

PENNSYLVANIA BULLETIN

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Pages 4419—4532

See Part II page 4503
for the Environmental Quality Board's
Proposed Rulemaking on
Radiological Health

Part I

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Department of Banking
Department of Community and Economic
Development
Department of Conservation and Natural
Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Revenue
Department of Transportation
Environmental Quality Board
Executive Board
Historical and Museum Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Securities Commission
State Board of Landscape Architects

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

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Pennsylvania Bulletin

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

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

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

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

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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RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF LANDSCAPE ARCHITECTS [49 PA. CODE CH. 15] Continuing Education

The State Board of Landscape Architects (Board) amends §§ 15.12 and 15.63 and adds §§ 15.71—15.82, to read as set forth in Annex A. The amendments are designed to implement continuing education requirements as a condition for license renewal.

A. Effective date

The amendments will be effective upon publication in the *Pennsylvania Bulletin* and continuing education requirements will apply to the May 31, 2003, license renewal.

B. Statutory Authority

The amendments are authorized under sections 5 and 9.1 of the Landscape Architects' Registration Law (act) (63 P. S. §§ 905 and 909.1).

C. Background and Purpose

The amendments are designed to implement language added to the act providing for continuing education requirements as a condition of license renewal.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of proposed rulemaking was published at 28 Pa.B. 3414 (July 18, 1998). The Board received comments from the Pennsylvania Society of Land Surveyors (PSLS), the American Society of Landscape Architects (ASLA), the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Board considered all of the comments and recommendations received in preparing final rulemaking.

Most of the comments received related to the clarity and accuracy of the regulatory language. The Board accordingly, made numerous revisions in final rulemaking to more clearly and accurately define terms and procedures. For example, the regulations now refers consistently to the defined term "clock hour" as suggested by ASLA and IRRC. Similarly, the Board has revised its use of terminology referencing continuing education providers and has added several definitions suggested by IRRC.

The PSLS noted that it, as the only professional organization in this Commonwealth providing continuing education for land surveyors, is not included in § 15.76 of the proposal relating to preapproved sources of continuing education courses. The Board has determined that PSLS should be included in the list of approved providers.

IRRC expressed concern about the definition of "office management" wherein computer applications relating to the practice of landscape architecture may be excluded from continuing education credit. The Board has revised the definition. Similarly, IRRC expressed concerns about satellite seminars and electronic transmissions and spe-

cifically questioned, as did the ASLA, the appropriateness of permitting no more than 5 clock hours' credit per biennium from these sources. The Board notes that the 5-hour limitation, as proposed, represents fully one-half the total amount of the continuing education required for biennial renewal. The Board believes that considerable value is derived from professional and personal interactions which are obtainable only in the company of colleagues. For these reasons, the provision is retained in final rulemaking.

Likewise, IRRC questioned the role of a moderator in satellite seminars viewed at other sites by electronic transmission as outlined in the proposed rulemaking in § 15.739(c)(1). The Board's initial thinking involved the concept that continuing education courses should be more challenging than the passive viewing of a television video and should include the intellectual give-and-take of professional discussions. Upon consideration of IRRC's comments and in view of the breadth of variety in courses available to licensees, the Board will not insist that a moderator be available for all satellite courses. Instead, it will require providers of satellite seminars and electronic presentations to document affiliation with an organization acceptable to the Board as a continuing education course provider, such as an educational institution, or provide a means of evaluating licensees' successful completion of the course. The new requirements have been inserted in § 15.75(e).

IRRC also questioned the propriety of requiring reapproval for each course on a biennial basis. The Board agrees that biennial reapproval is not necessary for providers who do not modify their course presentations over the course of the biennium and has deleted the term "per biennium" from § 15.74(a). Language has been added in § 15.75(d) requiring providers to submit course modifications to the Board as they occur. Significant modifications resulting in a change in the goals of the course, for example, will require submission of a new application for Board approval.

The ASLA questioned whether the Board will be able to approve continuing education courses in a timely fashion. The Board is satisfied that it can and will do so.

IRRC has queried whether the Board intends that approval be sought for providers or courses, or both, and suggests that certain provisions may be redundant and burdensome. A review of section 9.1 of the act reveals that courses, not providers, are required to be approved. Accordingly, the Board has made numerous editorial and language changes throughout the final rulemaking to provide that courses will be approved by the Board, rather than providers. Revisions have been made in §§ 15.12, 15.71 and 15.73—15.78. The Board believes that the new language will provide the clarity and accuracy missing in proposed rulemaking with regard to the statutory requirements.

With respect to IRRC's recommendation that the Board delete language in § 15.75 relating to approval of instructors by a provider or institution in favor of identifying specific criteria in the regulation for the approval of an instructor, the Board believes that the language in the proposed rulemaking is adequate to comply with statutory language and notes that § 15.74(c)(4) requires instructors to be identified on course approval application forms. The Board is not expert in educational credentialing and is satisfied that instructor credentialing effectually

ated by accredited educational institutions is more than sufficient to satisfy legislative criteria.

The Board agrees with IRRC's comment that individual licensees who seek approval of courses not approved under § 15.74 or § 15.75 had, under proposed regulatory language, a greater burden of documentation than licensees who restrict their studies to Board-approved courses. Accordingly, it has revised § 15.77(d) to merely require licensees who obtain personal approval for a course not already approved to comply with the recordkeeping and documentation rules required of all licensees.

IRRC has also suggested that the Board revise proposed requirements in § 15.80(a) (relating to retention of records). IRRC suggested that the Board tie the 4-year retention of record requirement to the current and immediately preceding biennial time frame. The Board declines to make this change due to the need for administrative flexibility in the audit procedure utilized by Bureau of Professional and Occupational Affairs licensing boards.

In a related matter, the Board agrees with the HPLC's suggestion that providers be required to retain records of continuing education hours awarded to licensees under the auspices of their programs and had inserted that requirement in § 15.80. Although the Board has no desire to create unnecessary recordkeeping standards, it considers this suggestion helpful to licensees who may be unable to document their credit hours in any other manner through no fault of their own. Licensees would have the option of returning to their continuing education provider for copies of documentation acceptable to the Board.

The HPLC and IRRC expressed due process concerns with § 15.78 which permits the Board to withdraw approval of program sponsors without a due process hearing. The Board amended the language in § 15.78 to clarify that courses, not providers, will be approved, and that any withdrawal of approval will be for a particular course, not for a provider. The Board chose not to change the language of § 15.78 to include notice and opportunity for hearing prior to course disapproval, as it felt that it would be well served by a less formal and burdensome process. The language of § 15.74(c) permits providers to submit clarifications or revisions, or to submit new applications in some cases should the need arise, to meet Board requirements.

The Board submitted the rulemaking in final form on December 1, 1999. The rulemaking was approved by the HPLC on December 7, 1999. Following discussions with the analysts for IRRC, the Board withdrew the rulemaking to replace § 15.78 entirely. The new language of § 15.78 provides that the Board may withdraw course approval following notice and hearing. The rulemaking was withdrawn to insert this provision for a hearing; the Board also corrected minor errors in two other sections. In § 15.72, the word clock was inserted before the word hours, and in § 15.76(5), the National Council of Examiners for Engineering and Land Surveying, an organization of licensing boards which does not offer educational courses, was replaced by the National Society of Professional Engineers and its affiliates.

E. Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1, the Board has sought in final rulemaking to achieve clear and, when possible, nontechnical language. Likewise, it has reviewed and incorporated many of the comments received on the proposed rulemaking from various individuals and organizations representing the regulated community as well as the HPLC and IRRC.

F. Fiscal Impact and Paperwork Requirements

Continuing education program providers will be required to complete applications for approval as well as to maintain records of licensees completing courses. Licensees will be required to maintain records of continuing education completed. The Board will process applications for which a fee will be charged. The fees for course approval have increased since the time the fees were calculated in 1996 for the proposed rulemaking. This increase reflects more current figures for costs of Board staff time and administrative overhead.

G. Sunset Date

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

H. Regulatory Review

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

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 1, 1999, the Board submitted the text of these final-form regulations together with the Board's responses to comments received on proposed rulemaking, a copy of the notice of proposed rulemaking published at 28 Pa.B. 3414, and other required documentation, to IRRC and the Chairpersons of the HPLC 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.

The final-form regulations as originally submitted were approved by the House Committee on December 7, 1999.

On December 30, 1999, the Board withdrew the final-form regulations for the purpose of replacing § 15.78 with new language.

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on July 11, 2000, the Board resubmitted the modified text of these final-form regulations together with the Board's responses to comments received on proposed rulemaking, a copy of the notice of proposed rulemaking published at 28 Pa.B. 3414, and other required documentation, to the IRRC and the Chairpersons of the HPLC 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.

This final-form regulation was deemed approved by the House and Senate Committee on July 31, 2000. IRRC met on August 10, 2000, and approved the amendments in accordance with section 5(e) of the Regulatory Review Act.

I. Public Comment

Interested persons may obtain information regarding the amendments by writing to State Board of Landscape Architects, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649.

J. Contact Person

Further information may be obtained by contacting Shirley Klinger, Administrative Assistant, State Board of Landscape Architects, P. O. Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-4865.

K. 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) These amendments do not enlarge the purpose of proposed rulemaking published at 28 Pa.B. 3414.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Part B of this preamble.

L. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 15, are amended by amending §§ 15.12 and 15.63 and by adding §§ 15.71—15.81, 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*.

JAMES W. PASHEK, L.A.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 4480 (August 26, 2000).)

Fiscal Note: Fiscal Note 16A-612 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 15. STATE BOARD OF LANDSCAPE ARCHITECTS

APPLICATION PROCEDURES

§ 15.12. Fees.

Following is the schedule of fees charged by the Board:

- (1) Application for examination \$40
- (2) Certification of licensure or scores \$15
- (3) Fee per section of licensing examination:
 - (i) June 1999:
 - Section A \$40
 - Section B \$75

- Section C \$150
- Section D \$125
- Section E \$150

(ii) December 1999:

- Section A not administered
- Section B not administered
- Section C \$160
- Section D \$130
- Section E \$160

(iii) June 2000:

- Section A \$40
- Section B \$80
- Section C \$160
- Section D \$130
- Section E \$160

(4) Administration of examination for one section or more \$45

(5) Application for licensure without examination:

- (i) With proof of licensure \$45
- (ii) Without proof of licensure \$255

(6) Duplicate certificate fee \$5

(7) Biennial registration fee \$125

(8) Provider application for continuing education course approval under § 15.74 (relating to approval of continuing education courses) \$100

(9) Licensee application for continuing education course approval under § 15.77 (relating to licensee application for approval of continuing education courses) \$40 (per clock hour)

PROFESSIONAL OBLIGATIONS, COMPETENCE AND CONDUCT

§ 15.63. Misconduct.

A landscape architect who is found guilty by the Board of misconduct in the practice of landscape architecture is subject to disciplinary action under section 4(4) of the act (63 P. S. § 904(4)). Misconduct in the practice of landscape architecture includes the following:

- (1) Failing to exercise good faith in the performance of landscape architecture as an agent or employee of another.
- (2) Knowingly making or issuing a misleading, deceptive or fraudulent statement in regard to an aspect of his or another landscape architect's practice.
- (3) Performing landscape architectural work which the landscape architect knows or has reason to know that he is not competent to perform.
- (4) Delegating a professional responsibility to a person when the landscape architect knows or has reason to know that the person is not qualified by training, experience, license or certification to assume the responsibility.
- (5) Knowingly aiding or abetting a person who is not licensed and registered, or exempt from licensure and registration requirements in performing a landscape architectural work.
- (6) Knowingly aiding or abetting a person who is not qualified by training or experience in seeking licensure to practice landscape architecture.

(7) Misrepresenting or concealing a material fact in obtaining a license to practice landscape architecture or its reinstatement.

(8) Using or permitting the use of the professional seal on a document when the landscape architect did not actually prepare the document or supervise its preparation.

(9) Violating the act or this chapter.

(10) Failure to furnish evidence of completion of continuing education as requested by the Board or the furnishing of false or fraudulent information pertaining to the completion of continuing education.

CONTINUING EDUCATION

§ 15.71. Definitions.

The following words and terms, when used in this section and §§ 15.72—15.81 (relating to continuing education), have the following meanings, unless the context clearly indicates otherwise:

Biennium—The period from June 1 of an odd-numbered year to May 31 of the next odd-numbered year.

Clock hour—Fifty minutes of instruction or participation in an approved course, not including keynote speeches, luncheon speeches or breaks and marketing or product presentations.

Electronic presentation—Transmittal of information by means of applications such as computer technology, telecommunications, television, and the like.

Office management—Activity supportive of administrative or business activities and not related to professional practice, including bookkeeping, business development, finance, marketing, taxes, human resources and the use of office equipment.

Provider—A person, agency, organization, institution or association approved by the Board to offer a continuing education organized course.

Satellite seminar—A course provided at a central location and viewed at remote sites by electronic transmission.

§ 15.72. Requirement for biennial renewal.

As a condition of biennial renewal commencing with the 2003 biennium and continuing thereafter, licensees shall have completed during the preceding biennium 10 clock hours of continuing education in acceptable courses approved under this subchapter.

§ 15.73. Acceptable continuing education courses.

(a) Only courses approved by the Board will be accepted for continuing education credit. The licensee shall be responsible for ascertaining the approved status of the course before undertaking a continuing education activity.

(b) Acceptable subject matter for continuing education courses is limited to courses pertaining to the enhancement of the landscape architect's professional skills. The Board will not approve courses in office management.

(c) A maximum of 5 clock hours per biennium will be accepted in courses consisting of satellite seminars and electronic presentations.

§ 15.74. Approval of continuing education courses.

(a) A provider seeking approval to offer a continuing education course, other than a provider identified in § 15.76 (relating to sources of continuing education courses), shall submit an application, accompanied by the fee in § 15.12 (relating to fees), at least 120 days before

the scheduled presentation date of the course. The Board will conduct a final review of an application, if required, at its next regularly scheduled meeting.

(b) The application shall include the following information:

(1) The full name and address of the provider.

(2) The title of the course and subjects covered.

(3) The date and location of the course.

(4) The names, titles, affiliations and degrees of instructors.

(5) The schedule of the course. A detailed syllabus and time allocated for each portion of the course.

(6) A breakdown of the number of clock hours for each portion of the course scheduled.

(7) The method of certifying attendance.

(8) The course coordinator.

(9) Evidence of compliance with the standards in § 15.75 (relating to standards for courses).

(c) Disapprovals of courses will include statements setting forth the reasons for disapproval. Providers may submit new applications which document alterations made to meet Board requirements.

§ 15.75. Responsibilities of course providers.

(a) Providers shall supply adequate facilities that provide physical access to licensees in conformance with applicable law except for satellite seminars and electronic presentations.

(b) Providers shall insure that instructors are qualified.

(c) Providers seeking Board approval of a course shall present evidence that the course material and subject matter will enhance landscape architects' professional knowledge and practice skills.

(d) Providers shall inform the Board of material modifications in courses before modifications are implemented. Approval may be withdrawn if changes do not comply with the act and §§ 15.71—15.74, 15.76—15.81 and this section.

(e) Providers of satellite seminars or electronic presentations shall document affiliation with an educational institution or other entity identified in § 15.76 (relating to sources of continuing education courses) or provide a mechanism to test or evaluate the licensee's successful completion of the course.

§ 15.76. Sources of continuing education courses.

The Board finds the courses provided by the following entities meet the standards of the act and this subchapter:

(1) The American Society of Landscape Architects and its affiliates.

(2) The American Nurserymen's Association and its affiliates.

(3) The American Planning Association and its affiliates.

(4) The American Institute of Architects and its affiliates.

(5) The National Society of Professional Engineers and its affiliates.

(6) The National Recreation and Parks Association and its affiliates.

- (7) The Pennsylvania Society of Land Surveyors.
- (8) The Urban Land Institute.
- (9) Accredited colleges and universities which offer courses in landscape architecture or related fields.
- (10) Agencies of the Commonwealth and Federal government offering training programs in landscape architecture and its related fields.

§ 15.77. Licensee application for approval of continuing education courses.

- (a) A licensee may apply for approval of a course not approved by the Board under § 15.74 or § 15.76 (relating to approval of continuing education courses; and sources of continuing education courses) on a one-time basis per biennium. A licensee shall submit an application for approval and the required fee at least 60 days prior to the date the course commences.
- (b) The application shall include the supporting documentation required by § 15.74(b).

§ 15.78. Withdrawal of approval of a course.

The Board may, following notice and hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), withdraw the approval of an approved course if the Board finds one or more of the following:

- (1) The Board's approval of the course was acquired by misrepresentation.
- (2) The provider fails to maintain compliance with § 15.75 (relating to standards for providers).
- (3) The provider refuses to allow reasonable inspection or to supply information on request of the Board or its representatives.
- (4) The provider and the course otherwise do not comply with this chapter.

§ 15.79. Reporting of hours spent in continuing education.

An applicant for license renewal shall provide the following information for each course attended on Board-provided forms:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of course.
- (4) The course provider.
- (5) The location of course.

§ 15.80. Retention of records.

- (a) The licensee shall retain copies of licensure renewal forms and the certificates, transcripts or other acceptable documentation of completion of the prescribed number of clock hours for 4 years following completion of the course. Records and documentation shall be produced upon demand by the Board or its auditing agents. The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement.
- (b) Acceptable documentation of completion shall consist of a document prepared by the provider indicating continuing education course titles, completion dates and clock hours granted.

- (c) A provider shall retain records for 4 years following the presentation of a course which shall document the successful completion of a course and the number of clock hours granted to every licensee. Copies of transcripts, certificates or other documentation shall be made available to a licensee upon request.

§ 15.81. Waiver.

The Board may waive all or part of the continuing education requirement for biennial renewal upon written documentation by a licensee of illness, emergency or hardship. A waiver request will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver request.

[Pa.B. Doc. No. 00-1451. Filed for public inspection August 25, 2000, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective August 11, 2000.

The following organization chart at 30 Pa.B. 4435 (August 26, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 00-1452. Filed for public inspection August 25, 2000, 9:00 a.m.]

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 123]

Community Revitalization Program

The Department of Community and Economic Development (Department) hereby amends Chapter 123 to read as set forth in Annex A. The statement of policy is amended under the authority of Part II, section 209 of Act 21A of 2000 (Appropriation Act).

Background

The Appropriation Act requires the Department to publish Community Revitalization Program (CRP) guidelines in the *Pennsylvania Bulletin* prior to the spending of the 2000-2001 moneys designated for the CRP. This amended statement of policy updates the existing CRP guidelines published in 1999.

Amendments

Section 123.1 (relating to introduction) is amended to update the reference to the Appropriation Act and to the current fiscal year.

Section 123.3 (relating to eligibility) is amended to update the reference to the Appropriation Act and to the current fiscal year.

Section 123.5 (relating to application submission and approval procedure) is amended to update the reference to the current fiscal year, the grant award cycles and the proposed award dates.

Section 123.6 (relating to procedures) is amended to update the reference to the current fiscal year.

Fiscal Impact

The amended statement of policy has no fiscal impact on the Commonwealth, political subdivisions or the public.

Paperwork Requirements

Additional paperwork requirements are not imposed as a result of the amended statement of policy.

Contact Person

For further information regarding the amended statement of policy, contact Matt Tunnell, Director, Policy and Technology Office, Department of Community and Economic Development, Room 433 Forum Building, Harrisburg, PA 17120, (717) 787-3003.

Findings

The Department finds that delay in implementing the statement of policy will have a serious adverse impact on the public interest.

Order

The Department acting under the authorizing statute, orders that:

(a) The statement of policy of the Department, 12 Pa. Code Chapter 123, is amended by amending §§ 123.1, 123.3, 123.5 and 123.6 to read as set forth in Annex A.

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

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

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

SAMUEL MCCULLOUGH,
Secretary

Fiscal Note: 4-71. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart A. STRATEGIC PLANNING AND OPERATION

CHAPTER 123. COMMUNITY REVITALIZATION PROGRAM—STATEMENT OF POLICY

§ 123.1. Introduction.

