1059), which provide the Department with the authority to license inpatient drug and alcohol abuse treatment facilities, play the same role with respect to the Department's ability to require certain disease prevention and control methods in those facilities.

The Public School Code of 1949 (24 P. S. §§ 1-101—26-2606-B) provides the Department with additional authority for disease prevention and control actions taken within schools. Section 1421(c)(2) of the Public School Code of 1949 (24 P. S. § 14-1421(c)(2)), provides the Secretary of the Department, in consultation with the Secretary of the Department of Education, with the authority to promulgate rules and regulations implementing the school health program. The requirements of the school health program are in Article XIV of the Public School Code of 1949 (24 P. S. §§ 14-1401—14-1422), and provide, among other things, that pupils are released from compulsory attendance when they are prevented from attending by the health laws of this Commonwealth, section 1417 of the Public School Code of 1949 (24 P. S. § 14-1417), that no persons having any form of tuberculosis in a transmissible stage shall be a pupil, teacher, janitor or another employe in a school, unless it is a special school. See section 1418 of the Public School Code of 1949 (24 P. S. § 14-1418). Section 1303a of the Public School Code of 1949 (24 P. S. § 13-1303a), provides that the Board will make and review a list of diseases against which children must be immunized, as the Secretary of the Department may direct, before being admitted to school for the first time. The section provides that the school directors, superintendents, principals or other persons in charge of a public, private, parochial or other school including kindergarten, must ascertain whether the immunization has occurred, and certificates of immunization will be issued in accordance with rules and regulations promulgated by the Secretary of the Department with the sanction and advice of the Board. Again, most of the regulations carrying out these responsibilities are in Chapter 23 (relating to school health).

F. *Effective/Sunset Dates*

The proposed amendments will become effective upon final publication in the *Pennsylvania Bulletin*. No sunset date has been established. The Department will continually review and monitor the effectiveness of these regulations.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 17, 2000, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which 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, prior to final publication of the amendments by the Department, the General Assembly and the Governor of objections raised.

H. *Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments within 30 days following publication to James T. Rankin, Jr., D.V.M., M.P.H., Ph.D., Director, Division of Communicable Disease Epidemiology, Department of Health, P. O. Box 90, Harrisburg, PA 17108, (717) 783-3350, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons with a disability who wish to submit comments, suggestions or objections regarding the proposed amendments may do so by using V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984[TT]. Persons who require an alternative format of this document may contact Dr. James Rankin so that necessary arrangements may be made.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

**Fiscal Note:** 10-156. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 28. HEALTH AND SAFETY**

**PART III. PREVENTION OF DISEASES**

**CHAPTER 27. COMMUNICABLE AND NONCOMMUNICABLE DISEASES**

**Subchapter A. GENERAL PROVISIONS**

**§ 27.1. Definitions.**

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

**ACIP—The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.**

\* \* \* \* \*

**Caregiver—The entity or individual responsible for the safe and healthful care or education of a child in a child care group setting.**

\* \* \* \* \*

**Case—A person or animal that is determined to have or suspected of having a disease, infection or condition.**

**Case report form—The form designated by the Department for reporting a case or a carrier.**

**Central office—Department headquarters located in Harrisburg.**

**Child—A person 15 years of age or younger.**

**Child care group setting—The premises in which care is provided at any one time to four or more children, unrelated to the operator.**

**Clinical laboratory—A laboratory for which a permit has been issued to operate as a clinical laboratory under The Clinical Laboratory Act (35 P.S. §§ 2151—2165).**

**Communicable disease—An illness [ due to an infectious agent or its toxic products which is transmitted, directly or indirectly, to a susceptible host from ] which is capable of being spread to a susceptible host through the direct or indirect transmission of an infectious agent or its toxic product by an infected person, animal or arthropod, [ or through the agency of an intermediate host, or a vector ] or through the inanimate environment.**

**Communicable period—The time during which [ the ] an etiologic agent may be transferred directly or indirectly from an infected person to another person, or from an infected animal to a person.**

**Contact—A person or animal known to have [ been in ] had an association with an infected person or animal [ as to have had an opportunity of ] which presented an opportunity for acquiring the infection.**

**[ County morbidity reporting area—A county so designated by the Board wherein initial reports for communicable and noncommunicable diseases are to be reported to the State health center of the Department. ]**

\* \* \* \* \*

**District office—One of the district headquarters of the Department located within this Commonwealth of Pennsylvania.**

**Health care facility—**

(i) A facility providing clinically related health services, including a general, chronic disease, or other type of hospital, a home health care agency, a long-term care nursing facility, a cancer treatment center using radiation therapy on an ambulatory basis, an ambulatory surgical facility, a birth center, and an inpatient drug and alcohol treatment facility, regardless of whether the health care facility is operated for profit, nonprofit or by an agency of the Commonwealth or local government.

(ii) The term does not include:



(A) An office used primarily for the private practice of a health care practitioner where no clinically related health service is offered.

(B) A facility providing treatment solely on the basis of prayer or spiritual means in accordance with the tenets of any church or religious denomination.

(C) A facility conducted by a religious organization for the purpose of providing health care services exclusively to clergy or other persons in a religious profession who are members of a religious denomination.

**Health care practitioner**—An individual who is authorized to practice some component of the healing arts by a license, permit, certificate or registration issued by a Commonwealth licensing agency or board.

**Health care provider**—An individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies and insurance companies), the Commonwealth, or a political subdivision, or instrumentality (including a municipal corporation or authority) thereof, that operates a health care facility.

**Infectious agent**—An organism, such as a virus, bacterium, fungus or parasite, that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease.

**Isolation**—The separation for the [ period of communicability ] communicable period of an infected [ persons ] person or [ animals ] animal from other persons or animals, in [ places and under conditions that prevents ] such a manner as to prevent the direct or indirect transmission of the infectious agent from infected persons or animals to other persons or animals who are susceptible or who may spread the disease to others.

**LMRO—Local morbidity reporting office**—An office designated by the Department to receive initial case reports on a local basis, including the primary office of a local health department, any other local health authority designated by the Department as an LMRO, and a State health center in the absence of a local health department.

[ **Local board**—The board of health or the department of public health of a municipality of the first class, a county department of health or a joint county or joint municipal department of health. ]

**Local health authority**—[ The appropriate local health officer, local board or district director of the area ] A county or municipal department of health, or board of health of a municipality that does not have a department of health. The term does not include a sanitary board.

**Local health department**—Each county department of health under the Local Health Administration Law (16 P. S. §§ 12001–12028), and each department of health in a municipality approved for a Commonwealth grant to provide local health services under section 25 of the Local Health Administration Law (16 P. S. § 12025). The Department will maintain a list of local health departments and revise the list when new local health departments are established.

**Local health officer**—[ The head of a local board ] The person appointed by a local health authority to head the daily administration of duties imposed upon or permitted of local health authorities by State laws and regulations.

**Medical record**—An account compiled by physicians and other health professionals including a patient's medical history; present illness; findings on physical examination; details of treatment; reports of diagnostic tests; findings and conclusions from special examinations; findings and diagnoses of consultants; diagnoses of the responsible physician; notes on treatment, including medication, surgical operations, radiation, and physical therapy; and progress notes by physicians, nurses and other health professionals.

**Modified quarantine**—A selected, partial limitation of freedom of movement determined on the basis of differences in susceptibility or danger of disease transmission which is designated to meet particular situations. The term includes the exclusion of children from school and the prohibition, or the restriction, of those exposed to a communicable disease from engaging in particular activities.

\* \* \* \* \*

**Operator**—The legal entity that operates a child care group setting or a person designated by the legal entity to serve as the primary staff person at a child care group setting.

**Outbreak**—An unusual increase in the number of cases of a disease, infection or condition, whether reportable or not as a single case, above the number of cases that a person required to report would expect to see in a particular geographic area or among a subset of persons (defined by a specific demographic or other features).

**Physician**—An individual licensed to practice medicine or osteopathic medicine within this Commonwealth.

**Placarding**—The posting on a home or other building of a sign or notice warning of the presence of communicable disease within the structure and the danger of infection therefrom.

**Quarantine**—The limitation of freedom of movement of [ persons ] a person or [ animals who have ] an animal that has been exposed to a communicable disease, for a period of time equal to the longest usual incubation period of the disease, or until judged noninfectious by a physician, in [ such ] a manner [ as ] designed to prevent [ effective contact with those not exposed ] the direct or indirect transmission of the infectious agent from the infected person or animal to other persons or animals. The term does not exclude the movement of a person or animal from one location to another when approved by the Department or a local health authority under § 27.67 (relating to the movement of persons and animals subject to isolation or quarantine by action of a local health authority or the Department). [ A quarantine may be complete or one of the following types:

(i) **Segregation**—The separation for special control or observation of one or more persons or animals from other persons or animals to facilitate the control of a communicable disease.

(ii) *Modified quarantine*—A selected, partial limitation of freedom of movement determined on the basis of differences in susceptibility or danger of disease transmission which is designed to meet particular situations. Modified quarantine includes, but is not limited to, the exclusion of children from school and the prohibition, or the restriction, of those exposed to a communicable disease from engaging in particular occupations.

(iii) *Surveillance*—The close supervision of persons and animals exposed to a communicable disease without restricting their movement.

*Regulation*—A rule or regulation issued by the Board or an ordinance, rule or regulation enacted or issued by a local board. ]

*Reportable disease, infection or condition*—A [ communicable ] disease, [ declared ] infection or condition, made reportable by [ regulation; an unusual or group expression of illness which, in the opinion of the Department, may be a public health emergency; noncommunicable diseases and conditions for which the Department may authorize reporting to provide data and information which, in the opinion of the Board, are needed in order to effectively carry out those programs of the Department designed to protect and promote the health of the people of this Commonwealth, or to determine the need for the establishment of the programs. ] § 27.2 (relating to specific identified reportable diseases, infections and conditions).

\* \* \* \* \*

*Segregation*—The separation for special control or observation of one or more persons or animals from other persons or animals to facilitate the control of a communicable disease.

*Sexually transmitted disease*—A disease which, except when transmitted perinatally, is transmitted almost exclusively through sexual contact.

*State health center (SHC)*—The official headquarters of the Department in [ each ] a county, other than [ those organized as county departments of health ] a district office.

*Surveillance of contacts*—The close supervision of persons and animals exposed to a communicable disease without restricting their movement.

*Surveillance of disease*—The continuing scrutiny of all aspects of occurrence and spread of disease that are pertinent to effective control.

§ 27.2. [ Reportable ] Specific identified reportable diseases, infections and conditions.

[ The Board declares the following communicable diseases, unusual outbreaks of illness, noncommunicable diseases and conditions to be reportable:

- AIDS (Acquired Immune Deficiency Syndrome).
- Amebiasis.
- Animal bite.
- Anthrax.
- Botulism.
- Brucellosis.
- Campylobacteriosis.
- Cancer.
- Chlamydia trachomatis infections.
- Cholera.

- Diphtheria.
- Encephalitis.
- Food poisoning.
- Giardiasis.
- Gonococcal infections.
- Guillain-Barre syndrome.
- Haemophilus influenzae type b disease.
- Hepatitis non-A non-B.
- Hepatitis, viral, including Type A and Type B.
- Histoplasmosis.
- Kawasaki disease.
- Legionnaires' disease.
- Leptospirosis.
- Lyme disease.
- Lymphogranuloma venereum.
- Malaria.
- Measles.
- Meningitis—all types.
- Meningococcal disease.
- Mumps.
- Pertussis (whooping cough).
- Plague.
- Poliomyelitis.
- Psittacosis (Ornithosis).
- Rabies.
- Reye's syndrome.
- Rickettsial diseases including Rocky Mountain Spotted Fever.
- Rubella (German Measles) and congenital rubella syndrome.
- Salmonellosis.
- Shigellosis.
- Syphilis—all stages.
- Tetanus.
- Toxic shock syndrome.
- Toxoplasmosis.
- Trichinosis.
- Tuberculosis—all forms.
- Tularemia.
- Typhoid.
- Yellow Fever. ]

The diseases, infections and conditions set out in Subchapter B (relating to the reporting of diseases, infections and conditions) are reportable to the Department or the appropriate local health authority by the persons or entities in the manner and within the time frames set out in this chapter.

§ 27.3. [ Unusual or ill-defined diseases, illnesses or outbreaks ] Reporting outbreaks and unusual diseases, infections and conditions.

[ The occurrence of outbreaks or clusters of an illness which may be of public concern, whether or not it is known to be communicable in nature, shall be reported to the local health officer of the municipality in which it occurs. In areas which have no local health officer, reports shall be made to the representative of the Secretary. ]

(a) A person required to report under this chapter shall report an outbreak within 24 hours, and in accordance with the requirements of § 27.4 (relating to reporting cases).

(b) A person required to report under this chapter who suspects a public health emergency, shall report an unusual occurrence of a disease, infection, or condition not listed as reportable in Subchapter B (relating to reporting of diseases,

infections and conditions) or defined as an outbreak, within 24 hours, and in accordance with the requirements of § 27.4.

(c) An unusual or group expression of illness which the Department designates as a public health emergency shall be reported within 24 hours, and in accordance with the requirements of § 27.4.

§ 27.4. [Noncommunicable diseases and conditions] Reporting cases.

[(a) Diseases and conditions shall be reported where the reports are needed to enable the Secretary to determine and employ the most efficient and practical means to protect and promote the health of residents of this Commonwealth. Reporting of these diseases and conditions shall be requested to include statistical data needed for specific studies and research projects approved by the Board.