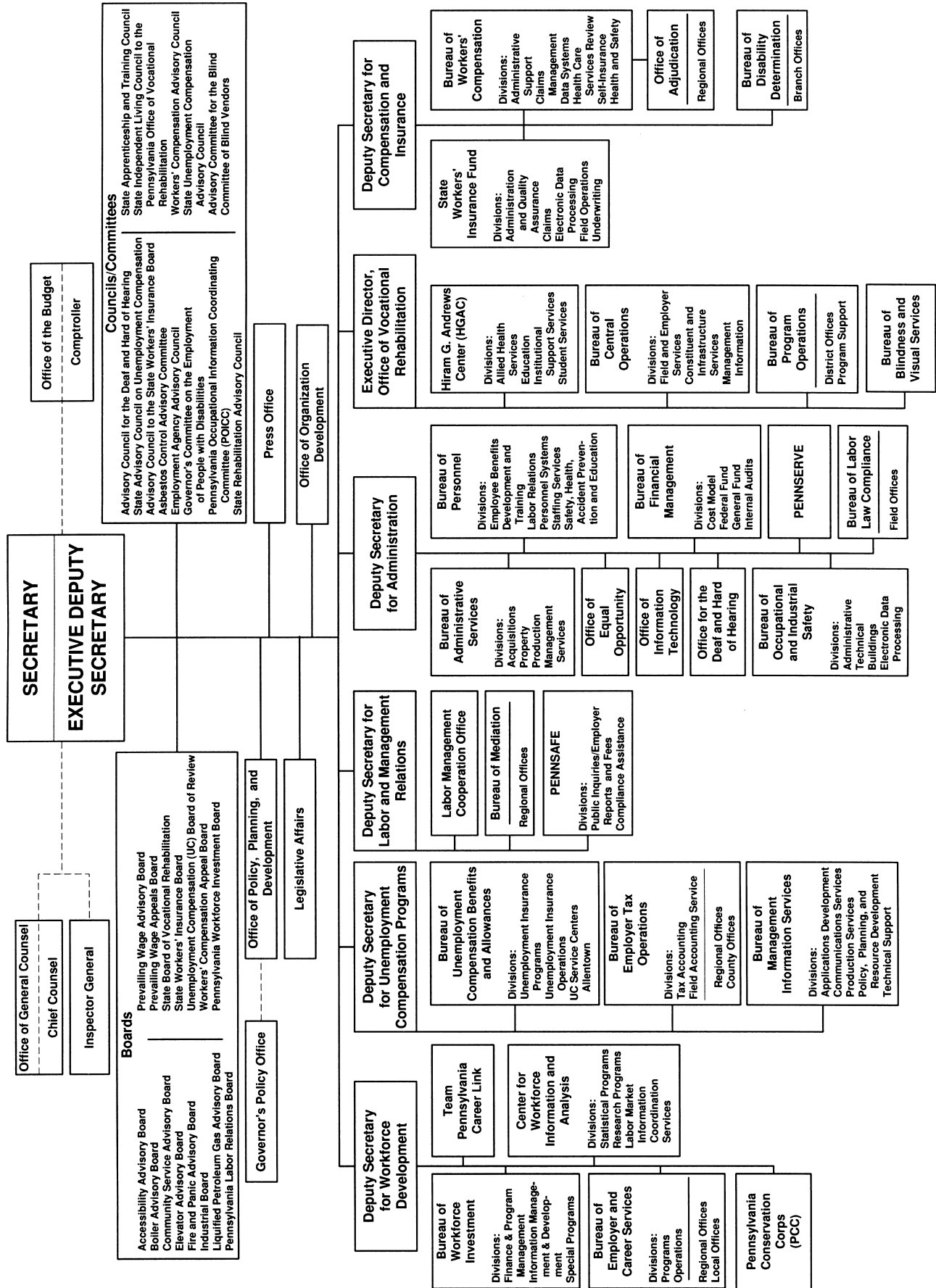
(a) The CRP provides grants for community revitalization and improvement projects throughout this Commonwealth. CRP funds may be used for projects that are in accordance with Act 21A of 2000. Eligible projects are defined in § 123.3(b) (relating to eligibility).

(b) Assistance from the CRP is in the form of grants from the Commonwealth to eligible applicants for projects which, in the judgment of the Department:

(1) Comply with Act 21A of 2000.

(2) Are in accordance with the program guidelines in this chapter.

DEPARTMENT OF LABOR AND INDUSTRY



(3) Meet all Department Single Application for Assistance criteria found in the application.

(c) Applicants should be aware that applications for other Department programs may also be considered under the CRP. This creates a large pool of applications for a limited appropriation from the General Assembly. As such, not every application can or will be funded.

(d) The 2000 CRP expenditures will be charged to the State fiscal year July 1, 2000 to June 30, 2001.

§ 123.3. Eligibility.

(a) *Eligible applicants.* The following applicants are eligible:

(1) General purpose units of local government, including counties, cities, boroughs, townships and home rule municipalities.

(2) Municipal and redevelopment authorities and agencies.

(3) Industrial development authorities and agencies.

(4) Nonprofit corporations incorporated under the laws of the Commonwealth.

(5) Community organizations engaged in activities consistent with the program guidelines as determined by the Department.

(b) *Eligible projects.* CRP funds may be used for community revitalization and improvement projects that are consistent with Act 21A of 2000. Eligible projects include projects which meet one or more of the following criteria:

(1) Improve the stability of the community.

(2) Promote economic development.

(3) Improve existing or develop new, or both, civic, cultural, recreational, industrial and other facilities.

(4) Assist in business retention, expansion, creation or attraction.

(5) Promote the creation of jobs and employment opportunities.

(6) Enhance the health, welfare and quality of life of Pennsylvania citizens.

(c) *Guideline compliance for Fiscal Year 2000-2001.* Projects that receive funding shall meet one or more of the criteria in subsection (b).

§ 123.5. Application submission and approval procedure.

(a) The application is available by calling the Customer Service Center, the Department's Regional Offices or at the Department's web site DCED@state.pa.us. Applications will be accepted anytime throughout the fiscal year, subject to § 123.7 (relating to limitations and penalties). Applications should be submitted to the following address:

Department of Community and Economic Development
Customer Service Center
400 Forum Building
Harrisburg, Pennsylvania 17120
(800) 379-7448

(b) CRP grant awards will be made in four funding rounds during the fiscal year. The Department will grant approximately 20% to 25% of the program appropriation in each round, and the balance in the final round. These percentages are targets. The Department will make every effort to allocate program funds in accordance with these targets, but is not bound to them. Applicants should not

apply in each round, and should apply only once during the 2000-2001 Fiscal Year. Grant applications not funded in a round will be rolled into the next round for consideration.

(1) The first round consideration will include all applications received between July 1 and Thursday, August 31, 2000.

(2) The second round will include applications received by Thursday, November 30, 2000, and applications not approved in the first round.

(3) The third round will include applications received by Wednesday, January 31, 2001, and applications not approved in the first and second rounds.

(4) The fourth round will include applications received by Friday, March 30, 2001, and applications not approved in the first, second and third rounds.

(5) Targeted grant announcement dates, subject to change without notice at the discretion of the Department, are as follows:

(i) October 2000 for the first round.

(ii) January 2001 for the second round.

(iii) March 2001 for the third round.

(iv) May 2001 for the fourth round.

(c) CRP funds remaining after the fourth round may be awarded by the Department up to the end of the fiscal year.

(d) Unlike prior years, letters will not be sent to applicants after each funding round advising applicants that they have not been funded.

(e) Applicants that do not receive funding during any of the rounds will be notified at the end of the fiscal year.

(f) Follow up information as to the status of submitted grant applications may be obtained by contacting the DCED Customer Service Center. However, calls are not encouraged. The account manager letter is confirmation of receipt of the application. The demand for this program is very high, and staff may not be familiar with each individual application. Applicant care in preparation of the application will assist the Department in processing the application.

(h) Applicants should not submit more than one application per fiscal year. Additional applications do not enhance opportunity for funding. The Department reserves the right to reject additional applications from the same applicant, without notice to the applicant.

(i) The Department reserves the right to reject, without notification, applications received after March 30, 2001 for the 2000-2001 fiscal year appropriation.

§ 123.6. Procedures.

(a) The CRP grant award notifications will be made by letter. After the award letter has been mailed, the applicant will receive a contract document that shall be signed by the grantee and returned to the Department for execution on behalf of the Commonwealth. Grants will not be awarded without a fully executed contract.

(b) The applicant will maintain full and accurate records with respect to the project. The Department will have free access to these records including invoices of material and other relative data and records, as well as the right to inspect all project work. The applicant shall

furnish upon request of the Department the data, reports, contracts, documents and other information relevant to the project.

(c) Approved grants in the amount of \$100,000 or more require the grantee to provide an audit of the grant by a certified public accountant, prepared at the expense of the grantee, in compliance with State law.

(d) Approved grants under \$100,000 require the grantee to submit a detailed financial statement and a close out report of the use of State funds consistent with the contract. An audit is recommended, although not required.

(e) Funds will be disbursed according to the provisions in the contract between the applicant and the Department.

(f) Applications not acted on favorably will be considered to have been denied and will not be considered for the 2001-2002 fiscal year.

[Pa.B. Doc. No. 00-1453. Filed for public inspection August 25, 2000, 9:00 a.m.]

Title 64—SECURITIES

SECURITIES COMMISSION

[64 PA. CODE CH. 604]

Denial of Allegations; Offers of Settlement and Consent Injunctions—Criminal Referrals and Investigations

The Securities Commission (Commission) hereby publishes this statement of policy to read as set forth in Annex A. This statement of policy addresses: (1) denial of allegations in any civil lawsuit brought by the Commission or in any administrative proceeding of an accusatory nature pending before the Commission; and (2) consents, or agreements to consent, to any judgment of a court in a civil case brought by the Commission or a Commission order.

A. Effective Date

The statement of policy shall be effective upon publication in the *Pennsylvania Bulletin*.

B. Statutory Reference

Section 510 of the Pennsylvania Securities Act of 1972 (act) (70 P.S. § 1-509) authorizes the Commission to institute investigations for violations of the act. Section 509 of the act (70 P.S. § 1-509) permits the Commission to seek civil injunctive and other equitable relief in the Commonwealth Court and courts of common pleas as well as civil contempt for violations of certain Commission orders. Sections 512, 513 and 602.1 of the act (70 P.S. §§ 1-512, 1-513 and 1-602.1) allow the Commission to impose certain sanctions and administrative assessments. Under § 901.011 (relating to applicability of general rules), administrative proceedings before the Commission are governed by 1 Pa. Code § 31.1 (relating to scope of part) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

C. Summary and Purpose

The purpose of § 604.021 (relating to denial of allegations—statement of policy) is to address the public policy issue of preventing a person from entering into a settlement of an enforcement matter brought by the Commission

in which the person denies that the alleged activities ever occurred. In this section, the Commission announces its policy that, in any civil lawsuit brought by the Commission or in any administrative proceeding of an accusatory nature pending before the Commission, it is important to avoid creating, or permitting to be created, an impression that a decree is being entered or a sanction is being imposed, when the conduct alleged did not, in fact, occur.

Therefore, it is the Commission's policy not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or the Commission's order instituting an administrative proceeding of an accusatory nature. The Commission believes that a refusal to admit the allegations is equivalent to a denial, unless the defendant or respondent states that he neither admits nor denies the allegations. This section is identical to a similar policy statement published by the United States Securities and Exchange Commission at 17 CFR 202.5(e) (relating to enforcement activities).

Section 604.021 is intended to place defendants in civil lawsuits and respondents in administrative proceedings on notice that anyone who consents or agrees to consent to any judgment or order does so solely for the purpose of resolving investigative, civil or administrative matters and not for the purpose of resolving any criminal charges that have been, or may be brought against them.

Although section 511 of the act provides for a criminal penalty for violations of the act, criminal authority and responsibility are vested in the Office of Attorney General and the district attorneys of the several counties, not the Commission. Adoption of this statement of policy is intended to emphasize that persons who enter into settlement negotiations and agree to a consent judgment or order know that the consent or order addresses only investigative, civil or administrative matters and has no bearing on resolving criminal charges that have been, or might be brought, against them, including a recommendation made by the Commission under § 501.011 (relating to criminal referrals).

M. JOANNA CUMMINGS,
Secretary

(Editor's Note: The regulations of the Commission are amended by adding a statement of policy at 61 Pa. Code §§ 604.021 and 604.022 to read as set forth in Annex A.)

Fiscal Note: 50-115. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 64. SECURITIES

PART I. SECURITIES COMMISSION

Subpart F. ADMINISTRATION

CHAPTER 604. INTERPRETIVE OPINIONS OF COMMISSION—STATEMENT OF POLICY

§ 604.021. Denial of allegations—statement of policy.

The Commission has adopted a policy that in a civil lawsuit brought by the Commission or in an administrative proceeding of an accusatory nature pending before the Commission, it is important to avoid creating, or permitting to be created an impression that a decree is being entered or a sanction is being imposed, when the conduct alleged did not, in fact, occur. Accordingly, it is the policy of the Commission not to permit a defendant or respondent to consent to a judgment or order that

imposes a sanction while denying the allegations in the complaint or the Commission's order instituting an administrative proceeding of an accusatory nature. The Commission believes that a refusal to admit the allegations is equivalent to a denial, unless the defendant or respondent states that he neither admits nor denies the allegations.

§ 604.022. Offers of settlement and consent injunctions—criminal referrals and investigations—statement of policy.

(a) In the course of Commission investigations, civil lawsuits and administrative proceedings, Commission staff may discuss with persons involved the disposition of these matters by consent, by settlement or in some other manner.

(b) It is the policy of the Commission that the disposition of a matter may not, expressly or impliedly, extend to criminal charges that have been, or may be, brought

against the person or a recommendation by the Commission under § 501.011 (relating to criminal referrals) with respect thereto.

(c) A person involved in an enforcement matter before the Commission who consents, or agrees to consent, to a judgment or order does so solely for the purpose of resolving claims against him with respect to that investigative, civil or administrative matter and not for the purpose of resolving criminal charges that have been, or might be, brought against him.

(d) This statement of policy reflects the fact that neither the Commission nor its staff have the authority or responsibility for instituting, conducting, settling or otherwise disposing of criminal proceedings. That authority and responsibility is vested in the Office of Attorney General and the district attorneys of the several counties.

[Pa.B. Doc. No. 00-1454. Filed for public inspection August 25, 2000, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Application Period for Farm Safety and Occupational Health Grant Program

The Department of Agriculture (Department) announces the opening of the application period for funding from the Farm Safety and Occupational Health (FSOH) Grant Program for FY 2001. Grant applications will be accepted at the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Room G-13, Harrisburg, PA 17110-9408, from August 21, 2000 to October 30, 2000. Applications must be postmarked by October 30, 2000, to be considered for funding.

The FSOH Program was created by the General Assembly through the passage of the Farm Safety and Occupational Health Act (act) (3 P. S. §§ 1901—1915) effective February 10, 1995. The program is funded through a specific appropriation provided for in the act. For program guidelines, see the Farm Safety and Occupational Health Grant Program Guidelines.

The Farm Safety and Occupational Health Grant Program will award financial assistance, of up to \$2,500, to Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth that wish to develop and deliver farm safety, occupational health and emergency response programs. The applications will be evaluated using criteria set forth in the Statement of Policy.

Obtaining Applications

Applications are available upon request by contacting Shiree Hunter at the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5202 or by fax (717) 783-3275.

For further assistance, contact Phillip Pitzer, Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5206.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 00-1455. Filed for public inspection August 25, 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 August 15, 2000.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-10-00	Fulton Bank, Lancaster, and Great Valley Savings Bank, Reading Surviving Institution—Fulton Bank, Lancaster	Lancaster	Approved
8-11-00	Farmers Building and Savings Bank, Rochester, and Cammar Building and Loan Association, Monaca Surviving Institution—Farmers Building and Savings Bank, Rochester	Rochester	Effective

Note: The main office of Cammar Building and Loan Association, located at 1236 Pennsylvania Avenue, Monaca, will be discontinued upon consummation of the merger.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-10-00	The Peoples Bank of Oxford Oxford Chester County	Maple Heights Lane and MD Rte. 273 Rising Sun Cecil County Maryland	Approved
8-10-00	Abington Savings Bank Jenkintown Montgomery County	251 Stump Road North Wales Montgomery County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-10-00	Pennsylvania State Bank Camp Hill Cumberland County	6480 Carlisle Pike Mechanicsburg Cumberland County	Approved
8-11-00	U. S. Bank Johnstown Cambria County	Oakley Park 2 Suite 202, R. R. 7 Greensburg Unity Township Westmoreland County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-7-00	Pittsburgh Savings Bank Pittsburgh Allegheny County	<i>To:</i> 441 Smithfield St. Pittsburgh Allegheny County <i>From:</i> 438 Wood Street Pittsburgh Allegheny County	Effective
8-15-00	Northwest Savings Bank Warren Warren County	<i>To:</i> 1054 East Main St. Palmyra North Londonderry Twp. Lebanon County <i>From:</i> 1048 East Main St. Palmyra North Londonderry Twp. Lebanon County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-4-00	Firsttrust Savings Bank Conshohocken Montgomery County	4626 Broadway Allentown Lehigh County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-1456. Filed for public inspection August 25, 2000, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2000

The Department of Banking (Department) of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of September 2000, is 8 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on an individual who finances the sale or exchange of residential real property which an individual owns and which an individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 6.03 to which was added 2.50 percentage points for a total of 8.53 that by law is rounded off to the nearest quarter at 8 1/2%.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-1457. Filed for public inspection August 25, 2000, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

FY 2000-01 Family Savings Account Program Workshop

The act of June 24, 1997 (P. L. 247, No. 23) (73 P. S. §§ 400.1301—400.2103) established Pennsylvania's Family Savings Account (FSA) Program. The FSA Program is a community building initiative established for the purpose of promoting self-sufficiency through asset development for lower income Pennsylvanians through a matched savings program. The matched savings can be used to help finance the purchase of a new home, pay for education expenses, entrepreneurial or other activities based on an approved plan, which includes participation in a minimum of four workshops in basic economic literacy.

The FSA Program is a key component of Governor Ridge's Project for Community Building. The FSA Program will stimulate economic self-sufficiency by helping participants to focus on long and short term financial skills while encouraging savings and asset development that will empower individuals as well as economically strengthen communities in Pennsylvania.

\$1,500,000 in State appropriated funds will be available for the FSA Program for FY 2000-01. Service Providers will be limited to those organizations with the ability to enroll a minimum of 100 savers. Savers will be limited to those persons whose income at the time of enrollment is not more than 200% of the official poverty line established by the Federal Office of Management and Budget.

For FY 2000-01, priority will be given to applicants serving counties presently not served by FSA programs as follows: Adams; Armstrong; Bedford; Blair; Butler; Cambria; Cameron; Carbon; Centre; Clarion; Clearfield; Clinton; Columbia; Crawford; Cumberland; Dauphin; Elk; Forest; Franklin; Fulton; Huntingdon; Jefferson; Juniata; Lawrence; Lebanon; Lycoming; McKean; Mercer; Monroe; Montour; Northumberland; Perry; Pike; Potter; Somerset; Venango; Warren; Westmoreland; and York. Applications will, however, be accepted for applicants serving other counties.

The Department of Community and Economic Development, Community Empowerment Office, has scheduled a workshop on October 3, 2000, in Harrisburg, PA for the purpose of providing FSA Program information to interested applicants. Application information, including the Project for Community Building Single Application for Assistance and FSA Program Guidelines and Addendum, will be provided at the workshop. Community Empowerment Office staff will be available to provide instruction and guidance on the specifics of the proposal writing process to help applicant agencies prepare and write technically acceptable proposals.

All interested applicants are encouraged to attend this workshop. Applicants can register for the workshop to be held in the Forum Building, Room 321, Harrisburg, PA from 9:30 a.m. to 12:30 p.m. by contacting Elizabeth Hoch, Community Empowerment Office, at (717) 787-4140 or through E-mail: ehoch@state.pa.us by September 26, 2000.

Workshop space is limited to 50 persons. No more than two persons should attend from each organization. Space

will be filled on a first-come, first-serve basis. There is no registration fee for this workshop; however, preregistration is requested. Persons with a disability who wish to attend the workshop and require an auxiliary aid, service, or other accommodation to participate in the workshop, should contact the Community Empowerment Office to discuss how we may best accommodate their needs.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 00-1458. Filed for public inspection August 25, 2000, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Approval of Wissahickon Creek River Conservation Plan

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the Wissahickon Creek River Conservation Plan and is placing the Wissahickon Creek, the watershed and all tributaries covered in the Plan in Montgomery and Philadelphia Counties, on the Pennsylvania Rivers Conservation Registry (Registry).

The Fairmount Park Commission, City of Philadelphia, submitted the Wissahickon Creek River Conservation Plan and other required information to gain Registry status.

After view of the Plan and other information, the DCNR has determined that the Keystone Rivers Conservation Program requirements have been satisfied and places the following on the Registry:

1. The watershed area of Wissahickon Creek (Montgomery and Philadelphia Counties) from the headwaters to its confluence with the Schuylkill River—64 square miles.
2. All tributary streams within the Wissahickon Creek Watershed.

This action becomes effective today, August 26, 2000. Projects identified in the Wissahickon Creek River Conservation Plan become eligible for implementation, development or acquisition grant funding through the Keystone Rivers Conservation program.

A copy of the Final Plan is available for review at:

Fairmount Park Commission
Post Office Box 21601
Philadelphia, PA 19131-0901
215-685-0040

and

Department of Conservation and Natural Resources
Rachel Carson State Office Building
400 Market Street, 6th floor
Harrisburg, PA 17101
717-787-2316

Maps and supporting data are on file at the Fairmount Park Commission.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 00-1459. Filed for public inspection August 25, 2000, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible official considers the public response significant.

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

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact the specified program. 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 0021181. Amendment No. 1, Sewage, Bucks County Water and Sewer Authority, 1275 Almshouse Road, Warrington, PA 18976.

This application is for an amendment of an NPDES permit to discharge treated sewage from the Green Street wastewater treatment plant in Doylestown Borough, **Bucks County**. This is an existing discharge to an unnamed tributary to Neshaminy Creek.

The receiving stream is classified for the following uses: warm water fishery.

The proposed effluent limits for Outfall 001, from completion of plant expansion to expiration based on an average flow of 1.2 mgd are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Nitrate and Nitrite (as N)			
(7-1 to 10-31)	9.5		19
Phosphorus (as P)			
(4-1 to 10-31)	1.2		2.4
Total Residual Chlorine	0.023		0.075
Fecal Coliform	200 colonies/100 ml as a geometric average		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	minimum of 5 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Copper	monitor monitor		

The EPA waiver is not in effect.

Installation of UV disinfection system by November 2002.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.

PA 0060330. Sewerage, **Hawley Area Authority**, P. O. Box 145, Hawley, PA 18428.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Lackawaxen River in Lackawaxen Township, **Pike County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is Easton Municipal Water Supply, Northampton County.

The proposed effluent limits for Outfall 001 based on a design flow of 0.20 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4.0		8.0
(11-1 to 4-30)	12.0		24.0
Dissolved Oxygen	a minimum of 5.0 mg/l at all times		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	1.0		2.0

The EPA waiver is in effect.

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

PA 0093548. Industrial Waste, SIC 3061. **Castle Rubber Co.**, P. O. Box 589, Butler, PA 16003-0589.

This application is for renewal of an NPDES permit, to discharge treated industrial waste, non-contact cooling water and stormwater from a secondary industry to Bonnie Brook in East Butler Borough, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable supply considered during the evaluation is the Zelienople Municipal Water Company on Connoquenessing Creek located at Zelienople, approximately 24 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Oil and Grease	15		30
pH		6.0 to 9.0 at all times	

The proposed discharge limits for Suboutfall No. 101 based on a design flow of 0.0001 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Oil and Grease		XX	
Total Suspended Solids		XX	
pH		6.0 to 9.0 at all times	

XX—Monitor and report.

The EPA waiver is in effect.

PA 0103276. Sewage. **Shipperville Borough Municipal Authority**, 106 School Street, Box 244, Shipperville, PA 16254.

This application is for renewal of an NPDES permit to discharge treated sewage to the Deer Creek in Elk Township, **Clarion County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Parker City Water System on the Allegheny River located at Parker, approximately 28 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.05 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 40,000/100 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 0025445. Sewage. **Borough of Wampum**, P. O. Box 65, 355 Main Street Extension, Wampum, PA 16157.

This application is for renewal of an NPDES permit to discharge treated sewage to the Beaver River in Wampum Borough, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority intake on the Beaver River located at Eastvale, approximately 10 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.21 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 100,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

Applications—NPDES Minor Renewals

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>
PA0083615	H. David Pitzer Trucking P. O. Box 276 Biglerville, PA 17307	Adams County Menallen Township	Opossum Creek (7F)	TRC
PA0081370	Timeless Towns of America Inc. 2636 Emmitsburg Rd. Gettysburg, PA 17325	Adams County Cumberland Township	UNT Marsh Creek (13D)	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 name, address and telephone number of the commentator, identification of the plan or application to which the protest is addressed and a concise statement or protest 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 of any scheduled hearing or conference

concerning the plan or action or application to which the protest relates. To insure consideration by the Department prior to final action on permit application and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (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. 1500421. Sewerage. **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. Applicant is requesting approval for the construction and operation of Phase 1 of a new wastewater treatment plant to serve Route 100 Corridor located in Upper Uwchlan Township, **Chester County**.

WQM Permit No. 1500422. Sewerage. **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335. Applicant is requesting approval for the construction and operation of sewage treatment plant and spray irrigation system to replace a failing onlot sewage system and pump station to serve the Strasburg Corridor WWTF located in West Bradford Township, **Chester County**.

WQM Permit No. 1500423. Sewerage. **Atglen Borough Sewer Authority**, Box 250, Atglen, PA 19310. Applicant is requesting approval for the construction and operation of a low-pressure sewer line for a seven lot residential subdivision located in Atglen Borough, **Chester County**.

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. 6700408. Sewerage, submitted by **South Eastern School District**, P. O. Box 217, Fawn Grove, PA 17321 in Fawn Township, **York County**, to expand their existing waste water treatment facility was received in the Southcentral Region August 8, 2000.

A. 0699403 (amendment 00-1). Sewerage, submitted by **Borough of Wyomissing**, 22 Reading Boulevard, Wyomissing, PA 19610 in Wyomissing Borough, **Berks County** to renovate the 4th and Oley Street Pump Station was received in the Southcentral Region on August 8, 2000.

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

A. 6500408. Sewerage, **Michael Mermigas**, 116 Howard Street, Charleroi, PA 15022. Application for the construction and operation of a small flow sewage treatment plant to serve the Mermigas Residence located in Ligonier Township, **Westmoreland County**.

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

WQM Permit No. 6200411. Sewerage, **Charles F. and Nancy J. Snyder**, 2818 Arcadia Ave., Erie, PA 16506. This project is for the construction of a Single Residence Sewage Treatment Plant in Columbus Township, **Warren County**.

WQM Permit No. 2500412. Sewerage, **Benjamin J. Byler**, 15180 Union LeBoeuf Rd., Union City, PA 16438. This project is for the construction of a Single Residence Sewage Treatment Plant in LeBoeuf Township, **Erie County**.

WQM Permit No. 4300409. Sewerage. **Coolspring-Jackson Lake Latonka Joint Authority**, 420 Latonka Drive, Mercer, PA 16137. This project is for the construction of an extended aeration sewage treatment facility located in Coolspring Township and Jackson Township, **Mercer County**.

WQM Permit No. 4300410. Sewerage. **Upper Shenango Valley Water Pollution Control Authority**, P. O. Box 1449, Hermitage, PA 16148. This project is for the expansion of the existing pump station and includes replacement of the raw sewage pumps, communitor and standby generator with electrical and heating and ventilating upgrades as necessary in the City of Hermitage, **Mercer 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 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-G428. Stormwater. **Cornerstone Comm**, 771 East Lancaster Avenue, Villanova, PA 19085, has applied to discharge stormwater from a construction activity located in East Whiteland Township, **Chester County**, to Tributary to Valley Creek (EV).

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

Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

NPDES Permit PAS10Q209. Stormwater. **Haresh Joshi**, 4365 Farmington Circle, Allentown, PA 18104 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County** to Little Lehigh Creek.

NPDES Permit PAS10Q210. Stormwater. **Salisbury Township School District**, Gerald L. McLaughlin, 1140 Salisbury Road, Allentown, PA 18103 has applied to discharge stormwater from a construction activity located in Salisbury Township, **Lehigh County** to Little Lehigh Creek.

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

NPDES Permit PAS103710. Stormwater. **Cherry Hill Development**, Gary Romesburg, Owner, P. O. Box 562, Wampum, PA 16157, has applied to discharge stormwater from a construction activity located in Little Beaver Township, **Lawrence County**, to North Fork Little Beaver (HQ-CWF).

General CAFO NPDES Permit

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PAG123501. Brubaker Farms, 493 Musser Road, Mount Joy, PA 17552.

Brubaker Farms has submitted an application for a general NPDES permit for an existing concentrated animal feeding operation (CAFO) known as Brubaker Farms, located on Musser Road in East Donegal Township, **Lancaster County**. The CAFO is situated near an unnamed tributary to Donegal Creek, which is classified as a Cold Water Fishery (CWF). The CAFO is designed to maintain an animal population of 1,312 animal equivalent units (AEUs) consisting of 650 dairy cows, 367 heifers, 53 dairy calves, 4 bulls and 48,000 broilers. These animals are located on two contiguous farms.

No new facilities are proposed as part of this application. Manure generated at the primary dairy and broiler

operation is scraped to a collection pit where manure gravity flows to a 1-million-gallon reinforced concrete manure storage tank. Manure generated at the secondary dairy operation is pushed into a 244,000-gallon reinforced concrete manure storage tank by means of a push-in ramp. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations including the Final CAFO Strategy, the Department has made a tentative determination to issue a general NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the draft permit.

The permit application and proposed draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the file by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The Environmental Protection Agency (EPA) permit review waiver provision under 40 CFR 123.24(e) applies to this general NPDES permit.

Persons wishing to comment on the proposed permit are invited to submit written comments to this address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting/hearing may be held if the Department considers the public response or interest 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 the determination may be appealed to the Environmental Hearing Board.

PAG123502. Star Rock Farms LLC, 37 Chestnut Grove Road, Conestoga, PA 17516.

Star Rock Farms LLC has submitted an application for a general NPDES permit for an existing concentrated animal feeding operation (CAFO) known as Star Rock Farms, located on Chestnut Grove Road in Manor Township, **Lancaster County**. The CAFO is situated near Fisherman Run, which is classified as a Warm Water Fishery (WWF). The CAFO is designed to maintain an animal population of 2,613.5 animal equivalent units (AEUs) consisting of 435 dairy cows, 100 heifers, 1,850 steers and 600 swine.

Manure generated by the steers will be collected into a new 2.0 million gallon lined storage lagoon. Manure generated from the heifers and dairy cows is collected and stored in an existing 0.5 million gallon concrete tank. Manure generated from the swine is dry packed and hauled to fields as needed. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the prelimi-

nary review and application of lawful standards and regulations including the Final CAFO Strategy, the Department has made a tentative determination to issue a general NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the draft permit.

The permit application and proposed draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the file by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The Environmental Protection Agency (EPA) permit review waiver provision under 40 CFR 123.24(e) applies to this general NPDES permit.

Persons wishing to comment on the proposed permit are invited to submit written comments to this address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting/hearing may be held if the Department considers the public response or interest 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 the determination may be appealed to the Environmental Hearing Board.

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. 5100501. Public Water Supply. Philadelphia Water Department, 1101 Market Street, Philadelphia, PA 19107-2994. This proposal involves the modifications to the Belmont and Queen Lane Water Treatment Plants to provide for a potassium permanganate feed system for Algae Control. Project will include the construction of a new chemical feed building and two concrete potassium permanganate solution storage tanks in the City of Philadelphia, **Philadelphia County**.

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

5600504. Indian Lake Borough Waterworks, 1301 Causeway Drive, Central City, PA 15926. Development of a new groundwater well, construction of a new transmission line and raising an existing water storage tank serving Indian Lake Borough, **Somerset County**.

5692501-A1. The Borough of Boswell Municipal Authority, 300 Stonycreek Street, Boswell, PA 15531. Replacing the current gas chlorination system with liquid chlorine serving Jenner Township, **Somerset County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intends to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(l)(iii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.

Graybec Lime, Inc., Spring Township, **Centre County**. Blazosky Associates, Inc., on behalf of its client Graybec Lime, Inc., P. O. Box 448, Bellefonte, PA 16823, has submitted a Notice of Intent to Remediate soil contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times* on June 19, 2000.

Donald Thrush Property, Spring Township, **Centre County**. Hydrotech, Inc., on behalf of its client Donald Thrush, 610 Willowbank Street, Bellefonte, PA 16823 has submitted a Notice of Intent to Remediate soil contaminated with PHCs. The applicant proposes to remediate the site to meet the Statewide health standard. See additional information in another section of this PA Bulletin. A summary of the Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times* during the week of June 5, 2000.

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

Anchor Glass Container Corp. Plant #6, Marienville, Jenks Township, **Forest County**. Joseph S. Tomalavage, P.G. Of Praxis Environmental Inc., on behalf of his client, has submitted a Notice of Intent to Remediate soil. The site has been found to be contaminated with Heavy Metals and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A Notice of Intent to Remediate was published in the *Forest Press* on July 5, 2000.

SOLID AND HAZARDOUS WASTE

RESIDUAL WASTE PROCESSING FACILITIES

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1001); The Administrative Code of 1929 (71 P. S. §§ 510-5, 520-17 and 510-20); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and the residual waste regulations for a general permit for residual waste processing facilities.

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

General Permit Application No. WMGR069. Taylor Packing Co., Inc., P. O. Box 188, Wyalusing, PA 18853. General permit number WMGR069 for the beneficial use of residual waste by land application. The residual waste is from a beef processing operation and wastewater treatment at the facility. The Department accepted the application as administratively complete on August 11, 2000. Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60

days of this notice and may recommend revisions to, and approval or denial of the application.

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. 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).

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

OP-15-0016: Worthington Steel Co. (45 North Morehall Road, Malvern, PA 19355) on August 3, 2000, for Facility VOCs/NO_x RACT in East Whiteland Township, **Chester County**.

OP-23-0012: C3 Polymers, LLC (Post Road and Blueball Avenue, Marcus Hook, PA 19061) on August 9, 2000, for Polypropylene Plant No. 1 in Marcus Hook Borough, **Delaware County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-7402.

36-03115: Prospect Aggregates, Inc. (Prospect and Quarry Roads, P. O. Box 278, Landisville, PA 17538) for a Natural Minor Operating Permit for crushed and broken limestone quarrying operations in West Hempfield 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 thirty 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.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

09-00028: FiberMark, Inc. (45 North 4th Street, Quakertown, PA 18951) in Quakertown Borough, **Bucks County**. The facility's major emission points include combustion units, coaters and saturators and graphic art lines that emit major levels of Volatile Organic Compounds (VOCs).

46-00001: Moyer Packing Co. (741 Souder Road, Souderton, PA 18964) in Franconia Township, **Montgomery County**. The facility's major emission points include combustion units and batch rendering process sources such as grinding, cooking and drying that emit major levels of Oxides of Nitrogen (NO_x).

09-00001: Fasson Division of Avery Production (35 Penn-Am Drive, Quakertown, PA 18951) in Richland Township, **Bucks County**. The facility's major emission points include two boilers, three coating lines and clean-up operations that emit major levels of Volatile Organic Compounds (VOCs).

46-00078: G-Seven LTD (2289 North Penn Road, Hatfield, PA 19440) in Hatfield Township, **Montgomery County**. The facility's major emission points include wood coating, wood gluing and clean-up operations that emit major levels of Volatile Organic Compounds (VOCs).

15-00031: Monsey Products Co. (Cold Stream Road, Kimberton, PA 19442) in East Pikeland Township, **Chester County**. The facility's major emission points include combustion units, storage tanks, mixing tanks and associated piping that emit major levels of Volatile Organic Compounds (VOCs).

09-00023: Laclede Steel Co. (131 Pipe Mill Road, Fairless Hills, PA 19030) in Falls Township, **Bucks County**. The facility's major emission points include combustion units and various galvanized steel pipe manufacturing processes that emit major levels of Volatile Organic Compounds (VOCs), Nitrogen Oxides (NO_x) and Sulfur Oxide (SO_x).

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-03085A: Power Packing, Inc. (1055 Cross Roads Blvd., Reading, PA 19605) for a boiler in Muhlenburg Township, **Berks County**. The source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for New Stationary Sources.

38-05016: Quaker Alloy, Inc. (200 East Richland Avenue, Myerstown, PA 17067) for modification of an existing shell molding and core making operation controlled by a packed tower wet scrubber in Myerstown Borough, **Lebanon County**.

67-05026D: DONSCO, Inc. (P. O. Box 2001, Wrightsville, PA 17368) for modification of the existing casting, cleaning and grinding operations at their Title V facility in Wrightsville, **York County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

14-309-043A: Corning Asahi Video Products Co. (3500 East College Avenue, State College, PA 16801) for modification of two glass melting furnaces (Tanks 221 and 222) and construction of two 5 million BTU per hour natural gas-fired lehrs in College Township, **Centre County**. The furnaces are subject to Subpart CC of the Federal Standards of Performance for New Stationary Sources and the furnaces and lehrs are subject to the Federal Prevention of Significant Deterioration (PSD) requirements.

49-317-002: Sensenig Milling Services, Inc. (R. R. 2, Box 68A, Watsontown, PA 17777) for construction of a rotary bakery waste dryer and associated air cleaning device (a fabric collector) in Lewis Township, **Northumberland County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-65-659A: Commercial Stone Co., Inc. (P. O. Box 187, Berkely Springs, WV 25411) for operation of an asphalt concrete plant at the Adamsburg Plant in North Huntingdon, **Westmoreland County**.

PA-03-225A: Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) for installation of a portable coal crusher at the Jud Surface Mine in Valley Township, **Armstrong County**.

PA-32-352A: Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728) for operation of a generator at the Ondo Deep Mine in Brushvalley Township, **Indiana County**.

PA-63-550B: USA South Hills Landfill (3100 Hill Road, Library, PA 15129) for operation of a landfill at the South Hills Landfill in Union Township, **Washington County**.

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 submit-

ting 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.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Coal Applications Received

65950105. Mehalic Brothers (1089 Sessi Road, Latrobe, PA 15650). Renewal application received for continued reclamation of a bituminous surface auger mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 140.0 acres. Receiving streams: unnamed tributary to Welty Run, Welty Run to Sewickley Creek, Sewickley Creek to the Youghio gheny River. Renewal application received: August 7, 2000.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

32803712. Kent Coal Mining Co. (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Lewisville Recovery Plant Coal Refuse Disposal Area in Young Township, **Indiana County**, renewal for reclamation only of the existing coal refuse disposal permit, no additional discharges. Application received July 13, 2000.

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

54000102. RSK Mines (2203 Sunbury Road, Ashland, PA 17921), commencement, operation and restoration of an anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 213.0 acres, receiving stream—Wiconisco Creek. Application received August 7, 2000.

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

Small Noncoal (Industrial Mineral) Bond Release Application

13920801. Carefree Lawns (Box 2264, Jim Thorpe, PA 18229), Stage I and II bond release for a small quarry operation in Penn Forest Township, **Carbon County** affecting 2.0 acres for \$2,000 on property owned by Carefree Lawns. Application received August 4, 2000.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Noncoal Applications Received

26950302. Carbon Fuel Resources, Inc. (P. O. Box 275, West Leisenring, PA 15489). Renewal application received for continued operation and reclamation of a noncoal surface mine located in Jefferson Township, **Fayette County**, affecting 48.0 acres. Receiving streams: Redstone Creek to the Monongahela River. Renewal application received: August 7, 2000.

Projects Under the Environmental Good Samaritan Act

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural

resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department of Environmental Protection (Department). A copy of the proposal is available for inspection at the office indicated above each proposal.

Written comments or objections may be submitted by any person or any office 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.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Project Proposals Received

EGS26001. Mountain Watershed Association (P. O. Box 408, Melcroft, PA 15462). The Sagamore Mine Drainage Remediation Project in Saltlick Township, **Fayette County**, affecting 6.0 acres. Receiving stream: Indian Creek. Project proposal received: June 14, 2000.

ABANDONED MINE RECLAMATION

Office of Mineral Resources Management, as required by the Act of October 12, 1984 (P. L. 916, No. 181)

Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476.

Under the act of October 12, 1984 (P. L. 916, No. 181), the Department of Environmental Protection (Department) gives notice of an unsolicited proposal received from **Carbon Fuel Resources, Inc.**, Clarion, PA, to reclaim an abandoned surface mine in North Union Township, **Fayette County**. The Department intends to enter into negotiations with Carbon Fuel Resources, Inc., to contract for site reclamation, if funding is available.

The project, CN 96-29, involves reclamation of a coal refuse reprocessing site abandoned by Van Sickle Coal where bonds were forfeited by the Department under Permit Number SMP #26930201.

Carbon Fuel Resources, Inc. proposes to revegetate 25.1 acres. All areas will be regraded to promote surface drainage and provide integration with surrounding unmined areas.

All interested parties should send comments to Richard L. Joyce, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA no later than 4 p.m., local time, September 29, 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.

E15-647. Encroachment. William S. Hoffman, 1035 Schuylkill Road, Phoenixville, PA 19460. To perform the following activities within the proposed Waynesfield residential subdivision: (1) To install and maintain an 80 linear-foot long roadway crossing consisting of a 60-inch by 36-inch elliptical reinforced concrete pipe, concrete headwalls, and rock aprons across an unnamed tributary to the French Creek (HQ-TSF) impacting 0.08 acre of wetlands associated with the construction of Heritage Drive in the northwest portion of the site. (Phoenixville, PA USGS Quadrangle N: 5.8 inches; W: 12.4 inches); (2) To install and maintain an 85 linear-foot long roadway crossing consisting of a 54-inch corrugated metal pipe, concrete headwalls, and rock aprons across an unnamed tributary to the French Creek (HQ, TSF) impacting 0.10 acre of wetlands associated with the construction of Heritage drive in the northwest portion of the site. (Phoenixville, PA USGS Quadrangle N: 5.6 inches; W: 12.1 inches); (3) To install and maintain a 63 linear-foot long roadway crossing consisting of a 10-foot by 3.5-foot corrugated metal arch, concrete headwalls, and rock aprons across an unnamed tributary to the French Creek (HQ, TSF) impacting 0.20 acre of wetlands associated with the construction of Center Creek Drive located approximately 75 feet downstream of the confluence of the two upstream tributaries. (Phoenixville, PA USGS Quadrangle N: 5.4 inches; W: 12.2 inches); (4) To install and maintain a 24-inch outfall structure associated with stormwater conveyance system along an unnamed tributary to the French Creek (HQ, TSF) in the vicinity of where the tributary exits the site. (Phoenixville, PA USGS Quadrangle N: 4.8 inches; W: 12.3 inches); (5) To install and maintain a 30-inch outfall structure associated with stormwater conveyance system along an unnamed tributary to the French Creek (HQ, TSF) just downstream from activity No. 3 (Phoenixville, PA USGS Quadrangle N: 5.3 inches; W: 12.2 inches). This project will impact approximately 270 linear feet of stream on 0.38 acre of wetlands and is located approximately 1,700 feet northeast of the intersection West Seven Stars Road and Lucas Road (Phoenixville, PA USGS Quadrangle N: 5.1 inches; W: 12.1 inches) in East Vincent Township, **Chester**

County. The applicant proposes to construct a total of 0.38 acre of replacement wetlands.

E15-646. Encroachment. **PADOT**, 7000 Geerdes Blvd., King of Prussia, PA 19406, and **London Britain Township**, P. O. Box 215, Kemblesville, PA 19347. To replace and maintain an existing bridge with a single span reinforced concrete bridge with a clear span of 75 feet and an average underclearance of 6.7 feet. The proposed bridge spans White Clay Creek (CWF) and is located along S. R. 3034 (London Tract Road) Section 65S located approximately 7,000 feet southwest of the intersection of London Tract Road and Good Hope Road (West Grove, PA-DEL Quadrangle N: 0.8 inch; W: 4.35 inches) in London Britain Township, **Chester County**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E35-325. Encroachment. **Grambo Realty**, 129 South Lakeview Avenue, Scranton, PA 18505. To place fill in a total of 0.4 acre of PEM/SS/FO wetlands for the construction of road crossing and stormwater management facilities associated with the Mountain Lake Estates Residential Subdivision. The project is located on the south side of Mountain Lake (Scranton, PA Quadrangle N: 1.7 inches; W: 2.6 inches), City of Scranton, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers). This is a re-opening of a closed file.