(b) The following diseases and conditions shall be reported as follows:

(1) Lead poisoning or lead toxicity in children up to age 6 and in pregnant women, as evidenced by a confirmed blood lead level of 25 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) or higher and by an erythrocyte protoporphyrin level of 35 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) or higher shall be reported to the Division of Environmental Health, Department of Health, Post Office Box 90, Harrisburg, Pennsylvania 17108-9990.

(2) Increased lead absorption in persons age 6 and above, as evidenced by a confirmed blood lead level of 40 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) or higher, shall be reported to the Division of Environmental Health, Department of Health, Post Office Box 90, Harrisburg, Pennsylvania 17108-9990.]

(a) Except for reporting by a clinical laboratory, a case is to be reported to the LMRO serving the area in which a case resides unless another provision of this chapter directs that a particular type of case is to be reported elsewhere. If the residence of the case is unknown, the case is to be reported to the LMRO serving the area in which the case is identified. A clinical laboratory shall make reports to the appropriate office of the Department unless otherwise specified.

(b) Department offices to which this chapter requires specified case reports to be filed are as follows:

(1) Cancer Registry, Division of Health Statistics, Bureau of Health Statistics and Research.

(2) Division of Communicable Disease Epidemiology, Bureau of Epidemiology.

(3) Division of Immunizations, Bureau of Communicable Diseases.

(4) Division of Tuberculosis and Sexually Transmitted Diseases, Bureau of Communicable Diseases.

(5) Division of Environmental Health Assessment, Bureau of Epidemiology.

(6) HIV/AIDS Epidemiology Section, Bureau of Epidemiology.

(7) Division of Maternal and Child Health, Bureau of Family Health.

(c) A case shall be reported using the appropriate case report format. Information solicited by the case report form shall be provided by the reporter, irrespective of whether the report is made by submitting the form directly in hard copy or by telecommunication or electronic submission. An appropriate case report form or format may be procured from the office to which the type of case is reportable.

§ 27.5. [Cancer Registry] (Reserved).

[A hospital and laboratory where cancer is diagnosed or treated or both shall report their finding to the Cancer Registry, Department of Health, State Health Data Center, Health and Welfare Building, Post Office Box 90, Harrisburg, Pennsylvania 17108.]

§ 27.5a. Confidentiality of case reports.

Case reports submitted to the Department or to an LMRO are confidential. Neither the reports, nor information contained in them which identifies or is perceived by the Department or the LMRO as capable of being used to identify a person named in a report, will be disclosed to any person who is not an authorized employe or agent of the Department or the LMRO, except for any of the following reasons:

(1) When disclosure is necessary to carry out a purpose of the act, as determined by the Department or the LMRO, and disclosure would not violate another act or regulation.

(2) When disclosure is made for a research purpose for which access to the information has been granted by the Department or an LMRO. Access shall be granted only when disclosure would not violate another act or regulation. The research shall be subject to strict supervision by the LMRO to ensure that the use of information disclosed is limited to the specific research purpose and will not involve the further disclosure of information which identifies or is perceived as being able to be used to identify a person named in a report.

§ 27.6. Disciplinary consequences for violating reporting responsibilities.

(a) Failure of a clinical laboratory to comply with the reporting provisions of this chapter may result in restrictions being placed upon or revocation of the laboratory's permit to operate as a clinical laboratory, as provided for in The Clinical Laboratory Act (35 P. S. §§ 2151—2165).

(b) Failure of a Department licensed health care facility to comply with the reporting provisions of this chapter may result in restrictions being placed upon or revocation of the health care facility's license, as provided for in the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b).

(c) Failure of a health care practitioner to comply with the reporting provisions of this chapter may result in referral of that matter to the appropriate licensure board for disciplinary action.

§ 27.7. Cooperation between clinical laboratories and persons who order laboratory tests.

To facilitate the reporting of cases by clinical laboratories, the following are required:

(1) When a clinical laboratory is requested to conduct a test which, depending upon the results, would impose a reporting duty upon the clinical laboratory, the clinical laboratory shall provide to the person who requests the testing, a form that solicits the information which is required for completion of the applicable case report form.

(2) A person who orders testing subject to paragraph (1) shall, at the time of ordering the test, provide the clinical laboratory with the information solicited by the form which that person either possesses or may readily obtain.

**§ 27.8. Criminal penalties for violating the act or this chapter.**

(a) A person who violates a provision of the act or this chapter shall, for each offense, upon conviction thereof in a summary proceeding before a district justice in the county wherein the offense was committed, be sentenced to pay a fine of not less than \$25 and not more than \$300, together with costs, and in default of payment of the fine and costs, shall be imprisoned in the county jail for a period not to exceed 30 days.

(b) A person afflicted with communicable tuberculosis, ordered to be quarantined or isolated in an institution, who leaves without consent of the medical director of the institution, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than \$100 nor more than \$500, or undergo imprisonment for not less than 30 days nor more than 6 months, or both.

(c) Prosecutions may be instituted by the Department, by a local health authority, or by a person having knowledge of a violation of the act or this chapter.

**§ 27.9. Authorized departures from the regulations.**

The Department may authorize an exception to any regulation in this chapter, which does not repeat a statutory requirement, if the regulation becomes outdated due to medical or public health developments and the exception is determined by the Department to be necessary to protect the health of the people of this Commonwealth. The exception will not remain in effect for more than 90 days unless the Board acts to affirm the exception within that 90-day period.

Subchapter B. REPORTING OF DISEASES,  
INFECTIONS AND CONDITIONS  
GENERAL

**§ 27.21. [ Physicians who treat patients with reportable diseases including tuberculosis ] Reporting of AIDS cases by physicians.**

[ (a) A physician who treats or examines a person who is suffering from or who is suspected of having a reportable disease or a person who is suspected of being a carrier or who is infected asymptotically shall make a prompt report of the disease or condition to the local board. Physicians are not required to report cases of cancer.

(b) In a municipality not served by a local board, reports shall be made to the State health center of the Department. In a county designated by the Board as a county morbidity reporting area, reports shall be made to the State health center.

(c) The report shall be on a standard type Suspected Case Notification form, or cases may be reported by telephone. The report shall state the name of the patient or carrier, the address at which the patient or carrier may be located, the date of onset of the disease and the name, address and telephone number of the attending physician.

(d) Reports of venereal diseases shall include the stage of the disease. These reports shall be mailed in an enclosed and sealed standard type Suspected Case Notification form to the health authorities of Philadelphia, Allegheny County and other county departments of health authorized by the Department to receive reports when the patients are residents of the city or counties. Other cases shall be reported directly to the Division of Communicable Disease Control and Surveillance, Bureau of Epidemiology and Disease Prevention, Department of Health, Post Office Box 90, Harrisburg, Pennsylvania 17108. Physicians shall report only laboratory confirmed cases of chlamydia trachomatic infections.

(e) Physicians shall report cases of AIDS under § 27.32 (relating to reporting AIDS). ] A physician is required to report a case of AIDS within 5 work days after it is identified to the local health department if the case resides within the jurisdiction of that local health department. In all other cases, the physician shall report the case to the HIV/AIDS Epidemiology Section, Bureau of Epidemiology.

**§ 27.21a. Reporting of cases by health care practitioners and health care facilities.**

(a) The following diseases, infections and conditions in humans are reportable by health care practitioners and health care facilities within the specified time periods:

(1) The following diseases, infections and conditions are reportable within 24 hours after being identified:

- Botulism.
- Cholera.
- Diphtheria.
- Food poisoning outbreak.
- Haemophilus influenzae type B invasive disease.
- Hantavirus pulmonary syndrome.
- Hemorrhagic fever.
- Hepatitis, viral, including type A and type E.
- Lead poisoning.
- Measles (rubeola).
- Meningococcal invasive disease.
- Plague.
- Poliomyelitis.
- Rabies.
- Typhoid fever.

(2) The following diseases, infections and conditions are reportable within 5 work days after being identified:

- Amebiasis.
- Animal bite.
- Anthrax.
- Arbovirus disease.
- Brucellosis.
- Campylobacteriosis.
- Cancer.
- Chancroid.
- Chickenpox (varicella) (effective \_\_\_\_\_ (Editor's

*Note:* The blank refers to a date 3 years from the date of the adoption of the final-form rule-making.)

Chlamydia trachomatis infections.  
 Cryptosporidiosis.  
 Encephalitis.  
 Enterohemorrhagic E. coli.  
 Giardiasis.  
 Gonococcal infections.  
 Granuloma inguinale.  
 Guillain-Barre syndrome.  
 Hepatitis, viral, including type B, type C, type D, type G.  
 Histoplasmosis.  
 Influenza.  
 Legionnaires' disease.  
 Leprosy (Hansen's disease).  
 Leptospirosis.  
 Listeriosis.  
 Lyme disease.  
 Lymphogranuloma venereum.  
 Malaria.  
 Maple syrup urine disease (MSUD) in children up to 5 years/60 months of age.  
 Meningitis (All types not caused by invasive Haemophilus influenza or Neisseria meningitis).  
 Mumps.  
 Pertussis (whooping cough).  
 Phenylketonuria (PKU) in children up to 5 years or 60 months of age.  
 Primary congenital hypothyroidism in children up to 5 years or 60 months of age.  
 Psittacosis (ornithosis).  
 Rickettsial diseases.  
 Rubella (German measles) and congenital rubella syndrome.  
 Salmonellosis.  
 Shigellosis.  
 Sickle cell hemoglobinopathies in children up to 5 years or 60 months of age.  
 Streptococcal invasive disease (group A).  
 Syphilis (all stages).  
 Tetanus.  
 Toxic shock syndrome.  
 Toxoplasmosis.  
 Trichinosis.  
 Tuberculosis (all sites).  
 Tularemia.  
 Yellow fever.

(b) Except as otherwise set forth in this section, a health care practitioner or health care facility is required to report a case, as specified in § 27.4 (relating to reporting cases), if the health care practitioner or health care facility treats or examines a person who is suffering from, or who the health care practitioner suspects of having, a reportable disease, infection or condition.

(1) A health care practitioner or health care facility is not required to report a case if that health care practitioner or health care facility has reported the case previously.

(2) A health care practitioner or health care facility is not required to report a case of influenza unless the disease is confirmed by laboratory evidence of the causative agent.

(3) A health care practitioner or health care facility is not required to report a case of chlamydia

trachomatis infection unless the disease is confirmed by laboratory evidence of the infectious agent.

(c) A school nurse shall report to the LMRO any unusual increase in the number of absentees among school children.

(d) A health care facility providing screening, diagnostic or therapeutic services to patients with respect to cancer shall also report cases of cancer as specified in § 27.31 (relating to reporting cases of cancer).

§ 27.22. [ Reporting laboratory results indicative of certain infections or conditions ] Reporting of cases by clinical laboratories.

(a) A person who is in charge of a **clinical** laboratory in which a laboratory examination of a specimen derived from [ the ] a human body yields [ **microscopical, cultural, immunological, serological, chemical or other** ] evidence significant from a public health standpoint of the presence of a disease, **infection or condition** listed in subsection (b) shall **promptly** report [ **promptly** ] the findings, [ **not** ] **no** later than the next [ **working** ] **work** day after the close of business on the day on which the examination was completed, except as [ **noted** ] otherwise **noted** in this chapter.

(b) The [ **conditions or** ] diseases, **infections and conditions** [ **or diseases** ] to be reported include the following:

Amebiasis.  
 Anthrax.  
**An unusual cluster of isolates.**  
**Arboviruses (limited to Eastern, Western and St. Louis encephalitis.**  
 Botulism—all forms.  
 Brucellosis.  
 Campylobacteriosis.  
**Cancer.**  
**Chancroid.**  
**Chickenpox (varicella).**  
 Chlamydia trachomatis infections.  
 Cholera.  
 Diphtheria infections.  
**Enterohemorrhagic E. coli 0157 infections, or infections caused by other subtypes producing shiga-like toxin.**  
 Giardiasis.  
 Gonococcal infections.  
**Granuloma inguinale.**  
 Haemophilus influenzae type [ **b disease** ] **B in fec-tions—invasive from sterile sites.**  
**Hantavirus.**  
 Hepatitis, viral, including types A [ **and** ], **B, C, D, E and G.**  
**Influenza.**  
**[ Hypothyroidism in infants up to 24 months old. Histoplasmosis. ]**  
 Lead poisoning [ **or toxicity** ].  
 Legionnaires' disease.  
**Leprosy (Hansen's disease).**  
 Leptospirosis.  
**Listeriosis.**  
 Lyme disease.  
 Lymphogranuloma venereum.  
 Malaria.

Maple syrup urine disease (MSUD) in children up to 5 years or 60 months of age.

Measles (rubeola).

Meningococcal [ isolations ] infections—invasive from sterile sites.

Mumps.

Pertussis.

Phenylketonuria (PKU) in children up to 5 years or 60 months of age.

Primary congenital hypothyroidism in children up to 5 years or 60 months of age.

Plague.

Poliomyelitis.

Psittacosis (ornithosis).

Rabies.

Respiratory syncytial virus.

Rickettsial infections [ including Rocky Mountain Spotted Fever ].

Rubella.

Salmonella [ isolations ].

Shigella [ isolations ].

Sickle cell hemoglobinopathies in children up to 5 years or 60 months of age.

Syphilis.

Tetanus.

Trichinosis.

Tuberculosis, including results of drug susceptibility testing.

Tularemia.

Typhoid [ isolations ].

[ Viral infections.

(i) Vaccine-preventable diseases.

(ii) Arboviruses.

(iii) Respiratory viruses. ]

(c) The report shall [ give ] include the following: the name, age [ and ], address and telephone number of the person from whom the specimen was obtained; the date the specimen was collected; the name of the test or examination performed and the date it was performed; the results; [ and ] the name [ and ], address and telephone number of the physician for whom the examination or test was [ made ] performed; and other information requested in case reports or formats specified by the Department.

(d) The report shall be submitted by the person in charge of a laboratory [ as follows:

(1) *Reports except for venereal diseases, hypothyroidism in infants up to 24 months old, phenylketonuria and lead poisoning or lead toxicity.* Reports shall be made to the appropriate health authority of Philadelphia or the county department of health if the patient resides in such an area. Other reports shall be sent to the Division of Epidemiology, Department of Health, Post Office Box 90, Harrisburg, Pennsylvania 17108.

(2) *Venereal disease (including positive dark fields).* Reports shall be made to the appropriate health authority of Philadelphia when the patient resides in Philadelphia and to the health authority in Allegheny County when the patient resides in Allegheny County. Other reports shall be sent to the Division of Communicable Disease Control and Surveillance, Bureau of Epidemiology and Disease Pre-

vention, Department of Health, Post Office Box 90, Harrisburg, Pennsylvania 17108, unless otherwise directed by the Secretary.

(3) *Phenylketonuria and hypothyroidism in infants up to 24 months old.* Reports shall be made to the Division of Maternal/Child Health, Department of Health, Post Office Box 90, Harrisburg, Pennsylvania 17108.

(4) *Lead poisoning or lead toxicity.* Reports shall be made to the Division of Environmental Health, Department of Health, Post Office Box 90, Harrisburg, Pennsylvania 17108-9990 on forms developed and supplied by the Division of Environmental Health. ], in either a hard copy format or an electronic transmission format specified by the Department.

(e) Reports shall be made to the appropriate health authority of the county or municipal department of health if it can be determined that the patient resides in one of those cities or counties. Other reports shall be submitted to the Division of Communicable Disease Epidemiology, Bureau of Epidemiology. Reports of maple syrup urine disease, phenylketonuria, primary congenital hypothyroidism, sickle cell hemoglobinopathies, cancer, sexually transmitted diseases and lead poisoning shall be reported to the location specifically designated in this subchapter. See §§ 27.30, 27.31, 27.33 and 27.34.

(f) A clinical laboratory shall submit isolates of salmonella and shigella to the Department's Bureau of Laboratories for serotyping within 5 work days of isolation.

(g) A clinical laboratory shall submit isolates of *Neisseria meningitidis* obtained from a normally sterile site to the Department's Bureau of Laboratories for serogrouping within 5 work days of isolation.

(h) A clinical laboratory shall send isolates of enterohemorrhagic *E. coli* to the Department's Bureau of Laboratories for appropriate further testing within 5 work days of isolation.

(i) A clinical laboratory shall send isolates of *Haemophilus influenzae* obtained from a normally sterile site to the Department's Bureau of Laboratories for serotyping within 5 work days of isolation.

(j) The Department, upon publication of a notice in the *Pennsylvania Bulletin*, may authorize changes in the requirements for submission of isolates based upon medical or public health developments when the departure is determined by the Department to be necessary to protect the health of the people of this Commonwealth. The change will not remain in effect for more than 90 days after publication unless the Board acts to affirm the change within that 90-day period.

(k) A clinical laboratory shall make case reports of tuberculosis to the Philadelphia Department of Health when the patient resides in Philadelphia County and to the Allegheny County Health Department when the patient resides in Allegheny County. The clinical laboratory shall send all other reports of tuberculosis to the Department's Division of Tuberculosis and Sexually Transmitted Diseases, Bureau of Communicable Diseases unless otherwise directed by the Department.

§ 27.23. [ School reports of communicable diseases ] Reporting of cases by persons other than health care practitioners, health care facilities, veterinarians or laboratories.

[ (a) School nurses shall report the presence of suspected reportable disease to the local health authority in accordance with existing requirements of the local health authority. A copy of this report shall be sent to the school administration.

(b) An unusual increase in the number of absentees among school children shall be reported to the local health authority by the school nurse. ]

Except as otherwise set forth in this section, and except with respect to reporting cancer, individuals in charge of the following types of group facilities shall have the same reporting responsibilities as health care practitioners have under § 27.21a (relating to reporting of cases by health care practitioners and health care facilities):

(1) Institutions maintaining dormitories and living rooms.

(2) Orphanages.

(3) Child care group settings.

§ 27.24. [ Reports by heads of institutions ] (Reserved).

[ (a) Superintendents of hospitals or other persons in charge of an institution for the treatment of disease or of an institution maintaining dormitories and living rooms or of an orphanage shall notify the local health authorities having jurisdiction over the area in which the institution is located and the district director or county health officer upon the occurrence in or admission to the institution of a patient with a reportable disease and shall thereafter follow the advice and instructions of the health authorities for controlling the disease, but the notification may not relieve physicians of their duty to report in the manner set forth in § 27.21 (relating to physicians who treat patients with reportable diseases including tuberculosis), cases which they may treat or examine in any such institution.

(b) Persons in charge of hospitals shall report cases of AIDS under § 27.32 (relating to reporting AIDS). ]

§ 27.24a. Reporting of cases by veterinarians.

A veterinarian is required to report a case, as specified in § 27.4 (relating to reporting cases), only if the veterinarian treats or examines an animal which the veterinarian suspects of having a disease set forth in § 27.35(a) (relating to reporting cases of disease in animals).

§ 27.25. [ Reports by other licensed health practitioners ] (Reserved).

[ A chiropractor, dentist, nurse, optometrist, podiatrist or other licensed health practitioner having knowledge or suspicion of a reportable disease or condition, except cancer and AIDS, shall report promptly to the local board. ]

§ 27.26. [ Reporting by householders and others ] (Reserved).

[ A householder; proprietor of a hotel, rooming, lodging or boarding house; or other person having

knowledge or suspicion of a reportable disease or condition, except cancer and AIDS, shall report this knowledge or suspicion promptly to the local board. ]

§ 27.27. [ Revision of diagnosis by attending physician ] (Reserved).

[ No diagnosis of a disease for which isolation or quarantine is required may be revised without the concurrence of the county health officer or the designated representative of the Department or the medical member of the local board. ]

§ 27.28. [ Reporting unusual or ill-defined diseases or illnesses ] (Reserved).

[ A person having knowledge of the occurrence of an unusual disease or group expression of illness which may be of public concern, whether or not it is known to be of a communicable nature, shall report it promptly to the local health officer; reports shall be made to the representative of the Department district director. ]

§ 27.29. Reporting [ nonreportable diseases ] for special research projects.

A person in charge of [ an ] a hospital or other institution for the treatment of disease shall [ be authorized ], upon request of the Department, [ to ] make [ a report ] reports of [ diseases and conditions other than reportable diseases, ] a disease or condition for which the Board has approved a specific study to enable the Department to determine and employ the most efficient and practical means to protect and to promote the health of the people by the prevention and control of the [ diseases and conditions ] disease or condition. The reports shall be made on forms prescribed by the Department and shall be transmitted to the Department or to local [ boards ] health authorities as directed by the Department.

#### DISEASES AND CONDITIONS REQUIRING SPECIAL REPORTING

§ 27.30. Reporting results of metabolic disease testing in the newborn child.

[ In addition to the requirements that may be applicable under this chapter, testing conducted on newborn children shall be reported in accordance with Chapter 28 (relating to metabolic diseases of the newborn). ]

Reports of maple syrup urine disease, phenylketonuria, primary congenital hypothyroidism and sickle cell hemoglobinopathies shall be made to the Division of Maternal and Child Health, Bureau of Family Health, as specified in Chapter 28 (relating to metabolic diseases of the newborn) and those provisions of § 27.4 (relating to reporting cases) consistent with Chapter 28 and this section.

§ 27.31. Reporting cases of cancer.

(a) A hospital [ or ], clinical laboratory [ within this Commonwealth which is designated by the Department ], or other health care facility diagnosing or providing treatment to cancer patients shall report [ cases ] each case of cancer [ which are diagnosed or treated, or both, at the hospital or the labora-

tory ] to the Department [ . These reports shall be submitted on forms ] in a format prescribed by the Cancer Registry, Bureau of Health Statistics and Research, within [ 90 ] 180 days of the patient's discharge, if an inpatient or, if an outpatient, within [ 90 ] 180 days following diagnosis or initiation of treatment. [ Hospitals and laboratories shall report, in addition to other information, the patient's name, address, sex, race, date of birth, cancer site and histology. Copies of laboratory reports shall be attached by the hospital or laboratory to the prescribed form. ]

(b) A health care practitioner diagnosing or providing treatment to cancer patients shall report each cancer case to the Department in a format prescribed by the Cancer Registry, Bureau of Health Statistics and Research, within 5 work days of diagnosis. Cases directly referred to or previously admitted to a hospital or other health care facility providing screening, diagnostic or therapeutic services to cancer patients in this Commonwealth, and reported by those facilities, are exceptions and do not need to be reported by the health care practitioner.

(c) The Department or its authorized representative shall be afforded physical access to all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes and all other facilities, individuals or agencies providing services to patients which would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer or medical status of an identified cancer patient.

[ (b) ] (d) [ The reports ] Reports submitted [ to the Cancer Registry ] under this section are confidential and may not be open to public inspection or dissemination. Information for specific research purposes may be released in accordance with procedures established by the Department with the advice of the [ Cancer Advisory Board ] Pennsylvania Cancer Control, Prevention and Research Advisory Board.

(e) Case reports of cancer shall be sent to the Cancer Registry, Bureau of Health Statistics and Research, unless otherwise directed by the Department.

§ 27.32. [ Reporting AIDS ] (Reserved).

[ (a) Physicians and hospitals shall report cases of AIDS promptly to the Department of Health, Division of Acute Infectious Disease Epidemiology, Post Office Box 90, Harrisburg, Pennsylvania 17108, or to the local health department in the counties of Allegheny, Bucks, Chester, Erie and Philadelphia and in the cities of Allentown, Bethlehem and York when the individual who is the subject of the report is a resident of the county or city.

(b) Local health authorities receiving reports of AIDS cases shall forward completed case report forms to the Department of Health in a timely manner. Completed forms shall provide identifying information, including but not limited to, the name of the case, the individual's address and telephone number, the name of the individual's medical provider and the reporting source. ]

§ 27.33. Reporting cases of sexually transmitted disease.

(a) Reportable sexually transmitted diseases and infections are as follows:

- (i) Chancroid.
- (ii) Chlamydia trachomatis infections.
- (iii) Gonococcal infections.
- (iv) Granuloma inguinale.
- (v) Lymphogranuloma venereum.
- (vi) Syphilis.

(b) Case reports of these diseases and infections, except for cases of syphilis to be reported by a clinical laboratory, shall be made to the appropriate health authority of the county or municipal health department when the patient resides in a city or county that has its own health department. Other reports of sexually transmitted diseases shall be submitted to the Division of Tuberculosis and Sexually Transmitted Diseases, Bureau of Communicable Diseases, unless otherwise directed by the Department.

(c) A clinical laboratory making a case report of syphilis shall make the report to the Philadelphia Department of Health when the patient resides in Philadelphia County and to the Allegheny County Health Department when the patient resides in Allegheny County. A clinical laboratory shall make other reports to the Division of Tuberculosis and Sexually Transmitted Diseases, Bureau of Communicable Diseases, unless otherwise directed by the Department.

§ 27.34. Reporting cases of lead poisoning.

(a) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age and pregnant women to the Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(1) A clinical laboratory which conducts blood lead tests of 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(2) A clinical laboratory which conducts blood lead tests of less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(b) A clinical laboratory shall report cases of lead poisoning in persons 16 years of age or older as evidenced by a venous blood lead level of 25 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) or higher, to the Division of Environmental Health Assessment, Bureau of Epidemiology, or to other locations as designated by the Department.

(1) The Department may change this reporting level to comply with regulatory requirements or guidelines of Federal environmental or occupational health agencies by publishing a notice in the *Pennsylvania Bulletin* to this effect no later than 60 days before the change is implemented.

(2) The change will not remain in effect for more than 90 days after publication unless the Board acts to affirm the change within that 90-day period.



(c) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(d) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in subsection (c), and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(e) A physician under whose authorization blood is collected for a blood lead test is responsible for assuring that all of the information requested on the case report form is forwarded to the clinical laboratory along with the specimen. Failure of the physician to provide the requested information to the clinical laboratory may result in disciplinary consequences as specified in § 27.6(c) (relating to disciplinary consequences for violating reporting responsibilities).

(f) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department no later than the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hard-copy form or electronic transmission format specified by the Department.

(g) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department as described in subsection (f).

(h) A clinical laboratory shall proceed as follows when a blood specimen is received with missing information:

(1) Within 5 days after the receipt of the blood specimen, the clinical laboratory shall return the incomplete report form to the person who submitted the specimen. The clinical laboratory shall include with the form a letter instructing the submitter to complete all missing information on the form and return the form to the laboratory within 14 days of the date of the letter.

(2) Within 1 day after receipt of the completed form from the person who submitted the specimen, the clinical laboratory shall forward a report containing all requested information to the Department.