E40-557. Encroachment. **Pennsylvania Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17011-9797. To remove the existing structures and to construct and maintain five road crossings consisting of C.M.P. culverts and an aluminum box culvert in Bowman Creek, (HQ-CWF), Beth Run (CWF), and tributaries to Beth Run for the purpose of providing access to the southern portions of S.G.L. No. 57 in order to perform tree salvage cutting. The project is generally located near the confluence of Bowman Creek and Beth Run (Sweet Valley, PA Quadrangle N: 18.7 inches; W: 4.8 inches), Roth and Lake Townships, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E45-398. Encroachment. **Richard and Elizabeth Gandi**, 44 Coral Drive, Hazlet, NJ 07703. To place fill in a de minimis area of PFO wetlands equal to 0.04 acre for the purpose of constructing a single family dwelling. The project is located on Lot 41, Unit 2, Section 7, at Lake Naomi Estates, approximately 0.4 mile east of the intersection of Township Road T-642 (Miller Drive) and Split Rock Lane (Pocono Pines, PA Quadrangle N: 20.1 inches; W: 9.8 inches), Tobyhanna Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E13-125. Encroachment. **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To modify and maintain an existing stream enclosure of Fawn Run (HQ-CWF), with work consisting of lining the existing 12-foot × 6-foot concrete box culvert with an 11.4-foot × 7.25-foot CMP structural plate arch culvert, and extending the enclosure from 107 feet to 133 feet. The project includes realignment of approximately 25 feet of channel upstream of the enclosure and will impact a de minimis area of wetlands < 0.01 acre. The project is located at Mile Post A-76.42 of the Pennsylvania Turnpike Northeast Extension (Hickory Run, PA Quadrangle N: 15.1 inches; W: 15.3 inches), Kidder Township, **Carbon County** (Philadelphia District, U. S. Army Corps of Engineers).

E35-333. Encroachment. **Newton Township**, 1528 Newton-Ransom Blvd., Clarks Summit, PA 18411. To

construct and maintain a channel change in a tributary to Gardner Creek (CWF), with work consisting of constructing approximately 250 L. F. of riprap-lined trapezoidal channel, having 2H:1V side slopes, a bottom width of 2.0 feet and a depth of 1.5 feet; and to construct and maintain a road crossing of a tributary to Gardner Creek, consisting of a 35-inch × 24-inch CMP arch culvert, for the purpose of providing access to an adjoining property. The project is located along the south side of Valley View Drive (T-387) approximately 0.6 mile west of the intersection of T-387 and S. R. 4032 (Scranton, PA Quadrangle N: 16.4 inches; W: 14.9 inches), Newton Township, **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 L. F. 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 T518, 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). This is a re-opening of an existing file.

E39-390. Encroachment. **Joshi/Kalola Real Estate Partnership**, 4365 Farmington Circle, Allentown, PA 18104. To place fill in 0.43 acre of PEM wetlands for the purpose of constructing a commercial storage facility. The project is located on the east side of Werley Road (T-544), approximately 500 feet south of Tilghman Street (S. R. 1002) (Allentown West, PA Quadrangle N: 14.4 inches; W: 10.0 inches), Upper Macungie Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E40-534. Encroachment. **Pittston City Redevelopment Authority**, 35 Broad Street, Pittston, PA 18640. To excavate, place and maintain fill along 800 linear feet of the left bank of the Susquehanna River (WWF), with work consisting of the extension of a 42-inch diameter CMP stormwater outfall, construction of concrete side-walks, an open amphitheater area, placement of fill in 0.1 acre of PEM wetlands and various landscaping. The project know as the Pittston Riverfront project is located immediately downstream of the Water Street Bridge over the Susquehanna River (Pittston, PA Quadrangle N: 13.2 inches; W: 5.9 inches), City of Pittston, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers). This is a re-opening of the file.

E40-558. Encroachment. **John and Susan Halbing**, 20 Winding Way, Dallas, PA 18612. To remove the existing structure and to construct and maintain a pile supported, private recreational boathouse having a surface area of approximately 2,150 S. F. and extending 50 feet from the shore of Harveys Lake (HQ-CWF). The project is located along the northern shore at Pole 120 (Noxen, PA Quadrangle N: 0.7 inch; W: 4.2 inches), Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E45-397. Encroachment. **Redeeming Love Christian Village**, 145 West Route 59, Nanuet, NY 10954-2200. To construct and maintain two 6-inch diameter water intake structures in two separate ponds situated on a tributary to Wigwam Run (HQ-CWF) to be used as dry hydrants to provide fire protection at the Christian Center. The project is located north of the intersection of Cranberry Road and Wigwam Park Road (East Stroudsburg, PA

Quadrangle N: 3.2 inches; W: 16.7 inches), Stroud Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E48-297. Encroachment. **T & S Development**, 623 Selvaggio Drive, Nazareth, PA 18064. To construct and maintain two pre-cast, open bottom concrete arch culverts each having a span of 36-feet and an underclearance of 5.0 feet and 6.5 feet in Nancy Run (CWF) for the purpose of providing access to Emerald Hills residential subdivision—Phases 9 and 10. The project is located approximately 1,600 feet south of William Penn Highway (Nazareth, PA Quadrangle N: 6.2 inches; W: 9.5 inches), Bethlehem Township, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

E52-164. Encroachment. **Hemlock Farms Community Association**, 1007 Hemlock Farms, Hawley, PA 18428. To maintain a road crossing in PEM/FO wetlands, consisting of rock fill on geotextile fabric, and to place fill in the floodway of York Creek (HQ-CWF), for the purpose of constructing a water supply wellhouse (Well #4) and associated access. The project includes the placement of fill in 0.15 acre of PEM/FO wetlands. The project is located off of Round-up Court in the Hemlock Farms subdivision (Pecks Pond, PA Quadrangle N: 14.3 inches; W: 8.8 inches), Blooming Grove Township, **Pike County** (Philadelphia 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.

E06-541. Encroachment. **Brush Wellman, Inc.**, P. O. Box 973, Reading, PA 19603. To construct and maintain a 15-inch diameter effluent line and outfall at the left bank of Schuylkill River and its associated floodway, wetlands and its unnamed tributary and to remove four outfalls at the left bank of the unnamed tributary. The effluent line and outfall are located at a point about 2,400 feet downstream of FAS 06174; thence, towards east about 900 feet southeast of the PA 61 and SR 4032 overpass (Temple, PA Quadrangle N: 20.74 inches; W: 13.34 inches and N: 20.9 inches; W: 12.2 inches respectively) in Perry Township, **Berks County**.

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

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

E08-363. Encroachment. **Bradford County Commissioners**, 301 Mail St., Towanda, PA 18848. The applicant proposes to remove the existing structure including the abutments and to construct and maintain a new single span bridge with a roadway width of 28 feet and a clear span of 98 feet. The bridge will be located 38 feet downstream of the existing location. This project is located 200 feet west of T-412 from the intersection with SR 220 (Monroeton, PA Quadrangle N: 13.7 inches; W: 12.2 inches) in Monroe Township, **Bradford County**. This project proposes to impact 140 linear feet of the South Branch of Towanda Creek, which is, designated a Cold Water Fishery and proposes to impact 0.1 acre of wetlands.

E14-379. Encroachment. **Shelly K. Tormey**, R. R. 1, Box 369, Philipsburg, PA 16866. To construct and

maintain: 1) a 2-foot by 2-foot catch basin and its at-grade bike safe grate 40 feet from the top of the right stream bank of Cold Stream, 2) the 40 feet of 15-inch diameter underground pipe from the catch basin to, 3) the 20-foot by 20-foot R-6 and R-7 riprap outfall with its associated concrete slab apron on the right bank of Cold Stream, all of which is located 900 feet downstream of the intersection of Game Reserve Road and Glass City Road (Sandy Ridge, PA Quadrangle, N: 21.1 inches; W: 11.6 inches) in Rush Township, **Centre County**. This project proposes to impact 20 linear feet of the right stream bank of Cold Stream, which is classified as a High Quality-Cold Water Fishery.

E17-350. Encroachment. **Harry W. Hand**, 530 Spruce St., Clearfield, PA 16830. The applicant proposes to place one mobile home per lot on two individual lots. The lots measure 40 feet by 120 feet and are located on Montgomery Run between Clarendon Ave. and Powell Ave., 1/10 of a mile west Washington Ave. in Hyde (Clearfield, PA Quadrangle N: .75 inch, W: 12.3 inches) in Lawrence Township, **Clearfield County**. This project proposes to impact 100 linear feet of Montgomery Creek, which is designated a cold water fishery and does not proposed to impact any wetlands.

E19-205. Encroachment. **Columbia County Commissioner, Columbia County Courthouse**, Box 380, 35 West Main Street, Bloomsburg, PA 17815. To remove an existing structure and to construct, operate and maintain a prestressed reinforced concrete spread box beam bridge to carry T-481 across West Branch, Briar Creek (Cold Water Fishery). The bridge shall be constructed with a minimum single clear span of 30.9 feet, minimum underclearance of 3.54 feet and a skew of 87 degrees. The construction project will not impact wetlands while impacting 123 feet of waterway. The project is located along the northern right-of-way of SR 0093 approximately 2,000 feet south of T-481 and SR 0093 intersection (Mifflinville, PA Quadrangle N: 9.9 inches; W: 11.0 inches) in North Centre Township, **Columbia County**.

E49-237. Encroachment. **John H. and Charlotte Greiner**, R. R. 1, Box 184, River Road, Watsontown, PA 17777. The applicant proposes to install two 72-inch culvert pipes, which will be depressed 12 inches below the bed elevation. The proposed fill over the culverts will consist of gray shale material. This project is located 1 mile west of SR 1007 from the intersection with SR 54 (Muncy, PA Quadrangle N: 2.0 inches; W: 6.5 inches) in Delaware Township, **Northumberland County**. This project proposes to impact 50 linear feet of Warrior Run, which is designated a Warm Water Fishery and does not propose to impact any wetlands.

E53-346. Encroachment. **Clarence B. Gerhart**, 245 Sportsman Road, Denver, PA 17517. To repair and maintain an existing single span bridge across south branch, Pine Creek (High Quality-Cold Water Fishery); and to construct, operate and maintain a minor road crossing Sugar Bush Hollow Run (High Quality-Cold Water Fishery) to provide private property access. The bridge repair work shall consist of constructing concrete abutments and superstructure. The minor road crossing shall be constructed with two 24-inch diameter culvert pipes. The project will not impact wetlands while cumulatively impacting 40-feet of waterway. The project is located along the eastern right-of-way of SR 0144 approximately 1.1-miles north of T-431 and SR 0144 intersection (Galeton, PA Quadrangle N: 15.8 inches; W: 2.0 inches) in West Branch Township, **Potter County**.

E59-405. Encroachment. **David and Jean Brooks**, R. R. 7, Box 141, Wellsboro, PA 16901. The applicant proposes to construct and maintain a single span single family bridge crossing with a clear span of 40 feet, travel width of 8.25 feet and an underclearance of 8 feet. This project is located 6 blocks south on Central Ave. from the intersection with Main St. (Wellsboro, PA Quadrangle N: 8.375 inches; W: 3.9 inches) in City of Wellsboro, **Tioga County**. This project proposes to impact 80 linear feet of Morris Branch, which is designated a Warm Water Fishery and does not propose to impact any wetlands.

E59-406. Encroachment. **Richmond Township**, 563 Valley Rd., Mansfield, PA 16933. The applicant proposes to construct three culverts with the following specifications: an 8 foot diameter corrugated steel culvert pipe with a length of 52.5 feet located on T-754 (Mansfield, PA Quadrangle N: 8.6 inches; W: 11 inches); a 6.9 foot by 4.75 corrugated metal pipe culvert and endwalls measuring 39.4 feet in length (Mansfield, PA Quadrangle N: 8.7 inches; W: 11 inches); a 19 foot by 6 foot aluminum box culvert with wingwalls measuring 40.5 feet in length (Mansfield, PA Quadrangle N: 6.5 inches; W: 10.25 inches) **Richmond Township, Tioga County**. These projects propose to impact a total of 200 linear feet of two unnamed tributaries to the Tioga River and Slate Creek, which are all designated as Cold Water Fisheries and do not propose to impact any wetland.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-316. Encroachment. **Joseph Dubovi**, Asst. Dist. Engineer Design, (724) 357-2805. To remove the existing bridge and to construct and maintain a precast concrete box culvert having a 20-foot-wide by 3.5-foot-high waterway opening in south branch, Bear Creek on SR 1010, Section 250, Segment 0300, Offset 3452 approximately 2000 feet west of SR 0268 near Karns City, Chicora, PA Quadrangle N: 21.5 inches; W: 15.1 inches, Fairview Township, **Butler County**. Project includes impact to a de minimis amount of wetlands adjoining South Branch Bear Creek.

E10-317. Encroachment. **Christopher J. Kaclik**, 191 Crowe Ave., Mars, PA 16046. To excavate and maintain an area measuring approximately 400 feet long by an average of 100 feet wide within the channel of a tributary to Glade Run for construction of the impoundment area associated with a non-jurisdictional dam west of Forsythe Road approximately 500 feet north of Windmere Drive, Valencia, PA Quadrangle N: 17.3 inches; W: 9.5 inches. Middlesex Township, **Butler County**.

E10-318. Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. To remove the existing Buhl Bridge superstructure, modify the existing abutments and to construct and maintain a weathering steel beam bridge having a clear, normal span of approximately 135 feet and an underclearance of 21 feet across Connoquenessing Creek on T415 approximately 1 mile north of SR68 (Evans City, PA Quadrangle N: 8.9 inches; W: 3.6 inches) in Forward Township, **Butler County**.

E25-603A. Encroachment. **Commodore Perry Yacht Club**, P. O. Box 3455, Erie, PA 16508-0455. To amend Permit No. E25-603 to remove two existing solid fill breakwalls and 20 boat slips and to conduct the following activities associated with the expansion of the existing Commodore Perry Yacht Club Marina in Presque Isle Bay, Lake Erie north of the Bayfront Highway approximately

0.8 mile west of State Street (Erie North, PA Quadrangle N: 1.1 inches; W: 14.1 inches) in the City of Erie, **Erie County**. (1) Construct and maintain a 550-foot long by 20-foot wide steel sheet pile solid fill breakwall extending east from the end of existing western breakwall. (2) Construct and maintain a 60-foot long by 20-foot wide steel sheet pile solid fill breakwall extending west approximately 75 feet south of the end of the existing eastern breakwall between Commodore Perry Yacht Club and the Cherry Street Marina. 3. Excavate existing rock rubble from the lakebed in the area between the existing northern marina breakwall and the proposed breakwall to be used as interior fill for the proposed breakwalls. Construct and maintain steel tube floating docks to provide 98 boat slips.

E43-289. Encroachment. **Upper Shenango Valley Water Pollution Control Authority**, P. O. Box 1449, Hermitage, PA 16148. To modify an existing concrete walkway, and maintain the Orangeville pump station within/along the 100-year floodplain of the Shenango River, east of SR718 (North Water Avenue) at Orangeville Road. (Sharon West, PA Quadrangle N: 22.6 inches; W: 1.2 inches) City of Hermitage, **Mercer County**.

WATER QUALITY CERTIFICATION

Initial Notice of Request for Certification under section 401 of the Federal Water Pollution Control Act.

The following requests have been made to the Department of Environmental Protection (Department) under section 401(a) of the Federal Clean Water Act, 33 U.S.C.A. § 1341(a) (act) for certification that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the act, and that the construction will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments/suggestions/objections, which are submitted in writing within 30 days of the date of this notice. Comments should be submitted to the Department at the address indicated above for each request for certification. All comments should contain the name, address and telephone number of the person commenting; identification of the certification request to which the comments are addressed; and a concise statement of comments/suggestions/objections in sufficient detail to inform the Department of the exact basis of the proposal 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 comments, if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings, and other data pertinent to the certification request are available for inspection and review at the address indicated above, between the hours of 8 a.m. and 4 p.m. on each working day.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment Permit and either a U. S. Army Corps of Engineers individual permit or a Nationwide permit 14, 18 or 26 will be published with the Actions of Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

Regional Office: Regional Manager, Water Management Program, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Certification Request Initiated by: Frank J. Kempf, P. E., Assistant Chief Engineer, Development Projects/Programs, Pennsylvania Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676.

Location: Luzerne Township, Menallen Township, North Union Township, Redstone Township, and South Union Township in Fayette County; Centerville Borough in Washington County.

Project Description: To construct approximately 15 miles of a new, four lane, limited access, tolled highway connecting PA Turnpike 43 in Centerville Borough, Washington County and U. S. Route 119 in North Union Township, Fayette County. The project will impact the following streams: Twomile Run (WWF), six unnamed tributaries to Twomile Run (WWF), Monongahela River (WWF), two unnamed tributaries to Monongahela River (WWF), Rush Run (WWF), three unnamed tributaries to Rush Run (WWF), Cox Run (WWF), five unnamed tributaries to Cox Run (WWF), Dunlap Creek (WWF), nine unnamed tributaries to Dunlap Creek (WWF), Fourmile Run (WWF), Colvin Run (WWF), ten unnamed tributaries to Colvin Run (WWF), three unnamed tributaries to Rows Run (WWF), Fans Run (WWF), one unnamed tributary to Fans Run (WWF), Jennings Run (WWF),

nine unnamed tributaries to Jennings Run (WWF), Redstone Creek (WWF), and two unnamed tributaries to Redstone Creek (WWF). In addition, a total of 6.32 acres of wetlands are proposed to be permanently impacted (2.66 acres PEM, 0.28 acre PSS, 0.13 acre PFO, and 3.25 acres POW). Stream and wetland mitigation will be required.

STORAGE TANKS

SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permits application have 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 exact basis of the comment and the relevant facts upon which it is based.

SSIP Application Number

00015

Applicant Name and Address

Kathleen M. Furlong
Spicer Energy LLC
100 Nyala Farm
Westport, CT 06880

County and Municipality

Armstrong County
Plum Creek Township

Tank Type and Capacity

4 ASTs storing
FTH-200 Additive
30,000 gallons each

2 ASTs storing
FTH-200 Additive
8,000 gallons each

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 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).

Permits Issued

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

WQM Permit No. 46004523. Perkiomen Township Municipal Authority, 1 Trappe Road, Collegeville, PA 19426. Applicant is granted approval for the construction and operation of a forcemain to serve 16 homes in Arbor Lane subdivision located in Perkiomen Township, **Montgomery County**.

WQM Permit No. 1500410. Sewerage. East Goshen Municipal Authority, 1580 Paoli Pike, West Chester, PA 19380. Applicant is granted approval to construct a sewage pump station and force main to serve Applebrook Golf Course located in East Goshen Township, **Chester County**.

WQM Permit No. 4600410. Sewerage. Upper Salford Township, P. O. Box 100, Salfordville, PA 18958. Appli-

cant is granted approval for the construction and operation of a small flow treatment facility to serve the Upper Salford Township Park located in Upper Salford Township, **Montgomery County**.

NPDES Permit No. PA005801. Sewage. **Harrow Station Shopping Center**, P. O. Box 57, Ottsville, PA 18942-0067 is authorized to discharge from a facility located in Nockamixon Township, **Bucks County** into an unnamed tributary to Lake Nockamixon.

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Permit No. 5800402. Sewerage. **Montrose Municipal Authority**, P. O. Box 306, Montrose, PA 18801. Permit to re-rate the wastewater treatment facility, located in Bridgewater Township, **Susquehanna County**.

NPDES Permit PA-0011177. Industrial Waste. **Bethlehem Steel Corporation**, 1170 Eighth Avenue, Bethlehem, PA 18016-7699 is authorized to discharge from a facility located in Bethlehem City, **Northampton County**, to the Lehigh River.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

Permit No. PAG043653. Sewerage. **Broad Top Township** (Scott and Karen Morningstar), 187 Municipal Road, P. O. Box 87, Defiance, PA 16633-0057 is authorized to discharge from a facility located in Broad Top Township, **Bedford County** to the receiving waters named Sherman Valley Road.

Permit No. PA0088137. Sewerage. **Reading Area Water Authority**, 815 Washington Street, Reading, PA 19601 is authorized to discharge from a facility located in Maiden Creek Township to the receiving waters named Lake Ontelaunee/Maiden Creek.

Permit No. 2100402. Sewerage. **Silver Spring Township Authority**, 6475 Carlisle, Mechanicsburg, PA 17055. This permit approves the construction of pump station to serve Evergreen Subdivision in Silver Spring Township, **Cumberland County**.

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

NPDES Permit No. PA0004979. Industrial Waste. **Neville Chemical Corporation**, 2800 Neville Road, Pittsburgh, PA 15225-1496 is authorized to discharge from a facility located at the Neville Island Plant, Neville Township, **Allegheny County**.

NPDES Permit No. PA0218081, Amendment No. 1. Industrial. **West Homestead Engineering and Machine Company (WHEMCO)** is authorized to discharge from a facility located at WHEMCO West Homestead Plant, West Homestead Borough, **Allegheny County** to receiving waters named Streets Run, West Run and Monongahela River.

NPDES Permit No. PA0023159. Sewage. **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108 is authorized to discharge from a facility located at Crescent-South Heights STP, Crescent Township, **Allegheny County** to receiving waters named Ohio River.

NPDES Permit No. PA0030881. Sewage. **Charleroi Area School District**, 100 Fecsen Drive, Charleroi, PA 15022 is authorized to discharge from a facility located at

Charleroi Area School STP, Fallowfield Township, **Washington County** to receiving waters named Unnamed Tributary of the Monongahela River.

NPDES Permit No. PA0203971. Sewage. **Framar, Inc.**, 424 Jamie Drive, Belle Vernon, PA 15012 is authorized to discharge from a facility located at Cedarbrook Golf Course STP, Rostraver Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Youghiogheny River.