(i) If the person who submitted the specimen does not enter the missing items of information and return the completed form to the clinical laboratory within the time period specified in subsection (h)(1), the clinical laboratory shall notify the Department using either the hard-copy form or electronic reporting format specified by the Department. The clinical laboratory shall submit this information to the Department within 2 weeks of the due date for return of completed forms by the person who submitted the specimen. This information shall include:

(1) The name and address of the person who submitted the specimen.

(2) The name of the patient.

(3) The date of specimen collection.

(4) The date of specimen analysis.

(5) Other information as requested by the Department.

(j) A clinical laboratory that fails to report applicable results or to notify the Department of a person who submits a specimen without providing complete information shall be subject to revocation of approval to perform blood lead tests or other disciplinary action.

#### § 27.35. Reporting cases of disease in animals.

(a) The following diseases, infections and conditions in animals are reportable to the Division of Communicable Disease Epidemiology, Bureau of Epidemiology, as specified in § 27.4 (relating to reporting cases) within 5 work days after being identified:

Anthrax.  
Arboviruses.  
Brucellosis.  
Plague.  
Psittacosis.  
Rabies.  
Transmissible Spongiform Encephalopathies.  
Tuberculosis.  
Tularemia.

Any disease, infection or condition covered by § 27.3(b) (relating to reporting outbreaks and unusual diseases, infections and conditions).

(b) This chapter applies to only animals having or suspected of having one of the diseases, infections or conditions listed in subsection (a).

#### [ REPORTS BY LOCAL HEALTH OFFICERS ]

##### REPORTING BY LOCAL MORBIDITY REPORTING OFFICES

§ 27.41. [ Individual case reports ] (Reserved).

[ A health officer of a municipality shall report weekly to the appropriate county health authorities on the prescribed form each individual case of reportable disease or condition which as been reported to him during the week. ]

§ 27.41a. Reporting by local morbidity reporting offices of case reports received.

When an LMRO is an office of a county or municipal health authority, it shall report a case that has been reported to it to the district office for the State health district in which it is located, or to the central office when this chapter directs that reports are to be filed with that office.

§ 27.42. [ Summary reports ] (Reserved).

[ For cases of influenza, the local health officer of a municipality shall prepare and send to the appropriate county health authorities once each week a report on the prescribed form showing the number of cases reported during that week. ]

§ 27.42a. Reporting by local morbidity reporting offices of completed case investigations.

(a) When an LMRO is an office of a local health authority other than a local health department, it shall complete a case investigation report in a format and within the length of time set forth in this chapter for each case reported to it.

(b) When an LMRO is an office of a local health department, it shall submit, on a weekly basis, a case investigation report of the information from each case investigation which has resulted in confirmation of the incidence of a reportable disease, infection or condition. The report shall be submitted to the appropriate Department office as follows in a format and within the length of time set forth in this chapter:

(1) *AIDS*. To the HIV/AIDS Epidemiology Section, Bureau of Epidemiology.

(2) *Chickenpox, diphtheria, measles, mumps, pertussis, polio, rubella and tetanus*. To the Division of Immunizations, Bureau of Communicable Diseases.

(3) *Chancroid, Chlamydia trachomatis infections, gonococcal infections, granuloma inguinale, Lymphogranuloma venereum, syphilis and tuberculosis*. To the Division of Tuberculosis and Sexually Transmitted Diseases, Bureau of Communicable Diseases.

(4) *Other reportable diseases and conditions*. To the Division of Communicable Disease Epidemiology, Bureau of Epidemiology.

§ 27.43. [ Immediate reports by telephone or telegraph ] (Reserved).

[ A local health officer of a municipality shall report immediately by telephone or telegraph to the appropriate county health authorities a case or suspected case of the following:

- (1) Anthrax.
- (2) Botulism.
- (3) Cholera.
- (4) Diphtheria.
- (5) Food poisoning.
- (6) Measles.
- (7) Plague.
- (8) Poliomyelitis.
- (9) Psittacosis (Ornithosis).
- (10) Rabies in man.
- (11) Smallpox.
- (12) Yellow fever. ]

§ 27.43a. Reporting by local morbidity reporting offices of outbreaks and selected diseases.

(a) When an LMRO is an office of a local health authority, it shall report an outbreak by telephone on the same day that the outbreak is reported or otherwise made known to it, as follows:

(1) *AIDS*. To the HIV/AIDS Epidemiology Section, Bureau of Epidemiology.

(2) *Chancroid, chlamydia trachomatis infections, gonococcal infections, granuloma inguinale,*

*lymphogranuloma venereum, syphilis and tuberculosis*. To the Division of Tuberculosis and Sexually Transmitted Diseases, Bureau of Communicable Diseases.

(3) *Chickenpox, diphtheria, measles, mumps, pertussis, polio, rubella and tetanus*. To the Division of Immunizations, Bureau of Communicable Diseases.

(4) *Other reportable diseases and conditions*. To the Division of Communicable Disease Epidemiology, Bureau of Epidemiology.

(b) When an LMRO is an office of a local health authority, it shall report by telephone on the same day any of the following diseases is reported or otherwise made known to it, as follows:

(1) *Diphtheria, measles, pertussis and polio*. To the Division of Immunizations, Bureau of Communicable Diseases.

(2) *Anthrax, botulism, cholera, enterohemorrhagic Escherichia coli, hantavirus pulmonary syndrome, hemorrhagic fever, hepatitis A, hepatitis E, human rabies, meningitis, plague, typhoid fever and yellow fever*. To the Division of Communicable Disease Epidemiology, Bureau of Epidemiology.

§ 27.44. [ Destinations of reports ] (Reserved).

[ Morbidity reports, as outlined in §§ 27.41—27.43 (relating to individual case reports; summary reports; and immediate reports by telephone or telegraph) shall be submitted by local health officers of municipalities to the appropriate health authority as follows:

(1) The local health officer in a municipality situated in a county not organized as a county department of health shall report to the State health center.

(2) The local health officer of a municipality situated in a county organized as a county department of health shall report to the county health office. ]

§ 27.45. [ Reports to the Department ] (Reserved).

[ Health officers of cities of the first class, of county or joint county, of municipal or joint municipal departments of health and district directors shall transmit to the Harrisburg office of the Department once each week on specific disease case report forms furnished or approved for this purpose by the Department, individual specific disease case report forms and summary reports described in §§ 27.41—27.43 (relating to individual case reports; summary reports; and immediate reports by telephone or telegraph). ]

§ 27.46. [ Records of local health officers ] (Reserved).

[ A local health officer of a municipality shall maintain records that will permit the efficient function of the local department for the prevention and control of communicable diseases. ]

§ 27.47. [ Reports by the Department ] (Reserved).

[ In a county designated as a county morbidity reporting area, the State health center of the Department shall report at weekly intervals to local boards of health within the morbidity reporting

area cases of communicable and noncommunicable diseases reported from the jurisdiction of that board of health. ]

**[ REPORTING VIRAL HEPATITIS TO BLOOD BANKS ]**

§ 27.51. [ Time and information reported ] (Reserved).

[ If, in the opinion of the Department, or of the health officer of a county department of health or of the department of health of a city of the first class, it is deemed advisable and is in the interest of public health, the health officer shall report to blood banks serving their areas the name, date of onset and other identifying information of a case of viral hepatitis. ]

**Subchapter C. QUARANTINE AND ISOLATION  
GENERAL PROVISIONS**

§ 27.60. Disease control measures.

The Department or local health authority shall direct isolation of a person or an animal with a communicable disease or infection; surveillance, segregation, quarantine or modified quarantine of contacts of a person or an animal with a communicable disease or infection; and any other disease control measure the Department or the local health authority considers to be appropriate for the surveillance of disease, when the disease control measure is necessary to protect the public from the spread of infectious agents. If a local health authority is not a local health department, it shall consult with and receive approval from the Department prior to taking any disease control measure.

§ 27.61. [ Prompt isolation ] Isolation.

When the isolation of [ an individual ill with any communicable disease, or the quarantine of susceptible contacts, is required by the provisions of Subchapter E (relating to procedure for treating each reportable disease), the ] a person or animal that is suspected of harboring an infectious agent is appropriate, the Department or local health [ officer ] authority shall cause the isolation [ or quarantine ] to be done promptly following receipt of the case report.

(1) If the local health authority is not an LMRO, the local health officer shall consult with and receive approval from the Department prior to requiring isolation.

(2) If more than one jurisdiction is involved, the local health officer shall cause a person or animal to be isolated only after consulting with and receiving approval from the Department.

(3) The Department or local health authority shall ensure that instructions are given to the case or persons responsible for the care of the case and to members of the household or appropriate living quarters, defining the area within which the case is to be isolated and identifying the measures to be taken to prevent the spread of disease.

§ 27.62. [ Isolation instructions ] (Reserved).

[ If the disease is one requiring isolation, the local health authority shall insure that instructions

are given to the patient and members of the household defining the area within which the patient is to be isolated and stating the measures to be taken to prevent the spread of the disease. ]

§ 27.63. [ Modified isolation ] (Reserved).

[ If the disease is one for which only a modified isolation is required the local health authority shall issue appropriate instructions, prescribing the isolation technique to be followed. The isolation technique shall depend upon the disease. ]

§ 27.64. [ Isolation within hospitals ] (Reserved).

[ A case of a communicable disease may be treated in any hospital, if the patient is isolated in a private room, cubicle or ward where none but patients with the same disease are segregated, and if the isolation technique is observed. The requirements of the rule relating to isolation for a specific disease which the patient experienced, as described in Subchapter E (relating to procedure for reporting each reportable disease), shall be observed while the patient is hospitalized; however, the removal of the patient to his home during the period of isolation or quarantine may be permitted if the requirements of § 27.67 (relating to the movement of persons subject to isolation or quarantine) are observed. ]

§ 27.65. Quarantine [ instructions ].

If the disease is one [ requiring ] which the Department, or a local health authority which is also an LMRO, determines the quarantine of [ the ] contacts in addition to isolation of the case, the Department or local health [ authority ] officer of the LMRO shall determine [ the ] which contacts [ who are subject to quarantine ] shall be quarantined, specify the place to which they shall be quarantined, and issue appropriate instructions.

(1) When any other local health authority is involved, the local health officer shall quarantine contacts only after consulting with and receiving approval from the Department.

(2) The Department or local health [ authority ] officer shall [ insure ] ensure that provisions are made for the medical observation of the contacts as frequently as necessary during the quarantine period.

§ 27.66. Placarding.

Whenever the Department or a local health [ authority is unable to enforce ] officer has reason to believe that a case, a contact or others will not fully comply with the isolation or quarantine as required for the protection of the public health and [ he ] the Department or local health officer deems it necessary to use placards, placards may be utilized [ in its jurisdiction ]. Placards may be utilized by a local health officer of a local health authority that is not an LMRO only if the specific use is approved by the Department.

§ 27.67. Movement of persons and animals subject to isolation or quarantine by action of a local health authority or the Department.

(a) A person [ under ] or animal subject to isolation or quarantine by action of a local health authority or

the Department may be removed to another [ dwelling or a hospital ] location only with permission of the local health [ officer concerned, ] authority or the Department. If the local health authority is not an LMRO, the local health authority shall consult with and receive approval from the Department prior to permitting removal. Permission for removal may be given by the Department if the local health officer is not available.

(b) Removal of a [ patient ] person or animal under isolation or quarantine by action of the Department or a local health authority, from [ one health ] the jurisdiction [ to another within this Commonwealth ] of the Department or a local health authority to the jurisdiction of the Department or another local health authority may [ be made ] occur only with permission of [ the health officers concerned, or ] the Department, if it is involved, and with the permission of the local health [ officer ] authorities concerned [ is not available ]. If both of the local health authorities involved are not LMROs, the local health authorities shall consult with and receive approval from the Department prior to permitting removal. Permission for removal may be given by the Department if a local health officer from whom permission would otherwise be required is not available.

(c) Interstate [ removal ] transportation to or from this Commonwealth of a person or animal under isolation or quarantine may be made only with permission of the Department.

(d) Transportation of a person or animal under isolation or quarantine shall be made by private conveyance or as otherwise ordered by the local health [ officer ] authority or the Department. If the local health authority is not an LMRO, it shall consult with the Department prior to issuing an order. [ Due ] The sender, the receiver and the transporter of the animal shall be responsible to take due care [ shall be taken ] to prevent the spread of the disease.

(e) [ Immediately upon the arrival of the patient at the point of destination, isolation, or quarantine shall be resumed for the period of time required for the specific disease. ] When a person or animal under isolation or quarantine is transported, isolation or quarantine shall be resumed for the period of time required for the specific disease immediately upon arrival of the person or animal at the point of destination.

§ 27.68. Release from isolation [ and ] or quarantine.

The Department or [ the ] a local health [ officer ] authority may order [ release ] that a person or animal isolated or quarantined under the direction of the Department or the appropriate health authority be released from isolation or quarantine when [ the provisions of this title of the Department have been met ] the Department or the local health authority determines that the person or animal no longer presents a public health threat. If the local health authority involved is not an LMRO, it shall consult with, and receive approval from, the Department prior to making the order.

### § 27.69. Laboratory analysis.

Whenever [ the regulations of the Department provide for the submission of ] a laboratory [ specimens ] specimen is to be examined for the presence of [ micro- ] etiologic organisms [ in order ] to determine the duration of isolation or quarantine or to determine the eligibility of a person or animal for release from isolation or quarantine, the [ specimens ] specimen shall be examined in a laboratory [ of the Department or in one ] approved by the Department [ for ] to conduct that type of examination [ of the specimens ].

### COMMUNICABLE DISEASES IN [ SCHOOL ] CHILDREN AND STAFF ATTENDING SCHOOLS AND CHILD CARE GROUP SETTINGS

§ 27.71. Exclusion of pupils and staff for specified diseases and infectious conditions.

[ Each teacher, principal, superintendent or other ] A person in charge of a public, private, parochial, Sunday or other school or college [ or preschool ] shall exclude [ students ] from school [ who have been diagnosed by a physician or are suspected of having the disease by the school nurse for the indicated period of time for the following diseases: ] a pupil, or a staff person who has contact with pupils, who is suspected by a physician or the school nurse of having any of the following communicable diseases, infections or conditions. Readmission shall be contingent upon the school nurse or, in the absence of the school nurse, a physician, verifying that the criteria for readmission have been satisfied. The diseases, the periods of exclusion and the criteria for readmission are as follows:

(1) *Diphtheria*—Two weeks from the onset or until appropriate negative culture tests. [ Reference should be made to § 27.108 (relating to diphtheria). ]

(2) *Measles*—Four days from the onset of rash. [ Reference should be made to § 27.121 (relating to measles (rubeola)). ] Exclusion may also be ordered by the Department as specified in § 27.160 (relating to special requirements for measles).

(3) *Mumps*—Nine days from the onset or until subsidence of swelling. [ Reference should be made to § 27.124 (relating to mumps). ]

(4) *Pertussis*—[ Four ] Three weeks from the onset or [ 7 ] 5 days from institution of appropriate antimicrobial therapy. [ Reference should be made to § 27.126 (relating to pertussis (whooping cough)). ]

(5) *Rubella*—[ Four ] Seven days from the onset of rash. [ Reference should be made to § 27.134 (relating to Rubella (German measles) and congenital rubella syndrome). ]

(6) *Chickenpox*—[ Six ] Five days from the [ last crop of vesicles ] appearance of the first crop of vesicles, or when all the lesions have dried and crusted, which ever is sooner.

(7) *Respiratory streptococcal infections including scarlet fever*—[ Not less than 7 ] At least 10 days from the

onset if no physician is in attendance or 24 hours [from] after institution of appropriate antimicrobial therapy.

(8) [*Acute contagious*] *Infectious conjunctivitis* (*pink eye*)—[Twenty-four hours from institution of appropriate therapy] Until judged not infective, that is, without a discharge.

(9) *Ringworm*—[all types—Until judged noninfective by the nurse in school, college or preschool, or child's physician.] The person shall be allowed to return to school, child care or other group setting immediately after the first treatment, if body lesions are covered. Neither scalp nor body lesions that are dried need to be covered.

(10) *Impetigo contagiosa*—[Until judged noninfective by the nurse in school, college or preschool, or by the child's physician] Twenty-four hours after the institution of appropriate treatment.

(11) *Pediculosis capitis*—[Until judged noninfective by the nurse in school, college or preschool, or by the child's physician.] The person shall be allowed to return to either the school, child care or other group setting immediately after first treatment. The person shall be reexamined for infestation by the school nurse, or other health care practitioner, 7 days posttreatment.

(12) *Pediculosis corpora*—[Until judged noninfective by the nurse in school, college or preschool, or by child's physician] After completion of appropriate treatment.

(13) *Scabies*—[Until judged noninfective by the nurse in school, college or preschool, or by child's physician] After completion of appropriate treatment.

(14) [*Tonsillitis*—Twenty-four hours from institution of appropriate therapy.

(15) [*Trachoma*—Twenty-four hours [from] after institution of appropriate [therapy] treatment.

(15) *Tuberculosis*—Following a minimum of 2 weeks adequate chemotherapy and three consecutive negative morning sputum smears, if obtainable. In addition, a note from the attending physician that the person is noncommunicable shall be submitted prior to readmission.

§ 27.72. Exclusion of pupils and staff showing symptoms.

(a) A [teacher, principal, superintendent or other] person in charge of a public, private, parochial, Sunday or other school or college shall, following consultation with a physician or school nurse, exclude immediately a [person] pupil or staff person showing [an unusual skin eruption, having soreness of the throat or having signs or symptoms of whooping cough or diseases of the eyes. The exclusion and the reasons prompting it shall be reported to the health authority of the municipality or county in which the school is situated, together with the name and address of the person excluded.] any of the following symptoms, unless that person is determined by the school nurse, or a physician, to be noncommunicable:

(1) Mouth sores associated with inability to control saliva.

(2) Rash with fever or behavioral change.

(3) Purulent discharge from the eyes.

(4) Productive cough with fever.

(5) Oral or axillary temperature equal to or greater than 102°F.

(6) Unusual lethargy, irritability, persistent crying, difficulty breathing or other signs of severe illness.

(7) Vomiting.

(b) The school shall maintain a record of the exclusion and the reasons prompting the exclusion, and shall review the record to determine when unusual rates of absenteeism occur. The Department will periodically determine and publish in the *Pennsylvania Bulletin* what increase in absenteeism constitutes an unusual rate of absenteeism.

§ 27.73. Readmission of excluded pupils [showing symptoms] and staff.

(a) [No person] A pupil or staff person excluded from a public, private, parochial or other school or college under [the provisions of] § 27.72 (relating to exclusion of pupils and staff showing symptoms) may not be readmitted until the school nurse [in the school, college or preschool] or, in the absence of a school nurse, a physician, is satisfied that the condition for which the [child] person was excluded is not communicable or until the [child] person presents a [certificate of recovery or noninfectiousness] statement from [the] a physician that the person has recovered or is noninfectious.

(b) A pupil or staff person excluded for the following reasons shall be readmitted only when a physician has determined the illness to be either resolved, noncommunicable or in a noncommunicable stage:

(1) Rash with fever or behavioral change.

(2) Productive cough with fever.

§ 27.74. [Admission] Readmission of exposed or isolated pupils and staff.

[No person] A pupil or staff person who has been absent from school by reason of having had or because of residing on premises where there has been a disease for which isolation is required may not be readmitted to school without the permission of the [health authorities] LMRO. [The person shall be required to secure permission whether or not there has been a physician in attendance or whether or not isolation has been established in the household.]

§ 27.75. Exclusion of pupils and staff during a measles [(rubeola)] outbreak.

Pupils [who are presumed susceptibles may] and staff shall be excluded from school during a measles [(rubeola)] outbreak under the procedures described in § [27.121] 27.160 (relating to special requirements for measles [(rubeola)]).

§ 27.76. Exclusion and readmission of children and staff in child care group settings.

(a) Sections 27.71—27.75 apply to child care group settings, with the exception that readmission of excluded persons as provided in those sections, as well as provided in this subsection, shall be contingent upon a physician verifying that the criteria for readmission have been satisfied. The following conditions and circumstances also govern exclusion from and readmission to a child care group setting of a child or a staff person who has contact with children attending the child care group setting:

(1) *Meningococcal meningitis or meningococemia*. Until made noninfective by a course of rifampin or other drug which is effective against the nasopharyngeal carriage stage of this disease, or otherwise shown to be noninfective.

(2) *Haemophilus influenzae (H. flu) meningitis or other invasive H. flu disease*. Until made noninfectious by a course of rifampin or other drug which is effective against the nasopharyngeal carriage stage of this disease, or otherwise shown to be noninfective.

(3) *Diarrhea*. Until resolved or judged to be noninfective when associated with any of the following:

(i) Inability to prevent contamination of the environment with feces.

(ii) Fever.

(iii) Identified bacterial or parasitic pathogen.

(4) *Fever in children younger than 4 months of greater than 101° F. rectally or 100° F. axillary; in children 4—24 months of greater than 102° F. rectally or 101° F. axillary*. Until resolved or judged to be noninfective.

(5) *Hepatitis A, viral hepatitis unspecified, or jaundice of unspecified etiology*. Until 1 week following the onset of jaundice, or 2 weeks following symptom onset or IgM antibody positivity if jaundice is not present.

(6) *Shigellosis*. Until the etiologic organism is eradicated. See § 27.158 (relating to special requirements for shigellosis).

(7) *Typhoid fever or paratyphoid fever*. Until the etiologic organism is eradicated. See § 27.159 (relating to special requirements for typhoid fever and paratyphoid fever).

(8) *Exposure to an individual with invasive H. influenza disease if children less than 4 years of age attend the child care group setting in the same room as the exposed person*. Until the institution of treatment with appropriate antibiotic to eradicate the nasopharyngeal carrier state, or until proven noninfectious with nasopharyngeal cultures, or until 30 days following the exposure. Exclusion shall be postponed, until the second day following notice that exclusion will be required, to give the individual sufficient time to arrange for institution of appropriate antibiotic treatment.

(9) *Exposure to an individual with meningococcal disease*. Until the institution of treatment with appropriate antibiotic to eradicate the nasopharyngeal carrier state, or until proven noninfectious with nasopharyngeal cultures, or until 30

days following the exposure. Exclusion shall be postponed, until the second day following notice that exclusion will be required, to give the individual sufficient time to arrange for institution of appropriate antibiotic treatment.

(b) To facilitate the proper exclusion of sick children and staff, the caregiver at a child care group setting shall arrange for the following:

(1) Instruction of staff regarding exclusion and screening criteria which apply to themselves and attending children.

(2) Instruction of parents and guardians regarding exclusion criteria and that they are to notify the caregiver within 24 hours after it is determined or suspected that a child has an illness or condition for which exclusion is required.

(3) Screening of each child by staff at the time the child is brought to the child care group setting for the presence of a condition which requires exclusion. The screening shall be conducted each day while the parent, guardian or other person bringing the child to the child care group setting is present.

§ 27.77. Immunization requirements for children in child care group settings.

(a) *Caregiver responsibilities*.

(1) Except as exempted in subsection (d), effective \_\_\_\_\_ (*Editor's Note*: The blank refers to a date 60 days after the effective date of adoption of this proposal.), the caregiver at a child care group setting may not accept or retain a child 2 months of age or older at the setting, for more than 60 days, unless the caregiver has received a written objection to a child being vaccinated on religious grounds from a parent or guardian, or one of the following:

(i) For all children not exempt under the subsection (d)(1)(ii), an initial written verification from a physician, the Department or a local health department of the dates (month, day and year) the child was administered any vaccines recommended by ACIP. The verification shall also specify any vaccination not given due to medical condition of the child and shall state whether the condition is temporary or permanent. The verification shall show compliance with the vaccination requirements in subsection (b).

(ii) For all children for whom vaccinations remain outstanding following the caregiver's receipt of the initial written verification, subsequent written verifications from a physician, the Department or a local health department as additional vaccinations become due. These verifications shall be prepared in the same manner as set forth in subparagraph (i), but need not repeat information contained in a previously submitted verification. The verifications shall demonstrate continuing compliance with the vaccination requirements in subsection (b).

(2) If the caregiver receives a written verification under paragraph (1) explaining that timely vaccination did not occur due to a temporary medical condition, the caregiver shall exclude the child from the child care group setting after an additional 30 days unless the caregiver receives, within that 30-day period, written verification from a phy-

sician, the Department or a local health department that the child was vaccinated or that the temporary medical condition still exists. If the caregiver receives a written verification that vaccination has not occurred because the temporary condition persists, the caregiver shall require the presentation of a new verification at 30-day intervals. If a verification is not received as required, the caregiver shall exclude the child from the child care group setting and not readmit the child until the caregiver receives a verification that meets the requirements of this section.

(3) The caregiver shall retain the written verification or objection referenced in paragraphs (1) and (2) for 60 days following the termination of the child's attendance.

(4) The caregiver shall ensure that a certificate of immunization is completed and signed for each child enrolled in the child care group setting. The certificates shall be periodically updated by the caregiver to include the information provided to the caregiver under subsection (a). The immunization status of each enrolled child shall be summarized and reported on an annual basis to the Department at the time prescribed by the Department and on the form provided by the Department.

(b) *Vaccination requirements.* Each child enrolled in a child care group setting shall be immunized in accordance with ACIP standards in effect on January 1, 1999, governing the issuance of ACIP recommendations for the immunization of children.

(1) The standards are as follows:

(i) The immunization practice is supported by both published and unpublished scientific literature as a means to address the morbidity and mortality of the disease.

(ii) The labeling and packaging inserts for the immunizing agent are considered.

(iii) The immunizing agent is safe and effective.

(iv) The schedule for use of the immunizing agent is administratively feasible.

(2) The Department will deem an ACIP recommendation pertaining to the immunization of children to satisfy the standards in this subsection unless ACIP alters its standards for recommending immunizations for children by eliminating a standard set forth in this subsection and the recommendation is issued under those changed standards.

(c) *Notice.* The Department will place a notice in the *Pennsylvania Bulletin* listing publications containing ACIP recommendations issued under the standards in subsection (b). The Department will publish the initial notice contemporaneously with the publication of this chapter. The Department will update that list in a notice which it will publish in the *Pennsylvania Bulletin* within 30 days after ACIP issues a recommendation which satisfies the criteria of this section.

(d) *Exemptions.*

(1) This section does not apply to the following:

(i) Kindergarten, elementary school or higher school. These caregivers shall comply with §§ 23.81—23.87 (relating to immunization).

(ii) Children who are known by the caregiver to be 6 years of age or older or to attend a kindergarten, elementary school or high school.