Permit No. 6570407-A4. Sewerage. **Rostraver Township Sewage Authority**. Construction of treatment plant replacement and expansion located in Rostraver Township, **Westmoreland County** to serve Sweeney-Fellsburg (Pollock Run) area.

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

NPDES Permit No. PA0100757. Sewage. **Lakeview Mobile Estates**, P. O. Box 219, 2771 Lincoln Highway E., Ronks, PA 17572-0219 is authorized to discharge from a facility located in New Lebanon Borough, **Mercer County** to Mill Creek.

WQM Permit No. 3700403. Sewerage. **Neshannock Township**, 3131 Mercer Road, New Castle, PA 16105. This project is for the construction and operation of a pump station and force main to convey wastewater from a proposed industrial park to the township's collection system along Route 18 in Neshannock Township, **Lawrence County**.

WQM Permit No. 4300406. Sewerage. **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148. This project is for the construction of a pump station and force main to serve Hidden Acres Residential Development in the City of Hermitage, **Mercer County**.

WQM Permit No. 6200409. Sewerage, **Thomas C. and Karen S. Byler, SRSTP**, R. R. 2, Box 59, Pittsfield, PA 16340. Construction of Thomas C. and Karen S. Byler SRSTP located in Pine Grove Township, **Warren County**.

WQM Permit No. 1600404. Sewerage, **Troy A. Wolbert SRSTP**, 809 Old Fryburg Road, Lucinda, PA 16235. Construction of Troy A. Wolbert SRSTP located in Knox Township, **Clarion County**.

WQM Permit No. 6200410. Sewerage. **James W. Jewell SRSTP**, P. O. Box 158, Garland, PA 16416. Construction of James W. Jewell SRSTP located in Pittsfield Township, **Warren County**.

INDIVIDUAL PERMITS

(PAR)

Coverage under NPDES and/or Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth; (2) NOIs for coverage under General Permits 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 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.
List of NPDES and/or other

General Permit Type

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater 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 Discharge Resulting From Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To be announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

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>
Parkensburg Borough Chester County	PAR10-G388	Construction & Design 211 Carter Drive West Chester, PA	Unnamed Tributary to Buck Creek (TSF-MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East Nottingham Township Chester County	PAR10-G389	Mike Spillane 1 Maple Ridge Way West Chester, PA	Tributary to Tweed Creek (TSF-MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Providence Township Montgomery County	PAR10-T549	Commonwealth Construction & Develop 1029 Cottonwood Drive Collegeville, PA	Mingo Creek (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Gwynedd Township Montgomery County	PAR10-T604	Merck & Company, Inc. P. O. Box 4, Sumneytown Pike West Point, PA	Wissahickon Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Conshohocken Borough Montgomery County	PAR10-T631	Washington Street Associates II, LP 1101 West DeKalb Street Wayne, PA	Schuylkill River (CWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<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>
Conshohocken Borough Montgomery County	PAR10-T632	Washington Street Associates II, LP 1101 West DeKalb Street Wayne, PA	Schuylkill River (CWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Pottsgrove Township Montgomery County	PAR10-T588	Upper Pottsgrove Township 1420 Heather Place Pottstown, PA	Sprogles Run (WFC)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lackawanna County Benton Township	PAR10N108	Corning, Inc. Joe Dubendorfer Franklin Valley Rd. Box 228 Fleetville, PA 18420	Tributary to S. Branch Tunkhannock Creek	Lackawanna CD (570) 281-9495
Luzerne County Pittston Township	PAR10R206	Keystone Freightliner 1215 Wheeler Ave. Dunmore, PA 18510	Mill Creek	Luzerne CD (570) 674-7991
Northampton County Bethlehem Township	PAR10U141	Victoria Calantoni Townes @ Highland Park 6065 William Penn Hwy. Easton, PA 18042	Nancy Run CWF/MF	Northampton CD (610) 746-1971
Pike County Westfall Township	PAR10V001	W. O. Brisben Companies East, Inc. 7800 E. Kemper Rd. Cincinnati, OH 45249	Delaware River WWF/MF	Pike CD (570) 226-8220
Pavia Township Bedford County	PAR-10-0451	Blue Knob Recreation Inc. P. O. Box 247 Claysburg, PA 16625	Beaver Dam Run	Bedford County CD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Mechanicsburg Borough Cumberland County	PAR-10-H243	Mechanicsburg Area School Dist. Mechanicsburg High School 500 South Broad Street Mechanicsburg, PA 17055	Trindle Spring Run	Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
West Hanover Township Dauphin County	PAR-10-I237	NSM Enterprises, Inc. 252 Bow Creek Road Grantville, PA 17028-8902	Manada Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Union Township Lebanon County	PAR-10-P182	Voigt-Schwetzer, Inc. 1000 Buckeye Park Road Columbus, OH 43207	Forge Creek CWF	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
South Annville Township Lebanon County	PAR-10-P187	Weaver, Inc. 1231 Mt. Wilson Road Lebanon, PA 17042	Gingrich Run TSF	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Centre County Spring Township	PAR10F117	Graybec Lime Inc. P. O. Box 448 Bellefonte, PA 16823	Nittany Creek	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817

<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>
Columbia County Greenwood Township and Millville Boro	PAR102141	Millville Area Sch. Dist. David Bowser P. O. Box 260 Millville, PA 17846	Batten Run	Columbia County CD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815 (570) 784-1310
Lycoming County Brady Township	PAR103938	Lycoming County Resource Management Services Dept. P. O. Box 187 Montgomery, PA 17752	Unt. Black Run	Lycoming County CD 2130 County Farm Rd. Suite 6 Montoursville, PA 17754 (570) 433-3003
Lawrence County Shenango Township	PAR103738	Orchardale Estates Inc. Sam Sibeto, Owner 307 Aiken Road New Castle, PA 16101	Unnamed Tributary to Big Run (WWF)	Lawrence Conservation Dist., Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512

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>
Montgomery County Marlborough Township	PAR600059	George Phillips Estate 2996 Geryville Pike Pennsburg, PA 18073	Unnamed Tributary to Stony Run Creek	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
York County West Manchester Township	PAR703504	Bituminous Paving Materials of York, Inc. 1300 Zinn's Quarry Road York, PA 17404	Codorus Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Berwick Township	PAR703517	Bituminous Paving Materials of York, Inc. 1300 Zinn's Quarry Road York, PA 17404	Codorus Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Kutztown Borough	PAR803567	Carl R. Beiber Inc. Tourways P. O. Box 180, 320 Fair St. Kutztown, PA 19530	Munic Storm Sewer within Saucony Creek watershed	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Allegheny County Lincoln Borough	PAR606116	Metal Management Pittsburgh Inc. 2045 Lincoln Boulevard P. O. Box 326 Elizabeth, PA 15037	Wylie Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Quemahoning Township	PAR606158	Kantner Iron and Steel Inc. 365 Bassett Road Hooversville, PA 15936	Stonycreek River	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 Hempfield Township	PAR606160	Toll Gate Auto Recycling, Inc. R. D. 1, Toll Gate Hill Box 242A Greensburg, PA 15601	Jacks Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-4</i>				
Pine Grove Township Warren County	PAG048682	Jeffrey L. Keller 49 Swede Hill Road Russell, PA 16345	Unnamed Tributary to Wiltsie Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pittsfield Township Warren County	PAG048679	James W. Jewell P. O. Box 158 Garland, PA 16416	Unnamed Tributary to Paint Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Knox Township Clarion County	PAG048678	Troy A. Wolbert 809 Old Fryburg Road Lucinda, PA 16235	Unnamed Tributary of Gar Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township Warren County	PAG048677	Thomas C. and Karen C. Byler R. R. 2, Box 59 Pittsfield, PA 16340	Unnamed Tributary to Fairbanks Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-5</i>				
College Township Centre County	PA 054806	Office of Physical Plant— Facility #14-31939 Pennsylvania State University East Park Avenue University Park, PA 16802-2116	Big Hollow Run	Northcentral Regional Office Environmental Cleanup 208 W. Third St. Ste. 101 Williamsport, PA 17701-6448 (570) 321-6550
<i>General Permit Type—PAG-10</i>				
Mann Township Bedford County	PAG109606	Columbia Gas Transmission Corp. 625 Highland Blvd. Suite 100 Coatesville, PA 19320	Fifteen Mile Creek in Mann Township, Bedford County	Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110.

Location: Springettsbury Township, 1501 Mount Zion Road, York, York County, PA 17402. The approved plan provided for creation of an onlot disposal system inspection and maintenance program to be effective in all the nonsewer service portions of the Township. Initial inspections by the Township will be conducted in the years 2000, 2001 and 2002. Septic tank pumping is scheduled to occur with the initial inspection and every 3 years thereafter.

Location: Stewartstown Borough, P. O. Box 415, Stewartstown, York County, PA 17363. The approved plan provides for expansion of an existing sewage treatment facility to a total flow of .625 mgd. In addition to an expanded sewer service area in response to new land development, three areas of existing development in neighboring Hopewell Township have been identified for separate collection system expansions. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SAFE DRINKING WATER

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

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. Minor Amendment. The Department issued an operation permit to **Consumers Pennsylvania Water Company**, Roaring Creek Division, 204 East Sunbury Street, Shamokin, PA 17872, Coal Township, **Northumberland County**. This permit authorized operation of the recently constructed finished water storage tank that replaced the pre-existing Ferndale tank and operation of the renovated Ferndale booster pump station.

Permit No. Minor Amendment. The Department issued an operation permit to **Consumers Pennsylvania Water Company**, Roaring Creek Division, 204 East Sunbury Street, Shamokin, PA 17872, Coal Township, **Northumberland County**. This permit authorizes operation of the recently installed vacuum priming system at the Bear Gap raw water pump and operation of the newly installed cone valves on the filter plant high service pump discharge lines.

Permit No. Minor Amendment. The Department issued an operation permit to **Consumers Pennsylvania Water Company**, Roaring Creek Division, 204 East Sunbury Street, Shamokin, PA 17872, Coal Township, **Northumberland County** and Conyngham Township, **Columbia County**. This permit authorizes operation of the recently constructed bypass lines around the Natalie and Aristes water storage tanks.

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

Permit No. 0385503-A3. Public Water Supply. **Cowanshannock Township Municipal Authority**, Yatesboro-NuMine System, Box 127, NuMine, PA 16244. *Type of Facility: Well No. 3 and Deepened Well No. 1. Permit issued for Construction and Operation: August 7, 2000.*

Permit No. 0291501-A2. Public Water Supply. **City of Duquesne**, 121 South Second Street, Duquesne, PA 15510. *Type of Facility: Clean and repaint standpipe, install liner in reservoir. Permit issued for Construction: July 25, 2000.*

Permit No. 6593509-A1. Public Water Supply. **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717. *Type of Facility: 260,000 gallon water storage tank and booster pump station; 24,600 L. F. of 8" PVC and 36,000 L. F. of 6" PVC waterlines. Permit issued for Operation: July 25, 2000.*

Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA, 16335, (814) 332-6899.

Permit No. 6200501. Public Water Supply. **Youngsville Borough**, 40 Railroad Street, Youngsville, PA 16371 has been issued a permit for the construction of a production well, chlorination, transmission line and a control building. This new well will provide a backup for the Youngsville system. This project is located in Youngsville Borough, **Warren County**. *Type of Facility: Community Water Supply. Consulting Engineer: Allan R. Vanderpoel, P.E., E&M Engineers and Surveyors, 24 Derrick Road, Bradford, PA 16701-3350. Permit to Construct Issued: August 10, 2000.*

HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

**Public Notice of Proposed Consent Order and Agreement
Department of Environmental Protection
Rockwell Uniontown Site
Uniontown, Fayette County**

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA), 35 P. S. §§ 6020.1113, the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement (CO&A) with Rockwell International Corporation (Rockwell) concerning the Rockwell facility located at Bailey and Gallatin Avenues in Uniontown, Fayette County, PA (site). Rockwell operated a manufacturing facility at the site from 1953 until 1989.

A portion of the site known as the Foundry Sand Area was filled using spent casting sands derived from Rockwell's manufacturing processes prior to 1976. These sands contain lead and other metals from the manufacture of water meters. In addition, the Foundry Sand Area had been used for the disposal of plastic parts, scrap and wastes solvents. Historical samples of the surface water and sediments in the portion of the site known as the Drainage Ditch Area indicate organic and metal contamination.

The past and present conditions at the site constitute a "release" or threatened "release" of "hazardous substances" as those terms are defined in section 103 of HSCA, 35 P. S. § 6020.103.

On December 22, 1999, Rockwell submitted to the Department a Closure Plan to address the Foundry Sand Area and Drainage Ditch Area. The Closure Plan calls for, among other things: (a) closure of the Foundry Sand Area under a synthetic liner cap; (b) removal of contami-

nated sediments from the Drainage Ditch Area and placement of these sediments under the Foundry Sand Area cap; (c) long-term groundwater and surface water monitoring; and (d) maintenance and post-closure care of the Foundry Sand Area.

On June 6, 2000, the Department approved the Closure Plan submitted by Rockwell. The Department has agreed to enter into a CO&A to implement the approved Closure Plan.

The Department will receive and consider comments relating to the CO&A for 60 days from the date of this Public Notice. The Department may withdraw its consent to the settlement with Rockwell if comments concerning the CO&A disclose facts or issues which indicate that the settlement is impracticable or not in the public interest. The Department's settlement with Rockwell shall become final upon the Department's filing of a response to any significant comments made to the CO&A during the 60-day public comment period.

Copies of the CO&A are available for review and comment at the Department's Southwest Regional Office, located at 400 Waterfront Drive, Pittsburgh, PA. Comments may be submitted in writing to Terry Goodwald, Project Officer, Department of Environmental Protection, Hazardous Sites Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. A copy of the CO&A or further information may be obtained by contacting Terry Goodwald at (412) 442-4133. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

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 non-residential 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 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.

Childers Products, Inc., Bristol Township, **Bucks County**. A remedial investigation, baseline risk assessment and cleanup plan concerning the remediation of site soil and groundwater contaminated with solvents and BTEX was submitted to the Department on September 11, 1998. The Department on December 10, 1998 approved these reports.

Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.

Donald Thrush Property, Spring Township, **Centre County**. Hydrotech, Inc., on behalf of its client Donald Thrush, 610 Willowbank Street, Bellefonte, PA 16823, has submitted a Final Report concerning the remediation of site soil contaminated with PHCs. The report is intended to document remediation of the site to meet the Statewide health standard. See additional information in another section of this *Pennsylvania Bulletin*.

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

Fuccillo Ford, Town of Hampton, **Allegheny County**. Fuccillo Ford, Route 11, Adams New York, OP-TECH Environmental Services, 6392 Deere Road, Syracuse, NY 13220, and Paul Suozi, 108 Sawyer Avenue, Tonawanda, NY 14150 has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs, and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

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 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 investigation, 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 plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of a final 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 acted upon 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.

The Former Heintz Corp., Property, Parcel B, City of Philadelphia, **Philadelphia County**. Thomas A. Nowlan, P.E., O'Brien & Gere Companies, 1777 Sentry Parkway West, Gwynedd Hall, Suite 302, Blue Bell, PA 19422, has submitted a Cleanup Plan concerning remediation of site soil contaminated with lead, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents and BTEX. The plan was approved by the Department on June 1, 2000.

K Mart Corp., Morrisville Distribution Center, Falls Township, **Bucks County**. Steven F. Coe, Brown Environmental, 42 Sequoia Drive, Newtown, PA 18940, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on July 12, 2000.

Former American Cable Co., City of Philadelphia, **Philadelphia County**. Greg V. Lesniak, Walter B. Satterthwaite Assoc., 720 Old Fern Hill Road, West Chester, PA 19380, has submitted a Final Report concerning remediation of site soil contaminated with lead and petroleum hydrocarbons. The report demonstrated attainment of the Statewide health and site-specific standards and was approved by the Department on July 13, 2000.

Edelmans Sporting Goods, Montgomery Township, **Montgomery County**. Eric S. Poulson, P.E., Oxford Engineering Co., 1515 West Chester Pike, Suite B-1, West Chester, PA 19382, 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 July 13, 2000.

Keystone Coke Co., Upper Merion Township, **Montgomery County**. Randy Shuler, Environmental Resources Management, Inc., Princeton Crossroads Corp. Center, 250 Phillips Blvd., Suite 280, Ewing, NJ 08618, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on July 17, 2000.

Mack Oil Company, Inc., Easttown and Tredyffrin Townships, **Chester County**. Michael S. Welsh, P.E., Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA, has submitted a Final Report concerning remediation of site soil contaminated with BTEX. The report demonstrated attainment of the Statewide health standard and was approved by the Department on July 18, 2000.

Former Cedar Hollow Quarry, East Whiteland and Tredyffrin Townships, **Chester County**. Darryl D. Borrelli, Manko, Gold & Katcher LLP, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report demonstrated attainment of Statewide health and background standards and was approved by the Department on July 21, 2000.

Charles Stephens Property, West Whiteland Township, **Chester County**. James H. Mulry, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on July 25, 2000.

9th and Madison Streets Site, City of Chester, **Delaware County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report demonstrated attainment of the Statewide health standard and was approved by the Department on July 31, 2000.

VIZ Manufacturing Co., City of Philadelphia, **Philadelphia County**. Jeffery Fehr, Penn Environmental & Remediation Inc., 2755 Bergey Rd., Hatfield, PA 19440, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with solvents. The report demonstrated attainment of the Statewide health and site-specific standards and was approved by the Department on August 2, 2000.

Former Earl's Amoco Service Station, West Chester Borough, **Chester County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with lead, BTEX and polycyclic aromatic hydrocarbons. The report was approved by the Department for demonstrating attainment of site-specific standard for groundwater but was disapproved by the Department for non-attainment of the Statewide health standard for soil on July 19, 2000.

Hale Products, Inc., Conshohocken Borough, **Montgomery County**. Frank C. Keirse, Hale Products, Inc., 700 Spring Mill Avenue, Conshohocken, PA 19428, has submitted a Final Report concerning remediation of site soil contaminated with lead and heavy metals; and groundwater contaminated with heavy metals. The report did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on July 17, 2000.

Childers Products, Inc., Bristol Township, **Bucks County**. A remedial investigation, baseline risk assessment and cleanup plan concerning the remediation of site soil and groundwater contaminated with solvents and

BTEX was approved by the Department on December 10, 1998. Notice of approval of the Final Report for this site was published in the January 9, 1999 *Pennsylvania Bulletin*.

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 (PPL)—former Oneida Substation, East Union Township, Schuylkill County. PPL, 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 January 4, 1999.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Lebanon Foundry, Lebanon City, Lebanon County. A baseline environmental report has been submitted concerning the remediation of site soils and groundwater contaminated with lead and BTEX. The site was remediated as a special industrial area. The Department on April 17, 1998 approved the baseline environmental report and the Consent Order and Agreement was executed on January 12, 1999.

Lancaster Leaf Tobacco Company of PA, Inc., City of Lancaster, **Lancaster County.** A Final Report has been submitted concerning the remediation of site soils contaminated with PCBs (polychlorinated biphenyls). The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 21, 1999.

Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.

Dunkin Donuts, City of Williamsport, Lycoming County. A baseline environmental report has been submitted concerning soil and groundwater contaminated with solvents and BTEX. The site has been proposed to meet the special industrial area requirements. The baseline environmental report was approved by the Department on February 12, 1997, and the Consent Order and Agreement was finalized on December 10, 1998.

Sunshine Textile Services, Inc., Town of Bloomsburg, **Columbia County.** Austin James Associates, Inc., on behalf of its client, Budd Beyer, R. R. 2, Box 2253, Berwick, PA 18603, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with solvents and PHCs. The reports were approved by the Department on August 3, 2000.

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

New Eagle Borough Municipal Sewer Authority, Borough of New Eagle, **Washington County.** New Eagle Borough Municipal Sewer Authority, 157 Main Street, New Eagle, PA 15067 and Joseph Senita, Chester Engineers, Inc., 600 Clubhouse Drive, Moon Township, PA 15108 have submitted a remedial investigation report, risk assessment and cleanup plan concerning remediation of site soil and groundwater contaminated with lead. The reports were approved by the Department on April 18, 1998.

Lubriquip, Inc., Stowe Township, **Allegheny County.** Richard Nyce, Lubriquip, Inc., 18901 Cranwood Parkway, Cleveland, OH 44128 has submitted a final report concerning remediation of site groundwater contaminated with solvents. The final report did not demonstrate attainment of the site specific standard and was disapproved by the Department on August 4, 2000.

ARCO Chemical Company, Beaver Valley Plant (East Landfill), Potter Township, **Beaver County.** Thomas J. Walsh, ARCO Chemical Company, 3801 West Chester Pike, Newtown Square, PA 19073, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with polycyclic aromatic hydrocarbons, petroleum hydrocarbons, benzene, toluene, ethylbenzene and xylene. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on February 24, 1999.

Portec, Inc., RMP Division, O'Hara Township, **Allegheny County.** Joseph Harrick, Earth Sciences Consultants, One Triangle Drive, Export, PA 15632, has submitted a Final Report concerning remediation of the site soil and groundwater contaminated with solvents, benzene, toluene, ethylbenzene and xylene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on November 30, 1998.

Cecilia Kearns Residence, East Conemaugh Borough, **Cambria County.** David R. Crowther, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with benzene, toluene, ethylbenzene, xylene and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on April 9, 1999.

SOLID AND HAZARDOUS WASTE OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Regional Office: Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.