(iii) A caregiver who does not serve as a caregiver for at least 40 hours during at least 1 month.

(2) The requirement imposed by subsection (a), to not accept a child into a child care group setting without receiving an initial written verification or objection specified in subsection (a), does not apply during a month the caregiver does not serve as a caregiver for at least 40 hours.

(e) *Exclusion when disease is present.* Whenever one of the diseases mentioned in § 27.76 (relating to exclusion and readmission of children and staff in child caregiver settings) has been identified within a child care group setting, the Department or a local health department may order the exclusion from the child care group setting or any other child care group setting which is determined to be at high-risk of transmission of that disease, of an individual susceptible to that disease in accordance with public health standards as determined by the Department.

#### Subchapter D. [ VENEREAL DISEASES ] SEXUALLY TRANSMITTED DISEASES, TUBERCULOSIS AND OTHER COMMUNICABLE DISEASES

#### § 27.81. Examination of persons suspected of being infected.

Whenever the Department or a local [ qualified medical ] health [ officer ] authority has reasonable grounds to suspect a person of being infected with an organism causing a [ venereal ] sexually transmitted disease, tuberculosis or other communicable disease, or of being a carrier, but lacks confirmatory medical or laboratory evidence, the Department or the [ officer will ] local health authority may require the person to undergo a medical examination and any other approved diagnostic procedure to determine whether or not [ he ] the person is infected or is a carrier. If the local health authority involved is not an LMRO, the local health authority shall consult with and receive approval from the Department prior to requiring any medical examination or other approved diagnostic procedure.

#### § 27.82. Refusal to submit to examination.

(a) [ Section 7 of the act (35 P. S. § 521.7) provides that in the event ] If a person refuses to submit to the examination required in § 27.81 (relating to examination of persons suspected of being infected), the Department or the local [ qualified medical ] health [ officer ] authority may [ take one of the following actions:

(1) Cause ] direct the person to be quarantined until it is determined that [ he is not infected with a venereal disease, tuberculosis or other communicable disease, or he is not a carrier ] the person does not pose a threat to the public health by reason of being infected with a disease causing organism or being a carrier.

[ (2) File ] (b) If the person refuses to abide by an order issued under subsection (a), the Department or local health authority may file a petition in the court of common pleas of the county in which the person

is present. The petition shall have a statement attached, given under oath by a physician licensed to practice in this Commonwealth, that the person is suspected of being infected with **[ venereal ] an organism causing a sexually transmitted disease**, tuberculosis or other communicable disease, or that the person is suspected of being a carrier. Upon the filing of the petition, the court shall, within 24 hours after service of a copy upon the respondent, hold a hearing without a jury to ascertain whether the person named in the petition has refused to submit to an examination to determine whether the person is infected with **[ venereal disease, tuberculosis or other communicable disease ] the suspected disease causing organism**, or that the person is a carrier. Upon a finding that the person has refused to submit to an examination and that there is no valid reason for the person to do so, the court may forthwith order the person to submit to the examination. The certificate of the physician attached to the petition shall be received in evidence and shall constitute prima facie evidence that the person named is suspected of being infected with **[ venereal disease, tuberculosis or other communicable disease ] the disease causing organism**, or that the person is a carrier.

**[ (b) Section 7 of the act (35 P. S. § 521.7) provides that a ] (c)** A person refusing to undergo an examination as **[ provided in subsection ] required under subsections (a) and (b)** may be committed by the court to an institution in this Commonwealth determined by the Department to be suitable for the care of **[ the cases ] persons infected with the suspected disease causing organism**.

#### § 27.83. Court ordered examinations.

The examination ordered by the court **[ as provided in ] under** § 27.82 (relating to refusal to submit to examination) may be performed by a physician chosen by the person at **[ his ] the person's** own expense. The examination shall include **an appropriate physical examination** and laboratory tests performed in a **clinical laboratory** approved by the Department **to conduct the tests**, and shall be conducted in accordance with accepted professional practices. The results shall be reported to the local health **[ board or health department ] authority or the Department on case report** forms furnished by the Department.

§ 27.84. Examination for a sexually transmitted disease of persons detained by police authorities.

(a) **[ Section 8(a) of the act (35 P. S. § 521.8(a)) provides that a ]** A person taken into custody and charged with a crime involving lewd conduct or a sex offense, or a person to whom the jurisdiction of a juvenile court attaches may be examined for a **[ venereal ] sexually transmitted disease** by a qualified physician appointed by the Department **[ or ]**, by the local **[ board or department of health ] health authority** or **[ appointed ]** by the court having jurisdiction over the person so charged. **If the person refuses to permit an examination or provide a specimen for laboratory tests as requested by the physician designated by the Department, a local health authority or a court, judicial action may be pursued by the Department or local health authority to secure an appropriate remedy.**

(b) **[ Section 8(b) of the act (35 P. S. § 521.8(b)) provides that a ]** A person convicted of a crime or pending trial, who is confined in or committed to a State or local penal institution, reformatory or other house of correction or detention, may be examined for **[ venereal ] a sexually transmitted disease** by a qualified physician appointed by the Department or by the local **[ board ] health authority**. **If the person refuses to permit an examination or provide a specimen for laboratory tests as requested by the physician, judicial action may be pursued by the Department or local health authority to secure an appropriate remedy.**

(c) **[ Section 8(c) of the act (35 P. S. § 521.8(c)) provides that a ]** A person described in subsections (a) or (b) found, upon examination, to be infected with a **[ venereal ] sexually transmitted disease** shall be given appropriate treatment by **[ constituted ] the local health [ authorities or their deputies ] authority, the Department or [ by ]** the attending physician of the institution **[ , if any ]**.

§ 27.85. Diagnosis and treatment of **[ venereal ] a sexually transmitted disease**.

(a) **[ Section 9(a) of the act (35 P. S. § 521.9(a)) provides that the ]** The Department **[ shall ]** will provide or designate adequate facilities for the free diagnosis and, **[ where ] when** necessary for the preservation of public health, free treatment of persons infected with **[ venereal diseases ] sexually transmitted diseases**. **[ The diagnosis shall include blood tests and other tests. ]**

(b) **[ Section 9(b) of the act (35 P. S. § 521.9(b)) provides that upon ]** Upon approval of the Department, a local **[ board or department of health may ] health authority shall** undertake to share the expense of furnishing free diagnosis and free treatment of **[ venereal ] a sexually transmitted disease**, or **[ the local board or department of health may take over, entirely or in part, the furnishing of ]** shall furnish free diagnosis and free treatment of **[ venereal ] the sexually transmitted disease [ with or ]** without financial assistance from the Department.

§ 27.86. **[ Sale of drugs for venereal disease ] (Reserved)**.

**[ Section 10 of the act (35 P. S. § 521.10) provides that the sale of drugs or other remedies for the treatment of venereal disease shall be prohibited, except under prescription of physicians licensed to practice in this Commonwealth. ]**

§ 27.87. Refusal to submit to treatment for communicable diseases.

(a) If the Department or a local health **[ officer ] authority** finds that a person who is infected with **[ venereal ] a sexually transmitted disease**, tuberculosis or other communicable disease in a communicable stage refuses to submit to treatment approved by the Department or by a local **[ board ] health authority**, the Department or the local health **[ officer ] authority [ may take the following action:**

(1) **Under section 11(a) of the act (35 P. S. § 521.11(a)), isolate the person ]**, if it determines the



action advances public health interests, shall order the person to be isolated in an appropriate institution designated by the Department or by the local [ board ] health authority for safekeeping and treatment until the disease has been rendered noncommunicable. If the disease is one which may be significantly reduced in its communicability following short-term therapy, but is likely to significantly increase in its communicability if that therapy is not continued, such as tuberculosis, the Department or local health authority may order the person to complete therapy which is designed to prevent the disease from reverting to a communicable stage, including completion of an inpatient treatment regimen. See, also, § 27.161 (relating to special requirements for tuberculosis). If the local health authority involved is not an LMRO, the local health authority shall consult with and receive approval from the Department prior to taking action under this subsection.

[ (2) Under section 11(a) of the act (35 P.S. § 521.11(a)), ]

(b) If a person refuses to comply with an order issued under subsection (a), the Department or local health authority shall file a petition in the court of common pleas of the county in which the person is present to commit the person to an appropriate institution designated by the Department or by the local [ board ] health authority for safekeeping and treatment [ until such time as the disease has been rendered noncommunicable ] as specified in subsection (a). Upon the filing of a petition, the court shall, within 24 hours after service of a copy upon the respondent, hold a hearing without a jury to ascertain whether the person named in the petition has refused to submit to treatment. Upon a finding that the person has refused to submit to treatment, the court shall [ forthwith order him to be committed to an appropriate institution or hospital designated by the Department or by the local board ] issue an appropriate order.

[ (b) ] (c) For the purpose of this section, [ it is understood that ] treatment approved by the Department or by a local [ board shall ] health authority may include treatment by an accredited practitioner of a well recognized church or religious denomination which relies on prayer or spiritual means alone for healing, if requirements relating to sanitation, isolation or quarantine are [ complied with ] satisfied.

§ 27.88. [ Quarantine in jails ] Isolation and quarantine in appropriate institutions.

[ Section 11(b) of the act (35 P.S. § 521.11(b)) provides that a county jail or other appropriate institution may receive persons who are isolated or quarantined by the Department or by a local board by reason of a venereal disease for the purpose of safekeeping and treatment. ]

(a) When the Department or a local health authority orders a person with or suspected of having a sexually transmitted disease to be isolated or quarantined for the purpose of safekeeping and treatment, it may order that the isolation or quarantine take place in an institution where the person's movement is physically restricted.

(b) The Department or the local [ board or department of health ] health authority shall reimburse an

institution which accepts the [ persons ] person at the rate of maintenance that prevails in the institution, and shall furnish the necessary medical treatment to the [ persons committed to ] person isolated or quarantined within the institution.

§ 27.89. [ Premarital examination for syphilis ] Examinations for syphilis.

[ Section 12(a) of the act (35 P.S. § 521.12(a)) provides that no license to marry may be issued until there is in the possession of the clerk of the orphans' court a statement signed by a licensed physician of this Commonwealth, or of other state or territory, or a commissioned medical officer in the United States Armed Forces or a physician of the United States Public Health Service that the applicant within 30 days of the issuance of the marriage license has submitted to an examination to determine the existence or nonexistence of syphilis. The examination shall include a standard serological test for syphilis and a statement that, in the opinion of the examining physician, the applicant is not infected with syphilis, or if so infected, is not in a stage of the disease which is likely to become communicable. The statement of the physician shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make a statement, setting forth the name of the test, the date it was made, the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested, but not setting forth the result of the test. ]

(a) *Prenatal examination for syphilis.*

(1) A physician who attends, treats or examines a pregnant woman for conditions relating to pregnancy during the period of gestation or delivery shall inform the woman that he intends to take or cause to be taken, unless the woman objects, a sample of her blood at the time of the first examination (including the initial visit when a pregnancy test is positive), or within 15 days after the first examination, and shall submit the sample to a clinical laboratory for an approved test for syphilis. A physician shall similarly collect and have tested a sample of the pregnant woman's blood during the third trimester of her pregnancy, in those counties of this Commonwealth where the annual rate of infectious syphilis is at a rate of syphilis occurring in a given population for which the CDC has determined it is cost-effective to require special precautions. The Department will publish this rate in the *Pennsylvania Bulletin* as necessary. Other persons permitted by law to attend pregnant women, but not permitted by law to take blood samples, shall, unless the woman objects, cause a blood sample to be taken and submitted to a clinical laboratory for an approved test for syphilis. If the pregnant woman objects, it shall be the duty of the person seeking to have the woman give a blood sample to explain to her the desirability of the test.

(2) The serological test required by subsection (b)(1) will be made without charge, by the Department, upon the request of the physician submitting the blood sample and the submission of a certificate by the physician that the patient is unable to pay.

(b) *Examination for syphilis in mother of newborn.* A test for syphilis shall be done, unless the mother objects, on the blood of the mother of every newborn delivered in those counties of this Commonwealth where the annual rate of infectious syphilis is at a rate of syphilis occurring in a given population for which the CDC has determined it is cost-effective to require special precautions.

(1) The Department will publish this rate in the *Pennsylvania Bulletin* as necessary.

(2) The results of the test shall be recorded both in the mother's medical record and in the newborn's medical record prior to discharge.

(c) *Examination for syphilis in mother of stillborn.* A test for syphilis shall be done, unless the mother objects, on the blood of the mother of every stillborn child delivered in those counties of this Commonwealth where the annual rate of infectious syphilis is at a rate of syphilis occurring in a given population for which the CDC has determined it is cost-effective to require special precautions. The Department will publish this rate in the *Pennsylvania Bulletin* as necessary. The Department will be responsible for alerting physicians about this standard. The blood shall be collected within 2 hours after delivery and the result entered into the mother's medical record prior to discharge. See also, § 27.95 (relating to reporting syphilis examination information for births and fetal deaths).

§ 27.90. [Appeal from denial of statement of the physician] (Reserved).

[Section 12(b) of the act (35 P.S. § 521.12(b)) provides that an applicant for a marriage license who has been denied a statement of the physician as required by § 27.89 (relating to premarital examination for syphilis) shall have the right of appeal to the Department for a review of the case and the Department will, after appropriate investigation, issue or refuse to issue a statement in lieu of the required statement of the physician.]

§ 27.91. [Form for statement of physician] (Reserved).

[Section 12(c) of the act (35 P.S. § 521.12(c)) provides that the statements required of the physician who examined the applicant and of the person in charge of the laboratory which made the serological or other test shall be uniform throughout this Commonwealth and shall be upon forms provided by the Department or upon any comparable forms provided by other states. These forms shall be filed by the clerk of the orphan's court separately from the applications for marriage licenses, and shall be regarded as confidential by every person whose duty it may be to obtain, make, transmit or receive the information or report.]

§ 27.92. [Misrepresentation of facts and release of information] (Reserved).

[Section 12(d) of the act (35 P.S. § 521.12(d)) provides that it shall be unlawful for an applicant for a marriage license, physician or representative of a laboratory to misrepresent the facts prescribed by the act. It shall be unlawful for a licensing officer who fails to receive the statements prescribed by the act or who has reason to believe that

the facts have been misrepresented to issue a marriage license. It shall also be unlawful for a person to disregard the confidential character of the information or reports required by the act or for a person to otherwise fail to comply with the provisions of §§ 27.89—27.91, 27.93 and this section (relating to premarital examination for syphilis; appeal from a denial of statement of the physician; form for statement of physician; and waiver of syphilis examination).]

§ 27.93. [Waiver of syphilis examination] (Reserved).

[Section 12(e) of the act (35 P.S. § 521.12(e)) provides that a judge of an orphans' court within the county in which the license is to be issued is authorized, on joint application by both applicants for a marriage license, to waive the requirements as to medical examination, laboratory tests and certificates, and to authorize the clerk of the orphans' court to issue the license, if other requirements of the marriage laws have been complied with, and the judge is satisfied by affidavit or other proof that the examination or tests are contrary to the tenets or practices of the religious creed to which the applicant is an adherent, and that the public health and welfare will not be injuriously affected by the waiver and authorization.]

§ 27.94. [Prenatal examination for syphilis] (Reserved).

[(a) Section 13(a) of the act (35 P.S. § 521.13(a)) provides that every physician who attends, treats or examines a pregnant woman for conditions relating to pregnancy during the period of gestation or delivery, shall take or cause to be taken, unless the woman objects, a sample of her blood at the time of first examination or within 15 days and shall submit the sample to an approved laboratory for an approved serological test for syphilis. Other persons permitted by law to attend pregnant women, but not permitted by law to take blood samples, shall, unless the woman objects, cause a blood sample to be taken by a physician licensed in this Commonwealth and shall submit it to an approved laboratory for an approved serological test. If the pregnant woman objects it shall be the duty of the physician to explain to her the desirability of the test.

(b) The serological test required by subsection (a) will be made without charge by the Department upon the request of the physician submitting the sample, if he submits a certificate that the patient is unable to pay.]

§ 27.95. Reporting [birth] syphilis examination information for births and fetal deaths.

[Section 13(b) of the act (35 P.S. § 521.13(b)) provides that in] In reporting [every] a birth [and] or fetal death, physicians and others required to make the reports shall state [upon the certificate] in the medical record whether or not the blood [test] tests required by § [27.94] 27.89(b) (relating to [prenatal examination] examinations for syphilis) [was] were made. If [the] a test was made, the date of the test shall be given, and if [the] a test was not

made [ it may be stated whether it was not made because, in the opinion of the physician, the test was not advisable or because the woman objected ], the reason the test was not made shall be given.

§ 27.96. Diagnostic tests for [ venereal ] sexually transmitted diseases.

[ Section 14 of the act (35 P.S. § 521.14) provides that a standard or approved test procedure for each of the venereal diseases ]

(a) When testing for a sexually transmitted disease is required by the act or this chapter, the test used shall be a test approved by the [ Department ] Food and Drug Administration, and if a laboratory test is part of the approved procedure, it shall be [ made ] conducted in a clinical laboratory approved by the Department to [ make ] perform the [ tests ] test.

(b) The diagnostic tests that have been approved to test for each sexually transmitted disease may be ascertained by contacting the Division of Clinical Microbiology, Bureau of Laboratories.

§ 27.97. Treatment of minors.

[ Section 14a of the act (35 P.S. § 521.14a) provides that a ] A person under the age of 21 [ infected with a venereal disease may be given appropriate treatment by a physician ] may give consent for medical and other health services to determine the presence of or to treat a sexually transmitted disease and any other reportable disease, infection or condition. If the minor consents to undergo diagnosis or treatment, approval or consent of [ his parents or persons in loco parentis may not be ] another person is not necessary[, and the ]. The physician may not be sued or held liable for [ properly ] implementing appropriate diagnostic measures or administering appropriate treatment to the minor if the minor has consented to the procedures or treatment.

§ 27.98. Prophylactic treatment of newborns.

Physicians and midwives attending women in child-birth shall instill in each eye of the newborn child, as soon as practicable after birth, either a 1% silver nitrate solution, [ or tetracycline ophthalmic ointment or solution, ] or erythromycin ophthalmic ointment or solution as a single application in both conjunctival sacs, or appropriate medication approved by the Department. If the parent or guardian of the newborn child objects on the ground that the prophylactic treatment conflicts with the parent's or guardian's religious beliefs or practices, prophylactic treatment shall be withheld[; and an ] An entry in the child's hospital record indicating the reason for withholding treatment shall be made and signed by the attending physician and the parent or guardian.

§ 27.99. Prenatal examination for hepatitis B.

(a) A physician who attends, treats or examines a pregnant woman for conditions relating to pregnancy during the period of gestation or delivery, shall inform the woman that he intends to take or cause to be taken, unless the woman objects, a sample of her blood at the time of the first examination (including the initial visit when a pregnancy test is positive) or within 15 days thereafter, but no later than the time of delivery, and shall submit the

sample to a clinical laboratory approved by the Department to conduct immunologic testing.

(b) When a pregnant woman tests positive for hepatitis B surface antigen, a physician shall provide the appropriate prophylaxis treatment to the newborn within 12 hours after birth. If the parent or guardian of the newborn child objects on the ground that the prophylactic treatment conflicts with the parent's or guardian's religious beliefs or practices, prophylactic treatment shall be withheld, and an entry in the child's hospital record indicating the reason for withholding treatment shall be made and signed by the attending physician and the parent or guardian.

#### Subchapter E. [ PROCEDURE FOR TREATING EACH REPORTABLE DISEASE ] SELECTED PROCEDURES FOR PREVENTING DISEASE TRANSMISSION

(Editor's Note: The Department is proposing to delete §§ 27.101—27.146 as they currently appear in the *Pennsylvania Code* at pages 27-29—27-50 (serial pages (243681)—(243702)). The following sections are being printed in regular type to enhance readability.)

§ 27.151. Restrictions on the donation of blood, blood products, tissue, sperm and ova.

(a) A person known to be infected with the causative agent of a reportable disease is not allowed to donate blood, blood products, tissue, sperm or ova for use in other human beings.

(1) In addition, a person or entity may not accept any of these materials for donation without obtaining laboratory evidence showing the absence of hepatitis B, hepatitis C, HIV or other diseases and infections, which the Department may specify by placing a notice in the *Pennsylvania Bulletin*.

(2) The list of additional diseases and conditions will not remain in effect for more than 90 days after publication unless the Board acts to affirm it within that 90-day period.

(b) The only exception to a person or entity accepting donations without obtaining laboratory evidence showing the absence of diseases and infections designated by the Department is when the delay that would be necessary to properly test the blood of the donor would threaten the recipient's survival.

§ 27.152. Investigation of cases and outbreaks.

(a) The Department or a local health authority may investigate any case or outbreak of disease judged by the Department or local health authority to be a potential threat to the public health.

(b) A person may not interfere with or obstruct a representative of the Department or a local health authority who seeks to enter a house, health care facility, building or other premises to carry out an investigation of a case or outbreak, if the representative presents documentation to establish that he is an authorized representative of the Department or the local health authority.

(c) In the course of conducting an investigation of a case or outbreak, the authorized representative of the Department or local health authority may conduct a confidential review of medical records. A person may not interfere with or obstruct this review.

§ 27.153. Restrictions on food handlers.

A person with the following diseases or conditions is not permitted to work as a food handler. See, also, 3 Pa.C.S.

Chapter 65 (relating to the Food Employee Certification Act) and 7 Pa. Code §§ 78.41—78.43 (relating to health and disease control of employees)) except as follows:

(1) *Amebiasis*. Until the etiologic organism is eradicated as proven by two consecutive negative stool specimens, obtained at least 24 hours apart, as verified by a physician. If antiparasitic treatment has been given, the specimens may not be collected sooner than 48 hours after treatment was completed. See § 27.156 (relating to special requirements for amebiasis).

(2) *Enterohemorrhagic E. coli*. Until the etiologic organism is eradicated as proven by two consecutive negative stool specimens, obtained at least 24 hours apart, as verified by a physician. If antibacterial treatment has been given, the specimens may not be collected sooner than 48 hours after treatment was completed. See § 27.157 (relating to special requirements for enterohemorrhagic *E. coli*).

(3) *Shigellosis*. Until the etiologic organism is eradicated as proven by two consecutive negative stool specimens, obtained at least 24 hours apart, as verified by a physician. If antibacterial treatment has been given, the specimens may not be collected sooner than 48 hours after treatment was completed. See § 27.158 (relating to special requirements for shigellosis).

(4) *Typhoid fever or paratyphoid fever*. Until the etiologic organism has been eradicated as proven by three negative successive stool specimens collected at intervals of no less than 24 hours nor earlier than 48 hours after receiving the last dose of a chemotherapeutic drug effective against *Salmonella typhi*, and no earlier than 1 month after onset. See § 27.159 (relating to special requirements for typhoid and paratyphoid fever).

(5) *Hepatitis A, viral hepatitis or jaundice of unspecified etiology*. Until 1 week following the onset of jaundice, or 2 weeks following symptom onset or IgM antibody positivity if jaundice is not present, as verified by a physician.

(6) *Diarrhea*. Until resolved or judged to be noninfective by a physician.

**§ 27.154. Restrictions on caregivers in a child care group setting.**

A person with the following diseases or conditions is not permitted to work as a care giver in a child care group setting if the caregiver attends or works in a capacity which requires direct contact with children except as follows:

(1) *Amebiasis*. Until the etiologic organism is eradicated as proven by two consecutive negative stool specimens, obtained at least 24 hours apart, as verified by a physician. If antibacterial treatment has been given, the specimens may not be collected sooner than 48 hours after treatment was completed. See § 27.156 (relating to special requirements for amebiasis).

(2) *Enterohemorrhagic E. coli*. Until the etiologic organism is eradicated as proven by two consecutive negative stool specimens, obtained at least 24 hours apart, as verified by a physician. If antibacterial treatment has been given, the specimens may not be collected sooner than 48 hours after treatment was completed. See § 27.157 (relating to special requirements for enterohemorrhagic *E. coli*).

(3) *Shigellosis*. Until the etiologic organism is eradicated as proven by two consecutive negative stool specimens, obtained at least 24 hours apart, as verified by a

physician. If antibacterial treatment has been given the specimens may not be collected sooner than 48 hours after treatment was completed. See § 27.161 (relating to special requirements for shigellosis).

(4) *Typhoid fever or paratyphoid fever*. Until the etiologic organism is eradicated as proven by three negative successive stool specimens collected at intervals of no less than 24 hours nor earlier than 48 hours after receiving the last dose of a chemotherapeutic drug effective against *Salmonella typhi*, and no earlier than 1 month after onset. See § 27.159 (relating to special requirements for typhoid and paratyphoid fever).

(5) *Hepatitis A, viral hepatitis or jaundice of unspecified etiology*. Until 1 week following the onset of jaundice, or 2 weeks following symptom onset or IgM antibody positivity if jaundice is not present, as verified by a physician.

(6) *Diarrhea*. Until resolved or judged to be noninfective by a physician.

**§ 27.155. Restrictions on health care practitioners.**

Persons with the following diseases or conditions are not permitted to work as health care practitioners who provide direct patient care:

(1) *Amebiasis*. Until the etiologic organism is eradicated as proven by two consecutive negative stool specimens, obtained at least 24 hours apart, as verified by a physician. If antiparasitic treatment has been given, the specimens may not be collected sooner than 48 hours after treatment was completed. See § 27.156 (relating to special requirements for amebiasis).

(2) *Enterohemorrhagic E. coli*. Until the etiologic organism is eradicated as proven by two consecutive negative stool specimens, obtained at least 24 hours apart, as verified by a physician. If antibacterial treatment has been given, the specimens may not be collected sooner than 48 hours after treatment was completed. See § 27.157 (relating to special requirements for enterohemorrhagic *E. coli*).

(3) *Shigellosis*. Until the etiologic organism is eradicated as proven by two consecutive negative stool specimens, obtained at least 24 hours apart, as verified by a physician. If antibacterial treatment has been given, the specimens may not be collected sooner than 48 hours after treatment was completed. See § 27.158 (relating to special requirements for shigellosis).

(4) *Typhoid fever or paratyphoid fever*. Until the etiologic organism is eradicated as proven by three negative successive stool specimens collected at intervals of no less than 24 hours nor earlier than 48 hours after receiving the last dose of a chemotherapeutic drug effective against *Salmonella typhi*, and no earlier than 1 month after onset. See § 27.159 (relating to special requirements for typhoid or paratyphoid fever).

(5) *Hepatitis A, viral hepatitis or jaundice of unspecified etiology*. Until 1 week following the onset of jaundice, or 2 weeks following symptom onset or IgM antibody positivity if jaundice is not present, as verified by a physician.