Permit No. 100549. Safety Disposal System of Pennsylvania, Inc., One Penn Avenue, Marcus Hook, PA 19061. A 10-year permit renewal was issued for the continued operation of an infectious and chemotherapeutic waste transfer station and two commercial autoclaves for the processing of infectious waste. The facility is located in the Borough of Marcus Hook, **Delaware County.** The permit was renewed by the Southeast Regional Office on August 10, 2000.

Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653.

Permit No. 100963. Lycoming County Landfill, Lycoming County Commissioners (48 W. Third St., Courthouse, Williamsport, PA 17701). Renewal of permit for a municipal waste landfill located in Brady Township, **Lycoming County,** issued in the regional office on August 7, 2000.

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.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

GP-65-00923: Dominion Peoples Gas Co. (625 Liberty Avenue, Pittsburgh, PA 15222) on August 8, 2000, for construction and operation of one Caterpillar Model G3512TALE 810 BHP natural gas-fired compressor engine at the Latrobe Compressor Station in Unity Township, **Westmoreland County**.

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.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

09-399-045: Bucks County Water and Sewer Authority (360 Green Street, Doylestown, PA 18976) on August 1, 2000, for operation of a scrubber in Doylestown Borough, **Bucks County**.

PA-15-0078: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on August 10, 2000, for operation of an emergency electric generator in East Whiteland Township, **Chester County**.

TVOP-15-00030: NVF Co. (400 Mulberry Street, Kennett Square, PA 19348) on August 10, 2000, for operation of a Facility Title V Operating Permit in Kennett Square Borough, **Chester County**.

TVOP-23-00044: Sunoco, Inc. (R&M) (Commerce Drive in I-95 Industrial Park, Aston, PA 19014) on August 10, 2000, for operation of a Facility Title V Operating Permit in Upper Chichester Township, **Delaware County**.

TVOP-23-00011: Sunoco, Inc. (R&M) (Calcon Hook and Hook Roads, Delaware, PA 19032) on August 10, 2000, for operation of a Facility Title V Operating Permit in Darby Township, **Delaware County**.

Operating Permits Minor Modification 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.

36-05019: Anvil International, Inc. (1411 Lancaster Avenue, Columbia, PA 17512) for installation and operation of a disamatic molding line, sprue crusher and fabric collector in Columbia Borough, **Lancaster County**. This modification increased the facility's potential-to-emit of Volatile Organic Compounds (VOC) emissions by 8 tons. The Title V Operating Permit contains all appropriate requirements for this source.

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.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-05024: Reliant Energy Mid Atlantic Power Holdings, LLC (1001 Broad Street, Johnstown, PA 15907) for an administrative amendment for an electric generating station with various control devices in Cumru Township, **Berks County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

TVOP-19-00004: Cheetah Chassis Corp. (Third and Oak Street, Berwick, PA 18603), a Title V Operating Permit on June 13, 2000, for operation of a tractor-trailer chassis fabrication operation including surface coating and associated process equipment formerly owned and operated by Strick Corp. in Berwick Borough, **Columbia County**.

TVOP 53-00003: National Fuel Gas Supply Corp. (P. O. Box 2081, Erie, PA 16512) on June 23, 2000, for revision of the Title V Operating Permit to incorporate the conditions related to the modification of two dehydration units and installation of a thermal oxidizer at their natural gas storage and transport facility in Allegany Township, **Potter County**.

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.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-15-0067A: Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362) on August 9, 2000, for operation of a natural gas fueled boiler and fryer in West Nottingham Township, **Chester County**.

PA-09-0015A: Rohm & Haas Co. (Route 413 and State Road, Bristol, PA 19007) on August 14, 2000, for operation of a 1.7 mw-hr emergency generator in Bristol Township, **Bucks County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-05004B: Baldwin Hardware Corp. (P. O. Box 15048, Reading, PA 19612-5048) on August 11, 2000, for installation of four cell batch vapor degreasers in Reading City, **Berks County**.

36-03008C: Tyson Foods, Inc. (403 South Custer Avenue, New Holland, PA 17557-0901) on August 11, 2000, for installation of a fabric collector in New Holland Borough, **Lancaster County**.

67-05027A: York Wallcoverings, Inc. (750 Linden Avenue, P. O. Box 5166, York, PA 17405-5166) on August 11, 2000, for modification of a coating system in York City, **York County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-04-226A: Wine Construction, Inc. (1000 Big Sewickley Creek Road, Sewickley, PA 15143) on August 9, 2000, for operation of combination asphalt batch/drum plant at Asphalt Batch Plant in Economy Borough, **Beaver County**.

Administrative Amendment of 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.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

23-312-172C: C3 Polymers, LLC (Post Road and Blueball Avenue, Marcus Hook, PA 19061) on August 9, 2000, for storage bin vents in Marcus Hook Borough, **Delaware 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.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-313-147: Cabot Corp. (County Line Road, Boyertown, PA 19512) on August 9, 2000, for operation of a refrigerated condenser in Douglass Township, **Montgomery County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

28-310-002E: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) on August 8, 2000, to authorize temporary operation of a limestone crushing plant covered under this Plan Approval until December 5, 2000, at the Chambersburg Quarry in Guilford Township, **Franklin County**. These sources are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

36-304-092: Donsco, Inc. (P. O. Box 2001, Wrightsville, PA 17368-0400) on July 29, 2000, to authorize temporary operation of molding, shakeout and finishing operations covered under this Plan Approval until November 26, 2000, at the Mount Joy Foundry in Mount Joy Borough, **Lancaster County**.

36-05019A: Anvil International, Inc. (1411 Lancaster Avenue, Columbia, PA 17512) on June 29, 2000, to authorize temporary operation of a disamatic molding line covered under this Plan Approval until October 26, 2000, at the Columbia Plant in Columbia Borough, **Lancaster County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-04-003A: PF Environmental Technologies, Inc. (1135 Butler Avenue, New Castle, PA 16101) on August 8, 2000, for operation of rotary dryer at the Kabuta Plant in Potter Township, **Beaver County**.

PA-03-212A: Parkwood Resources, Inc. (P. O. Box 552, Somerset, PA 15501) on August 9, 2000, for installation of a coal processing plant at the Parkwood Mine in South Bend Township, **Armstrong County**.

PA-65-307-054B: Teledyne, Inc. (100 River Road, Brackenridge, PA 15014) for operation of EAF Oxygen

Lance and AOD Vessel at Teledyne Allvac in Derry Township, **Westmoreland 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).

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

Coal Permits Issued

54950202R. Gilberton Coal Company (P. O. Box 423, Gilberton, PA 17934), renewal of an existing coal refuse reprocessing/disposal operation in Mahanoy Township, **Schuylkill County** affecting 148.0 acres, receiving stream—none. Renewal issued August 10, 2000.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

56961301. Rox Coal, Inc. (1576 Stoystown Rd., P. O. Box 149, Friedens, PA 15541), to transfer the permit for the Sarah Mine in Jenner Township, **Somerset County** to transfer from Penn Coal, Inc., no additional discharges. Permit issued July 20, 2000.

56743705. Beth Energy Mines, Inc. (Martin Tower, 1170 8th Ave., Bethlehem, PA 18016), to renew the permit for the Windber #78 Coal Refuse Disposal Area in Paint Township, **Somerset County** to renew the existing permit for reclamation only for the Windber #78 CRDA, no additional discharges. Permit issued August 3, 2000.

32743711. Helvetia Coal Co. (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Lucerne No. 8 Coal Refuse Disposal Area in Young Township, **Indiana County** to renew the existing Lucerne No. 8 Coal Refuse Disposal Area permit, no additional discharges. Permit issued August 10, 2000.

11733701. Beth Energy 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** to renew for reclamation only, no additional discharges. Permit issued August 10, 2000.

03753705. Keystone Coal Mining Corporation (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. Permit issued August 10, 2000.

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

17910127. Fred Kitko (R. D., Coalport, PA 16627), renewal of an existing bituminous surface mine permit

located in Beccaria Township, **Clearfield County** affecting 136 acres. Receiving streams: Banian Run. Application received June 6, 2000. Permit issued August 7, 2000.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

03990108. Thomas J. Smith, Inc. (R. R. 1, Box 260D, Shelocta, PA 15774). Permit issued for commencement, operation and reclamation of a bituminous surface auger mine, with sandstone and shale removal, located in Plumcreek Township, **Armstrong County**, affecting 57.4 acres. Receiving streams: unnamed tributary to Plum Creek to Plum Creek to Crooked Creek. Application received: November 1, 1999. Permit issued: August 8, 2000.

65990101. Purco Coal, Inc. (22 Van Voorhis Lane, Monongahela, PA 15063). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in South Huntingdon Township, **Westmoreland County**, affecting 14.0 acres. Receiving streams: unnamed tributary to Youghiogheny River. Application received: January 25, 1999. Permit issued: August 10, 2000.

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 Dam Safety and Encroachment 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, 400 Market Street, Floor 2, 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 the 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 at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certification

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E66-122. Encroachment. Wyoming County, Wyoming County Courthouse, 1 Courthouse Square, Tunkhannock, PA 18657. To remove the existing structure and to construct and maintain a single-span prestressed concrete adjacent box beam bridge having a normal span of approximately 57.7 feet and underclearance of approximately 7.5 feet on a 70 degree skew across Bowman Creek. The bridge, also known as County Bridge—No. 1, is located along Township Road T310, just east of S. R. 3002 (Noxen, PA Quadrangle N: 7.3 inches; W: 12.5 inches) in Noxen Township, **Wyoming County**.

E35-306. Encroachment. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To construct and maintain a stream enclosure consisting of a 134-foot-long (40.8 m), 9-foot by 6-foot (2.7-m by 1.8-m) concrete box section with a 23.9-foot (7.3 m) long, slope and side-taped improved inlet section with extended upstream wingwalls and a 65.6-foot (20-m) long, R-8 riprap-lined, energy dissipator with a 36.1-foot (11.0-m) apron section; a 36-inch (91.4-cm) diameter RCP stormwater outfall structure in Leach Creek; to extend the existing 72-inch (1,800-mm) stormwater CMP and outfall approximately 213 feet (65 m) downstream and construct R-8 riprap protection along the right bank of Leach Creek. The project is known as the Keyser Avenue Widening and Rail Bridge Replacement Project (S. R. 0307, Section 270) and is located east of the intersection of S. R. 3011 and S. R. 0307 (Scranton, PA Quadrangle N: 12.5 inches; W: 6.6 inches) in the City of Scranton, **Lackawanna County**.

E45-379. Encroachment. Bestway Enterprises, Inc., 3877 Luker Road, Cortland, NY 13047. To remove the existing structure and to construct and maintain a road crossing consisting of a concrete box culvert having dimensions of 12 feet by 6 feet with a 1-foot culvert depression in a tributary to Cranberry Creek and stone fill in 0.22 acre of adjacent wetlands. The crossing will provide access to the proposed Bestway Lumber Treatment Center located southeast of S. R. 0191 and S. R. 1008, approximately 1 mile north of the intersection of S. R. 0390 and S. R. 0191 (Buck Hill Farms, PA Quadrangle N: 5.0 inches; W: 4.4 inches) in Barrett Township, **Monroe County**.

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

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**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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 23 feet in the channel of 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**. This permit also includes 401 Water Quality Certification.

E28-273. Encroachment. Shadow Creek Meadows Development Company, P. O. Box 152, Greencastle, PA 17225. To remove an existing masonry inlet drop struc-

ture and approximately 430 linear feet of underground stream enclosure and to construct and maintain (1) 500 linear feet of open 8-foot bottom width trapezoidal channel and a reinforced concrete diversion structure to re-establish the channel of Paddy Run (WWF) located on the west side of Williamsport Pike (SR 3001); (2) 250 linear feet of realigned channel within an 8-foot bottom width trapezoidal channel and to disturb 0.37 acre of wetlands located between the east side of Williamsport Pike bridge and Conrail railroad culvert; (3) a 49-inch x 33-inch corrugated metal pipe-arch (CMPA) culvert for a residential driveway; and (4) approximately 340 feet of 8-foot bottom width trapezoidal diversion channel to convey flow to the existing Jason Drive pipe culverts. The stream channel improvements are for completion of the remaining phases of Shadow Creek Meadows located about 1 mile south of Greencastle Borough (Greencastle, PA Quadrangle N: 5.0 inches; W: 15.88 inches) in Antrim Township, **Franklin County**. The permittee is required to provide 0.37 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

E38-130. Encroachment. **Trout Unlimited Doc-Fritzcheg Chapter 2266**, Frank Payer, 124 Fort Hunter Road, Harrisburg, PA 17110. To construct and maintain an 8-inch PVC intake pipe to divert water to a second 6-foot diameter concrete pipe to be filled with limestone to serve as a diversion well being placed adjacent to an existing well. The project purpose is to treat high flows of acidic water in Rausch Creek (TSF). The site is located on the upstream side of the Stony Creek rail/trail bridge over Rausch Creek (Indiantown Gap, PA Quadrangle N: 22.3 inches; W: 13.5 inches) in Cold Spring Township, **Lebanon County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E14-376. Encroachment. **Pennsylvania Department of Transportation, Engineering District 2-0**, 19-24 Daisy Street, Clearfield, PA 16801. To construct and maintain a concrete box culvert, 4.8 m by 3 m and 3 elliptical concrete pipes, 1092 mm by 1727 mm in the floodway of Big Hollow Run for the construction of Blue Course Drive which extend from SR 26 to SR 322 (Julian, PA Quadrangle N: 5.25 inches; W: 1.0 inches) in Ferguson Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects."

E59-391. Encroachment. **Larry L. Fromm**, 530 Blue Lake Road, Denver, PA 17517. To maintain a crossing consisting of three 32 inch culvert pipes in Hornsby Hollow Creek and also to maintain associated fill material measuring 78 feet by 25 feet in a wetland. This project is located on Township Route T-398 approximately 1 mile from its intersection with SR 4012 (Asaph, PA Quadrangle N: 20.9 inches; W: 9.1 inches) in Chatham Township, **Tioga County**. This permit also includes 401 Water Quality Certification.

E59-402. Encroachment. **Pennsylvania Department of Transportation, District 3-0**, 715 Jordan Avenue, Montoursville, PA 17754-0218. To remove a 7 m R. C. T-beam bridge with a clear span of 6.1 m and a center-to-center span of 6.6 m with a curb-to-curb width of 7.2 m and a design underclearance of 1.8 m and to construct and maintain a precast box culvert with a waterway opening 1.981 m high and 7.315 m wide in Bear Creek 2.6 Km northeast of Roseville on SR 0549 (Millerton, PA Quadrangle N: 0.1 inch; W: 7.4 inches) in Rutland Town-

ship, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-314. Encroachment. **Cranberry Township**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066-6499. To operate and maintain excavated areas within the 100-year floodway and flood plain totaling approximately 2 acres along a 750-foot long reach of a tributary to Brush Creek between Freedom Road (S. R. 3020) and Parkwood Drive to provide additional flood storage (Baden, PA Quadrangle N: 10.1 inches; W: 1.3 inches) in Cranberry Township, **Butler County**.

E25-608. Encroachment. **Greater Erie Industrial Development Corp.**, 5240 Knowledge Parkway, Erie, PA 16510. To conduct the following activities within Phases 2 and 3 of the Knowledge Park industrial park located between Jordan Road and Station Road north of I-90 in Harborcreek Township, **Erie County**:

1. The following are associated with the construction of Knowledge Parkway connecting Jordan Road and Station Road:

a. Fill 0.064 acre of wetland C approximately 1,900 feet east of Jordan Road for roadway embankment and utility lines (Hammett, PA Quadrangle N: 20.85 inches; W: 13.3 inches).

b. To construct and maintain a stream enclosure consisting of twin 54-inch diameter, 118-foot long culverts and utility lines in a tributary to Fourmile Creek approximately 2,100 feet east of Jordan Road (Hammett, PA Quadrangle N: 20.95 inches; W: 13.2 inches).

c. To construct and maintain a stream enclosure consisting of twin 54-inch diameter, 129-foot long culverts and utility lines in a tributary to Fourmile Creek approximately 2,630 feet east of Jordan Road (Hammett, PA Quadrangle N: 21.1 inches; W: 13.0 inches).

d. To construct and maintain a stream enclosure consisting of twin 54-inch diameter, 137-foot long culverts and utility lines in a tributary to Fourmile Creek approximately 2,800 feet east of Jordan Road (Hammett, PA Quadrangle N: 21.1 inches; W: 12.95 inches).

e. Fill 0.062 acre of wetland M approximately 2,850 feet east of Jordan Road for roadway embankment and utility lines (Hammett, PA Quadrangle N: 21.15 inches; W: 12.9 inches).

2. To construct and maintain twin 54-inch diameter, 84-foot long culverts in a tributary to Fourmile Creek to provide an access roadway and utility lines to a building lot east of Road D between I-90 and Knowledge Parkway (Hammett, PA Quadrangle N: 21.0 inches; W: 12.9 inches).

3. To construct and maintain a pedestrian bridge having a two clear spans of 16.5 feet and an underclearance of 4 feet across a tributary to Fourmile Creek approximately 2950 feet east of Jordan Road (Hammett, PA Quadrangle N: 21.1 inches; W: 12.8 inches).

4. To construct and maintain a pedestrian bridge having a total length of approximately 187 feet and a minimum underclearance of 1.5 feet over a total of 0.052 acre of wetland C approximately 1,500 feet east of the intersection of Jordan Road and Knowledge Parkway (Hammett, PA Quadrangle N: 20.65 inches; W: 13.2 inches).

5. To fill 0.004 acre of wetland N for construction of North Ridge Road approximately 1,900 feet east of Jordan Road (Hammett, PA Quadrangle N: 21.2 inches; W: 13.3 inches).

6. Fill 0.007 acre of wetland N for lot development north of North Ridge Road approximately 2,200 feet east of Jordan Road (Hammett, PA Quadrangle N: 21.25 inches; W: 13.2 inches).

7. Fill 0.066 acre of wetland O for lot development north of North Ridge Road approximately 1,500 feet east of Jordan Road (Hammett, PA Quadrangle N: 21.3 inches; W: 13.5 inches).

8. To construct and maintain a pedestrian bridge having two side spans of 65 feet and a center span of 100 feet and a maximum underclearance of approximately 60 feet across a tributary to Fourmile Creek (Jordan Run) approximately 400 feet upstream of Jordan Road (Hammett, PA Quadrangle N: 20.95 inches; W: 13.9 inches).

This project includes creation of 0.272 acre of replacement wetland adjacent to Wetland C south of Knowledge Parkway (Hammett, PA Quadrangle N: 20.85 inches; W: 13.25 inches).

E25-613. Encroachment. **Mercyhurst College**, 501 East 38th Street, Erie, PA 16546-0001. To fill a de minimis area of wetland for the expansion of an existing soccer field at the Mercyhurst College campus along the east side of Parade Boulevard approximately 2,000 feet south of East 38th Street (Erie South, PA Quadrangle N: 18.2 inches; W: 9.4 inches) in the City of Erie, **Erie County**.

E37-129. Encroachment. **Lawrence County Commissioners**, Government Center, 430 Court Street, New Castle, PA 16101. To remove the existing Coverts Crossing Bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having three spans of 34 meters (bearing to bearing) and a minimum underclearance of about 4 meters on an 82 degree skew across Mahoning River and place fill in a de minimis area of wetland on the south approach on T-372 (Coverts Road) approximately 1,000 feet northeast of Brewster Road at the village of Coverts (Bessemer, PA Quadrangle N: 22.2 inches; W: 5.4 inches) in Union and Mahoning Township, **Lawrence County**.

E43-280. Encroachment. **Mercer County**, 503 Mercer County Courthouse, Mercer, PA 16137. To remove the existing County Bridge No. 1917 and to construct and maintain a prestressed concrete adjacent box beam bridge having a normal span of 24 feet and an average underclearance of 5.75 feet on a 60 degree skew across a tributary to Magargee Run on T496 (Clay Furnace Road) approximately 0.76 mile north of S. R. 3020 (Lamor Road) (Sharpsville, PA Quadrangle N: 2.3 inches; W: 1.2 inches) in Jefferson Township, **Mercer County**.

E62-352. Encroachment. **Kinzua/Warren County Joint Authority**, P. O. Box 412, Clarendon, PA 16313, install and maintain the following utility line stream and wetland crossings by open cut as part of a sewage collection and treatment system serving Clarendon Borough and Mead Township, **Warren County**.

1. An 8-inch diameter PVC treated effluent pipe (S. C. 1) across Mill Race (backwater channel of Allegheny River (WWF, 1-A Scenic River)) (Clarendon, PA Quadrangle, N: 13.3 inches; W: 14.9 inches) in Mead Township.

2. An 8-inch diameter PVC sanitary sewer (S. C. 2) across Browns Run (CWF) (Clarendon, PA Quadrangle, N: 13.3 inches; W: 15.0 inches) in Mead Township.

3. An 8-inch diameter PVC sanitary sewer (S. C. 3) across a tributary to Browns Run (CWF) (Clarendon, PA Quadrangle, N: 13.2 inches; W: 15.0 inches) in Mead Township.

4. An 8-inch diameter PVC sanitary sewer (S. C. 4) across Browns Run (CWF) (Clarendon, PA Quadrangle, N: 13.1 inches; W: 15.0 inches) in Mead Township.

5. An 8-inch diameter PVC sanitary sewer (S. C. 5) across Browns Run (CWF) (Clarendon, PA Quadrangle, N: 13.1 inches; W: 14.7 inches) in Mead Township.

6. An 8-inch diameter PVC sanitary sewer (S. C. 6) across Morrison Run (HQ-CWF, nominated EV) (Clarendon, PA Quadrangle, N: 13.0 inches; W: 14.8 inches) in Mead Township.

7. An 8-inch diameter PVC sanitary sewer (S. C. 7) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 12.3 inches; W: 14.2 inches) in Mead Township.

8. An 8-inch diameter PVC sanitary sewer (S. C. 8) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 11.3 inches; W: 13.9 inches) in Mead Township.

9. An 8-inch diameter PVC sanitary sewer (S. C. 9) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 11.1 inches; W: 13.6 inches) in Mead Township.

10. An 8-inch diameter PVC sanitary sewer (S. C. 10) across Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 10.9 inches; W: 13.2 inches) in Mead Township.

11. An 8-inch diameter PVC sanitary sewer (S. C. 11) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 10.4 inches; W: 12.7 inches) in Mead Township.

12. An 8-inch diameter PVC sanitary sewer (S. C. 12) across Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 10.0 inches; W: 12.7 inches) in Mead Township.

13. An 8-inch diameter PVC sanitary sewer (S. C. 13) across Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 9.4 inches; W: 13.1 inches) in Mead Township.

14. An 8-inch diameter PVC sanitary sewer (S. C. 14) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 9.3 inches; W: 13.3 inches) in Mead Township.

15. An 8-inch diameter PVC sanitary sewer (S. C. 15) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle N: 9.2 inches; W: 13.3 inches) in Mead Township.

16. An 8-inch diameter PVC sanitary sewer (S. C. 16) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 9.1 inches; W: 13.3 inches) in Mead Township.

17. An 8-inch diameter PVC sanitary sewer (S. C. 17) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 9.0 inches; W: 13.3 inches) in Mead Township.

18. An 8-inch diameter PVC sanitary sewer (S. C. 18) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 9.0 inches; W: 13.3 inches) in Mead Township.

19. An 8-inch diameter PVC sanitary sewer (S. C. 19) across Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 9.1 inches; W: 13.1 inches) in Mead Township.

20. An 8-inch diameter PVC sanitary sewer (S. C. 20) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 9.0 inches; W: 13.4 inches) in Mead Township.

21. An 8-inch diameter PVC sanitary sewer (S. C. 21) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 8.5 inches; W: 12.9 inches) in Mead Township.

22. An 8-inch diameter PVC sanitary sewer (S. C. 22) across a tributary to Dutchman Run (CWF) (Clarendon, PA Quadrangle, N: 8.4 inches; W: 12.8 inches) in Mead Township.

23. An 8-inch diameter PVC sanitary sewer (S. C. 23) across a tributary to West Branch Tionesta Creek (HQ-CWF) (Clarendon, PA Quadrangle, N: 5.4 inches; W: 13.4 inches) in Clarendon Borough.

24. An 8-inch diameter PVC sanitary sewer (S. C. 24) across a tributary to West Branch Tionesta Creek (HQ-CWF) (Clarendon, PA Quadrangle, N: 5.1 inches; W: 13.1 inches) in Clarendon Borough.

25. A 2-inch diameter PVC sanitary sewer (S. C. 25) across a tributary to West Branch Tionesta Creek (HQ-CWF) (Clarendon, PA Quadrangle, N: 5.1 inches; W: 13.1 inches) in Clarendon Borough.

26. A 10-inch diameter PVC sanitary sewer (S. C. 26) across a tributary to West Branch Tionesta Creek (HQ-CWF) (Clarendon, PA Quadrangle, N: 5.0 inches; W: 13.0 inches) in Clarendon Borough.

27. A 4-inch diameter PVC sanitary sewer (S. C. 27) across Pacard Run (CWF) (Clarendon, PA Quadrangle, N: 3.6 inches; W: 11.3 inches) in Mead Township.

28. An 8-inch diameter PVC sanitary sewer (S. C. 28) across Six Mile Creek (HQ-CWF) (Sheffield, PA Quadrangle, N: 22.2 inches; W: 9.4 inches) in Mead Township.

29. An 8-inch diameter PVC sanitary sewer across approximately 600 linear feet of Wetland No. 1 (Clarendon, PA Quadrangle, N: 12.9 inches; W: 15.0 inches) in Mead Township.

30. An 8-inch diameter PVC sanitary sewer across approximately 230 linear feet of Wetland No. 2 (Clarendon, PA Quadrangle, N: 12.7 inches; W: 13.4 inches) in Mead Township.

31. An 8-inch diameter PVC sanitary sewer across approximately 200 linear feet of Wetland No. 4 (Clarendon, PA Quadrangle, N: 11.1 inches; W: 13.5 inches) in Mead Township.

32. An 8-inch diameter PVC sanitary sewer across approximately 300 linear feet of Wetland No. 4 (Clarendon, PA Quadrangle, N: 9.0 inches; W: 13.3 inches) in Mead Township.

33. An 8-inch diameter PVC sanitary sewer across approximately 220 linear feet of Wetland No. 6 (Clarendon, PA Quadrangle, N: 9.2 inches; W: 13.3 inches) in Mead Township.

34. An 8-inch diameter PVC sanitary sewer across approximately 270 linear feet of Wetland No. 7 (Clarendon, PA Quadrangle, N: 8.8 inches; W: 13.5 inches) in Mead Township.

35. An 8-inch diameter PVC sanitary sewer across approximately 35 linear feet of Wetland No. 8 (Clarendon, PA Quadrangle, N: 8.8 inches; W: 13.7 inches) in Mead Township.

36. An 8-inch diameter PVC sanitary sewer across approximately 100 linear feet of Wetlands No. 10 (Clarendon, PA Quadrangle, N: 7.2 inches; W: 14.4 inches) in Mead Township.

37. An 8-inch diameter PVC sanitary sewer across approximately 120 linear feet of Wetland No. 11 (Clarendon, PA Quadrangle, N: 6.5 inches; W: 13.8 inches) in Clarendon Borough.

38. An 8-inch diameter PVC sanitary sewer across approximately 160 linear feet of Wetland No. 12 (Clarendon, PA Quadrangle, N: 0.7 inch; W: 10.5 inches) in Mead Township.

39. An 8-inch diameter PVC sanitary sewer across approximately 250 linear feet of Wetland No. 13 (Clarendon, PA Quadrangle, N: 0.45 inch; W: 10.2 inches) in Mead Township.

40. An 8-inch diameter PVC sanitary sewer across approximately 410 linear feet of Wetland No. 14 (Clarendon, PA Quadrangle, N: 0.1 inch; W: 9.8 inches) in Mead Township.

41. An 8-inch diameter PVC sanitary sewer across approximately 320 linear feet of Wetland No. 15 (Sheffield, PA Quadrangle, N: 22.2 inches; W: 9.6 inches) in Mead Township.

To install and maintain an 8-inch diameter PVC treated effluent outfall pipe with concrete headwall and rock riprap along the Allegheny River (WWF, 1-A Scenic River) above the low water elevation (Clarendon, PA Quadrangle, N: 13.5 inches; W: 14.8 inches) in Mead Township, **Warren County**.

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.

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

Permits issued on June 23, 2000

WA2-825C. Water Allocation. **Plum Borough Municipal Authority, Allegheny County, PA.** This permit grants the right to purchase, for public water supply purposes, 400,000 gallons per day (gpd) of water, based on a daily maximum, from the Wilkesburg-Penn Joint Water Authority, Allegheny County.

WA2-825D. Water Allocation. **Plum Borough Municipal Authority, Allegheny County, PA.** This permit grants the right to purchase, for public water supply purposes, 232,000 gallons per day (gpd) of water, based on a daily maximum, from the Monroeville Municipal Authority, Allegheny County.

WA2-824A. Water Allocation. **Monroeville Water Authority, Allegheny County, PA.** This permit grants the right to purchase, for public water supply purposes, 7,500,000 gallons per day (gpd) of water, based on a daily maximum, from the Wilkesburg-Penn Joint Water Authority, Allegheny County; and the right to purchase, for public water supply purposes, 6,000,000 gallons per day (gpd) of water, on an emergency basis only, from the Municipal Authority of Westmoreland County.

WA2-160B. Water Allocation. **Water Authority of the Borough of Braddock, Allegheny County, PA.** This permit grants the right to purchase, for public water supply purposes, 1,200,000 gallons per day (gpd) of water, based on a daily maximum, from the Wilkesburg-Penn Joint Water Authority, Allegheny County.

WA2-143B. Water Allocation. **Wilkesburg-Penn Joint Water Authority, Allegheny County, PA.** This permit grants the right to purchase, for public water supply purposes, 34 millions gallons per day (mgd) of water, based on a daily peak, from the Allegheny River, Allegheny County.

STORAGE TANKS

SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permit under the authority of the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and 25 Pa. Code Chapter 245, Subchapter C has been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
00-02-011	Kim Legge Sunoco Inc. (R & M) 1801 Market Street Philadelphia, PA 19103-1699	Allegheny County Pittsburgh	1 AST Storing Ethanol 168,000 gallons

[Pa.B. Doc. No. 00-1460. Filed for public inspection August 25, 2000, 9:00 a.m.]

Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (www.dep.state.pa.us) at the Public Participation Center. The "July 2000 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 2000.

Downloading/Ordering Paper Copies of DEP Technical Guidance

Persons can download all guidance documents from our website at www.dep.state.pa.us. We strongly encourage utilizing Internet access for viewing documents whenever possible. If you do not have access to the Internet, copies of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory can be ordered by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number are listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Final Guidance

DEP ID: 562-2000-101 Title: Environmental Good Samaritan Projects Description: This guidance defines a process for approving voluntary reclamation and abatement projects and identifying landowners and participants for the immunities from civil liability provided by the Environmental Good Samaritan Act of 1999. Effective

Date: September 5, 2000 Contact: Evan Shuster at (717) 787-4924

DEP ID: 563-2504-101 Title: Procedures for Calculating Mine Subsidence Bonds Description: This guidance describes the procedures the Department will follow in calculating the required amounts of mine subsidence bonds. The procedures outlined in the guidance are designed to yield bond amounts that are consistent with the amount of damage expected from individual mining operations. The guidance pertains to mines permitted under the Bituminous Mine Subsidence and Land Conservation Act. Effective Date: August 26, 2000 Contact: Harold Miller at (717) 787-4924

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-1461. Filed for public inspection August 25, 2000, 9:00 a.m.]

Oil and Gas Technical Advisory Board Meeting

A special meeting of the Oil and Gas Technical Advisory Board is scheduled to be held on September 26, 2000, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the agenda can be directed to James Erb at (717) 772-2199 or E-mail at Erb.James@dep.state.pa.us. The agenda is also available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact James Erb or Joyce Williams directly at (717) 772-2199, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-1462. Filed for public inspection August 25, 2000, 9:00 a.m.]

Proposed State Implementation Plan Revision to Reduce Regional Transport of Ozone

Notice of Public Hearing and Request for Comment

The Commonwealth is proposing a revision of the State Implementation Plan (SIP) for ozone. The Environmental Protection Agency (EPA) has promulgated regulations (63 Fed. Reg. 577356; October 27, 1998) which address interstate ozone transport and has required affected states to revise their SIP. The EPA issued the notice under section 110 of the Clean Air Act after finding that the current SIP does not sufficiently address the transport of pollutants to other states or ozone nonattainment areas. To remedy this, the EPA has set nitrogen oxides (NO_x) budgets to ensure Pennsylvania does not emit NO_x in amounts that contribute significantly to nonattainment in or interfere with maintenance of the 1-hour ozone standard by a downwind state.

Pennsylvania is responding with plan revisions that substantially reduce the emissions of nitrogen oxides (NO_x) from Commonwealth sources to meet the Statewide NO_x "budgets" for 2007 for mobile, area and stationary sources of NO_x. The budgets will be met through previously adopted programs and regulations. The final, revised SIP revision will be submitted to the EPA after consideration of the public comments.

This proposal is available on the Department of Environmental Protection's (Department) Website at <http://www.dep.state.pa.us> (choose Information by Subject/Air Quality/State Implementation Plans), or through the contact person listed.

The Department will hold three public hearings to receive comments on the SIP revision. All hearings start at 10 a.m. on the dates and locations as follow:

September 26, 2000
Delaware Room
16th Floor
400 Market Street
Harrisburg, PA

September 27, 2000
Waterfront A Conference Room
400 Waterfront Drive
Pittsburgh, PA

September 29, 2000
Main Conference Room
Suite 6010, Lee Park
555 North Lane
Conshohocken, PA

Persons wishing to present testimony at the hearing should contact Connie Cross, (717) 787-4310 (P. O. Box 8468, Harrisburg, PA 17105) to reserve a time. Persons who do not reserve a time, will be able to testify after pre-registrants. Witnesses should keep testimony to 10 minutes and should provide two written copies at the hearing. 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 Wick Havens at the telephone above or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how their needs may be accommodated.

Written comments should be sent to Wick Havens, Chief, Air Resource Management Division, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or by e-mail to havens.wick@dep.state.pa.us no later than close of business on October 2, 2000. Please make sure all comments, including e-mails, include your name, affiliation (if any), and postal address.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-1463. Filed for public inspection August 25, 2000, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property

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. Articulated Loader, 544D	John Deere	175-2040	PA Dot, Franklin, PA
2. Backhoe	Case	211-2056	PA Dot, Franklin, PA
3. Loader	Case	300-2056	PA Dot, Franklin, PA
4. Belt Loader	Athey	156-5369	PA Dot, Franklin, PA
5. Loader	Case	231-2056	PA Dot, Hyde, PA
6. Backhoe Tractor/Loader	Case, 680H	223-6056	PA Dot, Montoursville, PA
7. Front End Loader, 544C	John Deere	150-2040	PA Dot, Clark Summit, PA
8. Belt Loader	Athey	111-5369	PA Dot, Montrose, PA
9. Backhoe	Case, 680	190-6056	PA Dot, Honesdale, PA
10. Belt Loader, Self Propelled	Athey, Mdl 712	133-5369	PA Dot, Norristown, PA
11. Bucket Loader	Yale	034-8043	PA Dot, Kittanning, PA
12. Backhoe/Loader	John Deere, 610B	140-6040	PA Dot, Bortondale, PA

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. Bid packets can be printed from our web

site www.dgs.state.pa.us under State Surplus Property "Attention Municipalities Only." Requests for bid proposals need to be made prior to the bid opening on September 12, 2000, at 1 p.m.

GARY E. CROWELL, Secretary

[Pa.B. Doc. No. 00-1464. Filed for public inspection August 25, 2000, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hearing Scheduled

The Health Policy Board will hold a hearing in the case of In Re: Rochester Manor, Doc. No. L 99-001, on September 13, 2000, at 2 p.m. in Room 812, Health and Welfare Building, Commonwealth and Forster Streets, Harrisburg, PA 17108.

Any inquiries concerning the time and place of this meeting should be made to James T. Steele, Deputy Chief Counsel, Department of Health, (717) 783-2500.

Persons with a disability who desire to attend the meeting and require auxiliary aid, service or other accommodation to do so, should contact the James T. Steele at (717) 783-2500. 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, Jr., Secretary

[Pa.B. Doc. No. 00-1465. Filed for public inspection August 25, 2000, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children

Notice of Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program) of the name of the contract brand of formula, the names of allowable brands of foods on the 2000-2001 WIC Food List and the maximum allowable cost for WIC Food Prescription One and WIC Food Prescription Two.

I. Maximum Allowable Cost for WIC Food Prescription One and WIC Food Prescription Two

Under 28 Pa. Code § 1103.4(a)(6), the WIC Program hereby publishes notice of the maximum allowable cost for WIC Food prescription One and WIC Food Prescription Two. The information contained herein is effective October 1, 2000.

The maximum allowable cost for WIC Food Prescription One is \$51.86 and the maximum allowable cost for WIC Food Prescription Two is \$101.76.

II. Contract Brand of Formula

Under 28 Pa. Code § 1103.5(c), the WIC Program hereby publishes notice of the name of the contract brand of infant formula. The WIC Program has entered into a contract with Ross Laboratories to be the primary provider of infant formula for the WIC Program. The contract brand of infant formula Ross Products and the names of the formula are Similac with Iron and Isomil. Other brands and types of formula must be specified on the WIC check to be authorized for purchase with a WIC check. The information contained herein is effective October 1, 2000.

III. 2000-2001 WIC Food List

Under 28 Pa. Code § 1103.5(c), the WIC Program hereby publishes notice of the 2000-2001 WIC Food List which contains the required types of foods, the maximum allowable cost of certain foods and if applicable, names of allowable brands of foods. Effective October 1, 2000, the 2000-2001 WIC Food List authorizes the following as allowable foods for the purpose of the WIC Program:

Cheese

Regular, reduced fat, low fat or fat free, low cholesterol, low sodium. If from the dairy case, the cheese must be marked with weight, type and cost. Cheese must cost no more than \$5.99 per pound. Minimum package size 8 ounces.

- American (Pasteurized Process) Cheddar
Cheddarella Cojack
Colby (Longhorn) Monterey Jack
Mozzarella Muenster
Provolone Swiss

Not Allowed: Individually wrapped; imported; deli service; cheese foods; imitation cheese; cheese products or spreads; string cheese; cheese with added ingredients.

Milk

Fluid (pasteurized; quarts costing no more than \$1.10, half gallons costing no more than \$2.20, or gallons costing no more than \$4.40). Any fat level allowed; acidophilus allowed.

Lactose reduced or lactose free if specified on the WIC check.

Evaporated (12 ounce cans) if specified on the WIC check.

Dry (packages) if specified on the WIC check.

Not allowed: Flavored milk, UHT milk, buttermilk, goat's milk, milk with added calcium or protein.

Eggs

Any size raw shell eggs costing no more than \$1.65 a dozen.

Juice

Single Strength, costing no more than \$2.75 per container (46 ounce container, 100% pure juice):

- Apple Seneca, lucky leaf or Musselman's
Apple/Grape Lucky Leaf, Musselman's
Orange any brand
Pineapple Dole, Liberty Gold, or any brand stamped "100% Hawaiian" on top
100% Grape, regular or white Welch's Seneca
V8 (regular, lightly tangy, picante, healthy request) Campbell's
Juicy Juice (any flavor) Libby

Frozen Concentrated, costing no more than \$2.75 per container (11.5 to 12 ounce container, 100% pure juice):

Apple	Seneca, Shurfine, Weis, Musselman's, old Orchard, Lucky leaf, Foodland, Food Club
Orange.....	any brand
Pineapple-Orange.....	Dole
Pineapple-Orange-Banana..	Dole
100% Grape	Seneca, Welch's with yellow pull tab
White Grape Juice Blends..	Welch's with yellow pull tab

Shelf Stable Concentrated, costing no more than \$2.75 per container. (11.5 to 12 ounce container, 100% pure juice)

Any flavor with yellow trim . . Juicy Juice, Welch's Juice Makers

Not allowed: Juices with added sugar, alcohol or carbonation.

Dry Beans and Peas

Any kind in one-pound package

Not allowed: Beans with seasonings

Cereal

Adult/Child Cereals:

Minimum package size 8 ounces.

General Mills:

Cheerios (regular, multigrain)
Chex (wheat, corn, rice, multi-bran)
Kix (regular only)
Total Corn Flakes
Wheaties (regular flavor)

Kellogg Co.:

Complete Bran Flakes (oat, wheat)
Corn Flakes
Mini Wheats (strawberry, blueberry, apple cinnamon, raisin)
Product 19

Nabisco:

Cream of Wheat (regular, quick, instant)
Instant Cream of Wheat (original flavor packets)

Quaker Co.:

Instant Grits (all flavors)
Instant Quaker oatmeal (regular flavor individual packets)
King Vitamin
Life (regular flavor)

Store Brand Cereal:

Crisp(y) Rice, Corn Flakes, Toasted Oats/Tasteos, (Food Club, Weis Quality, Pathmark, Rich Foods, Best Yet)

Not allowed: individual serving boxes.

Peanut Butter

15 to 18 ounce container costing no more than \$2.75 per container.

Not allowed: Reduced fat peanut butter; peanut butter mixed with jelly, marshmallow or chocolate.

Infant Formula

Contract Brand

Milk Based: Similar w/Iron **Soy Based:** Isomil

Other brands and types of formula must be specified on the WIC check.

Infant Juice

Any brand 4 ounce container.

Not allowed: Organic varieties, Beechnut Juice Plus or juice with yogurt.

Infant Cereal

Any brand in 8 or 16 ounce box.

Not allowed: Organic varieties, variety pack, cereal with fruit, formula or yogurt.

Tuna and Carrots

These foods are only for breast-feeding women whose babies do not get formula from WIC.

Tuna

(Any brand, chunk light, packed in water, 6 to 6 1/2 ounce cans)

Fresh Carrots

(Whole, unpeeled in 1 or 2 pound cello pack)

Canned Carrots

(Any brand sliced, 14 to 20 ounce can)

Persons who have questions should call the WIC Program office at (717) 783-1289 or 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, Jr.,
Secretary

[Pa.B. Doc. No. 00-1466. Filed for public inspection August 25, 2000, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Win For Life 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 Win For Life.
2. *Price:* The price of a Pennsylvania Win For Life instant lottery game ticket is \$2.00.
3. *Play Symbols:*

(a) Each Pennsylvania Win For Life instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Win For Life instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$8.⁰⁰ (EGT DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$200 (TWO HUN) and LIFE (\$1,000/WEEK).

(c) The play symbols and their captions located in the play area for "Game 2" are: Keystone Symbol (KYSTN) and an X Symbol (XXX).

(d) The play area for "Game 3" will contain a "Your Numbers" area and a "Lucky Number" area. The play symbols and their captions located in the "Your Numbers" area and the "Lucky Number" area in the play area for "Game 3" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

4. Prize Play Symbols:

(a) The play area for "Game 2" will contain a "Prize" area. The prize play symbols and their captions located in the "Prize" area for "Game 2" are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$8⁰⁰ (EGT DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$200 (TWO HUN) and LIFE (\$1,000/WEEK).