(6) *Diarrhea*. Until resolved or judged to be noninfective by a physician.

**§ 27.156. Special requirements for amebiasis.**

A household contact of a case of amebiasis who prepares or serves food for public consumption, who attends or works in a child care group setting in a capacity which requires contact with children, or who provides direct

patient care shall be required to cease work until the contact has submitted two consecutive stool specimens, taken at least 24 hours apart and at least 48 hours after the last dose of any antiparasitic therapy, to an appropriate clinical laboratory for bacteriologic examination and those specimens are determined by the laboratory to be negative for *Entamoeba histolytica*.

**§ 27.157. Special requirements for enterohemorrhagic *E. coli*.**

A household contact of a case of enterohemorrhagic *E. coli*, who prepares or serves food for public consumption, who attends or works in a child care group setting in a capacity which requires contact with children, or who provides direct patient care shall be required to cease work until the contact has submitted two consecutive stool specimens, taken at least 24 hours apart and at least 48 hours after the last dose of any antimicrobial therapy, to an appropriate clinical laboratory for bacteriologic examination and those specimens are determined by the laboratory to be negative for enterohemorrhagic *E. coli*.

**§ 27.158. Special requirements for shigellosis.**

A household contact of a case of shigellosis, who prepares or serves food for public consumption, who attends or works in a child care group setting in a capacity which requires contact with children, or who provides direct patient care shall be required to cease work until the contact has submitted two consecutive stool specimens, taken at least 24 hours apart and at least 48 hours after the last dose of any antimicrobial therapy, to an appropriate clinical laboratory for bacteriologic examination and the specimens are determined by the laboratory to be negative for shigella.

**§ 27.159. Special requirements for typhoid and paratyphoid fever.**

(a) An asymptomatic household contact of a case of typhoid fever or paratyphoid fever who prepares or serves food for public consumption, who attends or works in a child care group setting in a capacity which requires contact with children, or who provides direct patient care shall be required to cease work until the contact has submitted two stool specimens, taken at least 24 hours apart, to an appropriate clinical laboratory for bacteriologic examination and those specimens are determined by the laboratory to be negative for *Salmonella typhi* or *Salmonella paratyphi*.

(b) A symptomatic household contact of a case of typhoid or paratyphoid fever who prepares or serves food for public consumption, who attends or works in a child care group setting in a capacity which involves contact with children, or who provides direct patient care shall be required to cease work until bacteriologic examination of three consecutive stool specimens, taken at least 24 hours apart and no sooner than 48 hours after any microbial therapy, and no earlier than 1 month after onset, are reported as negative.

(c) A chronic carrier of typhoid or paratyphoid fever shall be excluded from preparing or serving food for public consumption, attending or working in a child care group setting in a capacity which involves contact with children, and providing direct patient care, until three consecutive negative fecal cultures are obtained from specimens taken at least 1 month apart and at least 48 hours after antibiotic therapy has stopped.

**§ 27.160. Special requirements for measles.**

(a) *Isolation*. An infected person shall be restricted to the premises for 4 days after the appearance of the rash.

(b) *Quarantine*. Whenever measles is determined to be present in a school or child care group setting population, the Department or a local health department may do the following:

(1) Ascertain which children and staff persons are presumed susceptibles. A presumed susceptible is a person who fits into all of the following categories:

(i) Presents no history of two doses of measles vaccination, separated by at least 1 month, while 12 months of age or older.

(ii) Does not demonstrate serological evidence of measles immunity. The serological evidence is the presence of antibody to measles determined by the hemagglutination inhibition test or a comparable test.

(iii) Was born after December 31, 1956.

(2) Order exclusion from the school or child care group setting of presumed susceptible children and staff persons who do not present evidence of having received measles vaccination within 30 days prior to the outbreak. Exclusion shall continue until the excluded persons prove they do not meet the exclusion criteria specified in subsection (b)(1), they receive a measles vaccination, or no case of measles has occurred for a 14-day period.

**§ 27.161. Special requirements for tuberculosis.**

(a) *Isolation*. A person suspected of having tuberculosis in its communicable stage shall be isolated in the following manner:

(1) Isolation for tuberculosis shall be established at the usual residence of the person suffering from tuberculosis whenever facilities for adequate isolation of the infectious person are available at the residence, if the person will accept the isolation. Isolation of a person treated at a residence shall include instruction in the need to cover the mouth and nose when coughing and sneezing, and careful handling and disposal of sputum.

(2) If isolation for tuberculosis cannot be accomplished or maintained at the usual residence of the person and whenever, in the opinion of the Department or local health authority, the person is a health threat to others, by reason of the person's habits, neglect of treatment or noncompliance with the measures designed to protect others from infection, the isolation shall be enforced by following the procedures in § 27.87 (relating to refusal to submit to treatment for communicable disease).

(i) Isolation of a person treated in an appropriate institution shall be in accordance with *CDC Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health-Care Facilities* and any updates thereto as approved by the Board.

(ii) The Department will publish notice in the *Pennsylvania Bulletin* of updates of this publication within 30 days after Board approval is obtained.

(b) *Handling of contacts*. A human household contact or other close human contact shall be required to have a Mantoux tuberculin test or chest X-ray, or both. A close human contact means a person who spends a substantial amount of time with a person who has infectious tuberculosis. If the person refuses, enforcement shall be accomplished as designated in §§ 27.82 and 27.83 (relating to refusal to submit to examination; and court ordered examinations). If evidence of tuberculosis in contacts is found on chest X-rays or by symptoms, laboratory studies shall be conducted to determine if the contacts represent a public health threat.

**§ 27.162. Special requirements for animal bites.**

Except as may be otherwise required by the Dog Law (3 P. S. §§ 459-101—459-1205) and regulations promulgated by the Department of Agriculture thereunder, quarantine of a biting animal shall conform to the following:

(1) When an animal bites or otherwise potentially exposes a human to rabies, the Department or local health authority shall, after the case of an animal bite is reported, determine whether the animal shall be immediately destroyed and its head submitted to one of the State or county diagnostic laboratories for a rabies examination or whether some other action shall be pursued.

(2) Notwithstanding paragraph (1), when a healthy dog or cat bites or otherwise potentially exposes a human to rabies, the dog or cat shall be quarantined in a place and manner approved by the Department or the local health officer for 10 days after the date of the bite, unless the Department or local health officer directs otherwise.

(3) If a quarantine is imposed, the Department or the local health officer may order the owner or custodian of a biting animal to have the animal examined for symptoms of rabies during the quarantine period by a veterinarian licensed by the State Board of Veterinary Medicine. The cost of the examinations and other associated costs shall be borne by the owner or custodian of the biting animal.

**§ 27.163. Special requirements for psittacosis.**

A quarantine is not required for household contacts of a bird that is a carrier of psittacosis. However, parts of any buildings that housed birds infected with psittacosis may not be used by human beings until thoroughly cleaned and disinfected.

**§ 27.164. Special requirements for close contacts of cases of plague, pharyngitis or pneumonia.**

A close contact of any person or animal that is diagnosed as having plague (*Yersinia pestis*) pharyngitis, or pneumonia shall be provided chemoprophylaxis and placed under surveillance for 7 days.

**Subchapter F. MISCELLANEOUS PROVISIONS  
PSITTACOSIS**

**§ 27.181. Records of the sale, purchase or exchange of psittacine birds.**

**[ Dealers ]** A dealer who **[ purchase, sell, exchange or give ]** purchases, sells, exchanges or gives away a bird of the psittacine family shall keep a record for a period of 2 years of each transaction. This record shall include the number of birds purchased, sold, exchanged or given away, the date of the transaction, and the name and address of the person from whom purchased, to whom sold or given away, or with whom exchanged. Records shall be available for official inspection.

**§ 27.183. Occurrence of psittacosis.**

(a) The occurrence of a case of psittacosis in the human or avian family shall be cause for the **[ health authorities of competent jurisdiction ]** LMRO to make an epidemiologic investigation to determine the source of infection.

(b) Psittacine birds or other birds found on the same premises with a case of human or avian psittacosis shall be quarantined **and treated**, or destroyed, as prescribed by the **[ health authorities ]** Department or local

**health authority.** Aviaries, pet shops or other sources from which the birds were procured shall be quarantined until **[ it can be determined that psittacosis does not exist ]** the quarantine is terminated by the Department or local health authority. If quarantine is not maintained, the **[ health authorities ]** Department or local health authority may seize and destroy the **[ bird or ]** birds for which quarantine was ordered. **[ Bodies ]** The Department or local health authority shall destroy the bodies of the birds **[ so destroyed shall be disposed of ]** in a manner which will preclude, insofar as possible, the dissemination of the suspected infecting organism.

**§ 27.184. [ Violation of regulations ] (Reserved).**

**[ The act provides that inspection and prosecution for violation of §§ 27.181—27.183 (relating to psittacosis) may be made or brought by an agent of the health authorities or agent of an agency authorized by the Department to investigate and prosecute the violations. The investigation or prosecution shall be under of the act. ]**

**IMPORTATION OF [ LIVE WILD RABBITS, HARES OR RODENTS, AND IMPORTATION AND SALE OF LIVE TURTLES ] ANIMALS AND ANIMAL PRODUCTS**

**§ 27.191. Importation of [ live wild rabbits, hares or rodents ] animals and animal products during a public health emergency.**

In the event of a public health emergency, the **[ Secretary ]** Department may direct the following procedures for the importation of **[ wild rabbits, hares or rodents ]** animals or animal products:

(1) *Permit required.* **[ No person, organization or corporation may bring, cause to ]** The Department may designate a specific type of animal or animal product which may not be brought or **[ transport a live wild rabbit, hare or rodent ]** transported into this Commonwealth unless **[ the ]** that animal or animal product is accompanied by a permit issued by the Department or other agency authorized by the Department to issue permits.

(2) *Issuance of permits.* A permit will be issued upon request if the source of the animal or animal product is **[ submitted ]** established to the satisfaction of the Department or its agent and that source is known to be free of infection.

(3) *Destruction of animals and animal products.* If the animal or animal product is not accompanied by a permit or if the source **[ of the animal ]** is not the same as that set forth in the permit, the animal or animal product shall be immediately seized and destroyed and the means of conveyance disinfected at the expense of the owner.

**[ (4) Violations. The act provides that prosecutions may be initiated by the Department, by a**

**local board or department of health or by a person having knowledge of a violation the act or this chapter. ]**

**§ 27.192. Importation and sale of live turtles.**

[No] A live [turtles] turtle may not be sold or distributed or offered for sale or distribution within this Commonwealth [on or after July 1, 1972,] except [where] when the seller or distributor of the turtles shall warrant to the satisfaction of the Department that the shipment of turtles is free from salmonella [and Arizona] contamination. The Department [in its discretion,] may waive the requirements of this section for live turtles sold or distributed within this Commonwealth for the purposes of research, other zoological purposes or for food.

**DISPOSITION OF EFFECTS AND REMAINS OF INFECTED PERSONS**

**§ 27.201. Disposition of articles exposed to contamination.**

[No] A person may not give, lend, sell, transmit or expose, without previous cleaning and a certificate from the [health authorities] Department or local health authority attesting to the cleaning of bedding, clothing, rags or other articles which have been exposed to contamination from bubonic plague, [smallpox (variola, varioloid)] or anthrax, except [where] when the transmission of the articles is made with proper precaution and with the permission of the [health authorities] Department or local health authority for the purpose of having them cleaned.

**§ 27.202. Lease of premises occupied by a person with a communicable disease.**

[No] A person may not rent a room, house or part of a house in which there has been a person suffering from a communicable disease to another person without having the room, house or part of a house and articles therein[, previously] cleaned [to the satisfaction of the health authorities] prior to occupancy. The keeping of a hotel, boarding house or an apartment house shall be deemed as renting part of a house to a person who shall be admitted as a guest into the hotel, boarding house or apartment house.

**§ 27.203. Preparation for burial or transportation of deceased human bodies.**

[In the preparation for burial of a body of a person who had died of amebiasis, anthrax, cholera, diphtheria, plague, poliomyelitis, scarlet fever, shigellosis, smallpox, typhoid fever, paratyphoid fever, salmonellosis or other known or suspected communicable diseases, it shall be the duty of the undertaker or person acting as such to disinfect thoroughly by arterial and cavity injection with approved disinfectant fluid and to wash the surface of the body with an efficient germicidal solution and to effectually plug the body orifices.] When handling deceased human bodies, appropriate precautions shall be taken to prevent the spread of communicable diseases.

**§ 27.204. Funeral services.**

Services held in connection with the funeral of a person who has died with a disease for which isolation or quarantine is required, [or from measles or whooping cough, may be public but] shall be private when so ordered by the [health authorities of the jurisdiction] Department or local health authority having jurisdiction in the area in which the services shall be held. When the local health authority is not an LMRO, the local health authority shall consult with and receive the approval of the Department prior to making the order. The attendance at private funerals shall include only the immediate relatives of the deceased and the necessary number of pallbearers.

**§ 27.205. [Private transportation of human bodies] (Reserved).**

[The body of a person who has died of amebiasis, anthrax, cholera, diphtheria, plague, shigellosis, smallpox, hemolytic streptococcal sore throat, typhoid fever, paratyphoid fever or other salmonella infections may be transported by private conveyance if the body is placed in a leak-proof container or is embalmed and the surface of the body washed with an efficient germicidal solution and the body orifices effectually plugged.]

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