(b) The prize play symbols and their captions located in the six "Prize" areas for "Game 3" are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$200 (TWO HUN) and LIFE (\$1,000/WEEK).

(c) The prize play symbols and their captions located in the "Fast Cash Bonus" area are: \$4⁰⁰ (FOR DOL), \$8⁰⁰ (EGT DOL), \$20\$ (TWENTY), \$40\$ (FORTY) and TRY AGAIN.

5. Prizes: The prizes that can be won in "Game 1" are \$2, \$4, \$8, \$20, \$40, \$200 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in "Game 2" are \$2, \$4, \$8, \$20, \$40, \$200 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in "Game 3" are \$1, \$2, \$4, \$20, \$40, \$200 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in the "Fast Cash Bonus" area are \$4, \$8, \$20 and \$40. The player can win up to nine times on a ticket.

6. Approximate Number of Tickets Printed For the Game: Approximately 12,960,000 tickets will be printed for the Pennsylvania Win For Life instant lottery game.

7. Determination of Prize Winners:

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching play symbols of LIFE (\$1,000/WEEK) in the play area, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching play symbols of \$200 (TWO HUN) in the play area, on a single ticket, shall be entitled to a prize of \$200.

(3) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets with three matching play symbols of \$8⁰⁰ (EGT DOL) in the play area, on a single ticket, shall be entitled to a prize of \$8.

(6) Holders of tickets with three matching play symbols of \$4⁰⁰ (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(7) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of LIFE (\$1,000/WEEK) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$200 (TWO HUN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$200.

(3) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$40\$ (FORTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$20\$ (TWENTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$8⁰⁰ (EGT DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$8.

(6) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$4⁰⁰ (FOR DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$4.

(7) Holders of tickets with three matching Keystone Symbol (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$2⁰⁰ (TWO DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$2.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of LIFE (\$1,000/WEEK) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to

prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(3) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$40\$ (FORTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$4⁰⁰ (FOR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(6) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(7) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1⁰⁰ (ONE DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(d) *Determination of prize winners for the "Fast Cash Bonus" are:*

(1) Holders of tickets with a prize play symbol of \$40\$ (FORTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$40.

(2) Holders of tickets with a prize play symbol of \$20\$ (TWENTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(3) Holders of tickets with a prize play symbol of \$8⁰⁰ (EGT DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$8.

(4) Holders of tickets with a prize play symbol of \$4⁰⁰ (FOR DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$4.

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>Fast Cash Bonus</i>	<i>Match 3 Amts Game 1</i>	<i>Tic-Tac-Toe Game 2</i>	<i>Key # Match Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners per 12,960,000 Tickets</i>
		\$2		\$2	1:19.74	656,640
			\$2	\$2	1:21.43	604,800
\$4	\$2			\$2	1:21.43	604,800
		\$4		\$4	1:750	17,280
	\$4			\$4	1:750	17,280
			\$4	\$4	1:750	17,280
		\$2	\$1 x 2	\$4	1:1,500	8,640
	\$2		\$1 x 2	\$4	1:150	86,400
			\$1 x 4	\$4	1:150	86,400
\$8	\$2	\$2		\$4	1:62.50	207,360
				\$4	1:150	86,400
		\$8		\$8	1:750	17,280
	\$8			\$8	1:750	17,280
\$4		\$4		\$8	1:750	17,280
\$4			\$1 x 4	\$8	1:750	17,280
\$4	\$2	\$2		\$8	1:375	34,560
\$4		\$2		\$8	1:500	25,920
	\$2		\$2	\$8	1:375	34,560
\$20			\$1 x 6	\$8	1:375	34,560
		\$20		\$20	1:1,500	8,640
	\$20			\$20	1:1,500	8,640
			\$20	\$20	1:750	17,280
\$4	\$2	\$2	\$2 x 6	\$20	1:750	17,280
\$4	\$4	\$4	\$4 x 2	\$20	1:750	17,280
\$8	\$4	\$8		\$20	1:750	17,280
\$8	\$8		\$4	\$20	1:750	17,280
\$8	\$2	\$2	\$4 x 2	\$20	1:750	17,280
\$8	\$2	\$4	\$1 x 6	\$20	1:750	17,280
\$8	\$4	\$4	\$4	\$20	1:750	17,280
\$40				\$40	1:1,500	8,640

<i>Fast Cash Bonus</i>	<i>Match 3 Amts Game 1</i>	<i>Tic-Tac-Toe Game 2</i>	<i>Key # Match Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners per 12,960,000 Tickets</i>
		\$40		\$40	1:1,500	8,640
	\$40			\$40	1:1,500	8,640
\$20	\$4	\$4	\$2 x 6	\$40	1:1,500	8,640
\$20	\$20			\$40	1:1,500	8,640
	\$20	\$20		\$40	1:1,200	10,800
		\$20	\$20	\$40	1:1,200	10,800
\$20	\$8		\$2 x 6	\$40	1:1,200	10,800
\$20		\$8	\$2 x 6	\$40	1:1,200	10,800
	\$20	\$20	\$40 x 4	\$200	1:120,000	108
\$40	\$20	\$20	\$20 x 6	\$200	1:120,000	108
	\$40	\$40	\$40 x 3	\$200	1:120,000	108
		\$200		\$200	1:120,000	108
	\$200			\$200	1:120,000	108
	LIFE		\$200	\$200	1:120,000	108
		LIFE		\$650,000	1:12,960,000	1
			LIFE	\$650,000	1:12,960,000	1
				\$650,000	1:12,960,000	1

9. *Claiming of Prizes.* For purposes of claiming the \$1,000 a week for life prize under the Pennsylvania Win For Life game, "lifetime" for legal entities shall be defined as 20 years beginning the date the prize is claimed. Only one claimant per ticket is allowed for the \$1,000 a week for life prize.

10. *Retailer Incentive Awards.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Win For Life instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

11. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Win For Life, prize money from winning Pennsylvania Win For Life 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 Win For Life 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.

12. *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.

13. *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 Win For Life or through normal communications methods.

ROBERT A. JUDGE, Jr.,
Secretary

[Pa.B. Doc. No. 00-1467. Filed for public inspection August 25, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Bucks and Montgomery Counties Project Reference No. 08430AG2596

The Department will retain an engineering firm for a specified project contract to perform NBIS bridge safety inspections for 765 designated bridges in Bucks and Montgomery Counties, Engineering District 6-0. This contract is expected to be for a period of thirty (30) months but may be extended if required.

The selected firm is required to provide one bi-annual NBIS inspection for each bridge over a two (2) year period. The firm will provide updated inspection reports. The report will include an inspection summary, field inspection form D-450, updated BMS coding sheets and maintenance recommendations. The use of data collectors may be required.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Capabilities of the proposed teams to address the bridge inspection, engineering evaluations and recommendations, and related aspects identified in the advertisement.
- b) Number of NBIS certified inspectors and inspection teams available for the agreement.

- c) Review of inspectors' resumes with emphasis on bridge inspection capabilities.
- d) Understanding of the Department's requirements, policies and specifications.
- e) Current bridge inspection workload.
- f) Past performance.
- g) Internal procedures for cost containment and quality assurance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart up (up to 11" x 17" size), and additional resumes, if applicable. (see the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Andrew L. Warren, District Administrator
Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406-1525

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. John Ferry, District 6-0, at (610) 205-6628.

**Fayette, Greene, Washington,
and Westmoreland Counties
Project Reference No. 08430AG2597**

The Department will retain an engineering firm for an Open-End Contract for various engineering and/or environmental services on various projects located in Engineering District 12-0, that is Fayette, Greene, Washington, and Westmoreland Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$2.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-end Contracts. The specific experience of individuals employed by the firm shall be considered.
- b) Previous PennDOT experience with regard to performing a wide range of structural analysis and design, preparation of structural plans, construction consultation services for structure projects and all associated structural engineering reviews.

c) Available staffing for this assignment and the ability to meet the Department's needs.

d) Specialized experience and technical competence of firm.

e) Location of Consultant in respect to the District.

The work and services required under this Contract may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc. The majority of the work to be assigned under this contract will be in the areas of performing structural analysis and designs, preparation of structural drawings, and performing any associated reviews assigned.

The engineering work and services which may be required under this Contract include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; field views, investigation reports with recommendations; preparation of as built drawings; reviews of engineering work prepared by others; preparation of: GER submissions, H&H report submissions; final review of plans submissions, final plan submissions, prepare construction plans, specifications, estimates and provide construction consultation services, in accordance with current Department Policies and Procedures, (unless otherwise indicated or directed).

The areas of environmental study required under the Contract may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under this Open-End Contract. A more specific project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Michael H. Dufalla, P.E., District Engineer
Engineering District 12-0
P. O. Box 459, North Gallatin Avenue Extension
Uniontown, PA 15401
Attention: Mr. Stephen E. Hvizda, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Stephen E. Hvizda, P.E., phone number (724) 439-7264, fax number (724) 430-4401.

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 for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

For District projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The letter of interest must include full disclosure of any potential conflict of interest by the prime or any subconsultant based on Engineering Involvement Restrictions Guidelines as established in Strike-off Letter No.

433-00-02 published March 27, 2000. If there are no potential conflicts you shall include the following statement: "I have reviewed Strike-off Letter No. 433-00-02 and determine that there are no potential conflicts of interest for anyone on this project team."

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposed DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Letters of Interest for will be considered non-responsive and eliminated from further consideration for any of the following reasons:

1. Letters of Interest not received on time.
2. Project of interest is not identified.
3. An Annual Qualification Package for the prime consultant and all subconsultants is not on file with the organization receiving the Letter of Interest.
4. Conflict of Interest evaluation statement is not included.
5. A Disadvantaged Business Enterprise (DBE) participation goal is established for the Project Reference Number but no DBE/WBE is identified and no good faith effort is included.
6. Firm submitted a Letter of Interest on more than one (1) Joint Venture or a firm submitted a Letter of Interest as a prime and was also included as a subconsultant, to another firm. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm, or firms, involved.

In addition to the above reasons, a Letter of Interest for Construction Inspection Services will be considered non-responsive for any of the following reasons:

1. Prime consultant or any subconsultant does not have a Federal Acquisition Regulation (FAR) Audit Field Overhead Rate on file with the Department.
2. Using an individual's resume without including a letter granting the individual's approval for TCIS and higher positions.
3. Exceeding the maximum number of resumes in a payroll classification.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-1468. Filed for public inspection August 25, 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 September 20, 2000, meeting of the Historic Preservation Board.

Southwestern Pennsylvania

1. *Consolidated Ice Company Factory No. 2*. 100 43rd Street, Pittsburgh, Allegheny County.

Great Valley and Piedmont Region

2. *Paul Robeson Residence*. 4951 Walnut Street, Philadelphia.

3. *Boxhill*. 1101 Box Hill Lane, Spring Garden Township, York County.

4. *Goshenville Historic District*. Mainly along North Chester Road at intersection with Paoli Pike, East Goshen Township, Chester County

5. *Knipe/Johnson Farm*. 606 Dekalb Pike at intersection with Welsh Road (State Routes 202 and 63), Upper Gwynned Township, Montgomery County.

6. *McCalls Ferry Farm*. 447 McCalls Ferry Road, Lower Chanceford Township, York County

7. *Henry and Elizabeth Berkheimer Farm*. 240 Bentz Mill Road, Washington Township, York County.

Allegheny Plateau, Ridge and Valley, Anthracite Region and Poconos—no nominations.

The meeting will start at 9:45 a.m. at the Chadds Ford Historical Society, Route 100, 1/4 mile north of Route 1, Chadds Ford, PA.

Individuals with a disability who wish to attend this meeting, and require an auxiliary aid, service or other

accommodation to participate, should contact Dan Deibler at (717) 783-8946 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the agency can accommodate your needs. Persons with questions or comments, should contact the Bureau for Historic Preservation at (717) 783-8946.

BRENT D. GLASS,
Chairperson

[Pa.B. Doc. No. 00-1469. Filed for public inspection August 25, 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, August 10, 2000, and took the following actions:

Regulations Approved:

State Board of Landscape Architects #16A-612: Continuing Education (amends 49 Pa. Code Chapter 15).

Insurance Department #11-171: Pennsylvania Assigned Risk Consumer Protection (deletes 31 Pa. Code § 33.29 and add Chapter 67a).

Pennsylvania Securities Commission #50-114: Registration of Securities; Investment Adviser Representatives; and Administration (amends 64 Pa. Code Chapters 202, 203, 205, 206, 301—305, 404, 602 and 603).

State System of Higher Education #71-7: Operation of Motor Vehicles on State System Facilities (amends 22 Pa. Code Chapter 507).

State Board of Education #6-266: Gifted Education; Special Education Services and Programs (amends 22 Pa. Code Chapters 14, 16 and 342).

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
August 10, 2000

State Board of Landscape Architects—Continuing Education; Regulation No. 16A-612

On July 8, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Landscape Architects (Board). This rulemaking amends 49 Pa. Code Chapter 15. The proposed regulation was published in the *Pennsylvania Bulletin* on July 18, 1998, with a 30-day public comment period. Final-form versions of this regulation were submitted on December 1, 1999, and June 6, 2000, but were withdrawn prior to Commission consideration. A revised final-form regulation was submitted to the Commission on July 11, 2000.

The final regulation implements provisions of Act 107 of 1994 relating to continuing education requirements for licensed landscape architects (licensees), and it includes the application fees for course providers and licensees.

We have determined this regulation is consistent with the statutory authority of the State Board of Landscape Architects (Sections 4, 5 and 9.1 of the Landscape Architects' Registration Law (63 P.S. §§ 904, 905 and 909.1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
August 10, 2000

Insurance Department—Pennsylvania Assigned Risk Consumer Protection; Regulation No. 11-171

On October 5, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking deletes 31 Pa. Code § 33.29 and adds Chapter 67a. The proposed regulation was published in the October 17, 1998 *Pennsylvania Bulletin*, with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 20, 2000.

This rulemaking revises the Department's regulations governing the Assigned Risk Plan (Plan). The Plan includes all automobile insurers in Pennsylvania. It is the provider of last resort for automobile drivers unable to obtain insurance in the ordinary market.

We have determined this regulation is consistent with the statutory authority of the Insurance Department (75 Pa.C.S. §§ 1704(b) and 1742(4)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
August 10, 2000

Pennsylvania Securities Commission—Registration of Securities; Investment Adviser Representatives; and Administration; Regulation No. 50-114

On April 11, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Securities Commission (PSC). This rulemaking amends 64 Pa. Code Chapters 202, 203, 205, 206, 301—305, 404, 602 and 603. The proposed regulation was published in the May 6, 2000 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 12, 2000. On July 26, 2000, the Commission received a request from the PSC to toll consideration of this final-form regulation to correct references and minor typographical errors. Also on July 26, 2000, the PSC submitted its revisions to the final-form regulation to the Commission.

Consistent with the North American Securities Administrators Association model regulations, this proposal adopts uniform examinations for investment advisers and investment adviser representatives and uniform grandfathering and waiver provisions. Also, this proposal will conform the regulations to the requirements of the Federal Investment Advisers Supervision Coordination Act of 1996 and Pennsylvania's Act 109 of 1998.

We have determined this regulation is consistent with the statutory authority of the PSC (70 P.S. §§ 1-202(g), 1-203(j), (q) and (r), 1-205(b), 1-206(b), 1-301(b), 1-302(f), 1-303(a)-(e), 1-304(a), (b) and (e), 1-305(a) and (f), 1-404(a), 1-602(f), 1-603(c) and 1-609(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this revised regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
August 10, 2000

State System of Higher Education—Operation of Motor Vehicles on State System Facilities; Regulation No. 71-7

On February 24, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State System of Higher Education (SSHE). This rulemaking amends 22 Pa. Code Chapter 507. The proposed regulation was published in the March 11, 2000 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 18, 2000.

The rulemaking authorizes the Board of Governors to set fines for the improper use of motor vehicles at State System facilities. This regulation allows the SSHE to base fines for parking and operation offenses at each campus upon the recommendation of the respective university president. All 95,000 students and 11,000 employees, vendors, business invitees and visitors to SSHE facilities must comply with the rulemaking.

We have determined this regulation is consistent with the statutory authority of the State System of Higher Education (24 Pa.C.S. § 20-2006-A (13.1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
August 10, 2000

State Board of Education—Gifted Education; Special Education Services and Programs; Regulation No. 6-266

On September 23, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education. This

rulemaking amends 22 Pa. Code Chapters 14, 16 and 342. The proposed regulation was published in the October 3, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. On May 12, 2000, the Board withdrew this final-form regulation and resubmitted it to the Commission on July 13, 2000.

This regulation creates a new Chapter 16, Special Education for Gifted Students. The regulation separates the provisions relating to gifted education from the provisions relating to special education for children with disabilities.

We have determined this regulation is consistent with the statutory authority of the State Board of Education (24 P. S. §§ 13-1371, 26-2601-B—26-2606-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commissioner:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1470. Filed for public inspection August 25, 2000, 9:00 a.m.]

Notice of Comments Issued

Section 5(d) and (g) of the Regulatory Review Act (71 P. S. §§ 745.5 (d) and (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's Comments are based upon the criteria contained in subsections 5.1(h) and (i) of the Regulatory Review Act (75 P. S. §§ 745.5a(h) and (i)).

The Commission 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.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
57-215	Pennsylvania Public Utility Commission Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers	8/10/00	7/11/02

**Pennsylvania Public Utility Commission
Regulation No. 57-215**

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

August 10, 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 have not been met. The Pennsylvania Public Utility Commission must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by July 11, 2002, the regulation will be deemed withdrawn.

1. Section 62.72. Definitions.—Consistency with statute; Clarity.

General.

This section defines five terms that are also defined in the Natural Gas Choice and Competition Act (act). We object to the definitions of the following terms that differ from the act: “NGDC—natural gas distribution company,” “NGS—natural gas supplier,” “Natural gas distribution service,” “Natural gas supply services,” and “Retail gas customer.” If the PUC does not use the statutory definitions in the final-form regulation, it should justify the changes.

Nonbasic services.

A nonbasic service is defined as “[O]ptional recurring services which are distinctly separate and clearly not required for the physical delivery of natural gas service.” The PUC should consider including some examples of nonbasic services in the definition.

2. Section 62.73. Standards and pricing practices for retail natural gas service.—Clarity.

Paragraph (1) references “disclosure statements,” and the term is used throughout the regulation. However, the term is not defined in section 62.72. Instead, section 62.72 defines “consumer contract,” as a disclosure statement. For clarity, the term “disclosure statement” should be defined in section 62.72 and the definition of “consumer contract” should be deleted. Additionally, “disclosure statement” should be used consistently throughout the regulation.

We understand the “Consumer’s Dictionary for Natural Gas Competition,” referenced in paragraph (3), will replace the “Glossary of Gas Terms for the Consumer.” Since the regulation references the Dictionary, the PUC needs to ensure that the Dictionary is complete (and its terms are consistent with the regulation) prior to final promulgation of this regulation.

Paragraph (3) includes a requirement that NGDCs will provide the Dictionary upon the customer’s request, and the “Common Natural Gas Competition Terms” (distributed by the NGDCs) shall indicate the phone number and address to request the Dictionary. It is unclear whether the phone number and address provided would be the NGDC’s or the PUC’s. As we understand it, the phone number and address would be that of the NGDC. The final-form regulation should be amended to clarify this point.

Paragraph (4) references each NGDC’s consumer education program. To improve clarity, the PUC should include a cross-reference to section 2206(d) of the act which mandates the consumer education programs.

3. Section 62.74. Bill format for residential and small business customers.—Clarity.

Subsection (a)

Subsection (a) says that “NGS prices billed shall reflect the marketed prices and the agreed upon prices in the disclosure statement.” The difference between these terms is unclear. If each of these terms has a different meaning,

the PUC should define “marketed prices,” “agreed upon prices” and “billed prices.” If these terms have the same meaning, the PUC should define a single term and use it consistently throughout the regulation. Also, the PUC should clarify why it is necessary to reference “marketed prices” in addition to “agreed upon prices.”

Subsection (b)

Subsection (b)(5) provides that the requirements of section 56.15 shall be incorporated in customer bills to the extent that they apply (emphasis added). Are there billing situations in the context of this regulation that are not subject to section 56.15? If not, the phrase should be eliminated.

4. Section 62.75. Disclosure statement for residential and small business customers.—Reasonableness; Clarity.

Subsection (a)

This subsection requires the “agreed upon prices” in the disclosure statement to “reflect the marketed prices and the billed prices.” Consistent with our Comment on section 62.74(a), the PUC should define “marketed prices,” “agreed upon prices” and “billed prices,” if each of these terms has a different meaning. If these terms have the same meaning, the PUC should define a single term and use it consistently throughout the regulation. Also, the PUC should clarify why it is necessary to reference the “marketed prices” in addition to “billed prices.”

Subsections (c)(9), (11) and (13)

These subsections require that consumers be provided with telephone numbers for the supplier of last resort, the NGS, and the appropriate office for universal service program information. In its comments, Community Legal Services, Inc. (CLS) recommends that the PUC require toll-free numbers for customers contacting these parties. CLS argues that when making a call, the customer may be placed on hold or transferred to other offices. The expense of these calls could be particularly burdensome for low-income customers. Has the PUC considered requiring toll-free telephone numbers as suggested by CLS?

Subsection (g)(1)

This subsection requires suppliers to send written notices to customers at 90 and 60 days prior to the expiration of a fixed term agreement. The 90-day and 60-day notices will explain options for renewal. In its comments, CNG Retail Services Corporation (CNGR) points out that some customers have fixed term agreements with less than three months duration. In the final regulation, the PUC should clarify that the 90-day and 60-day notices apply to agreements of more than 90 days duration. Additionally, the PUC should clarify what renewal notice requirements, if any, apply to short-term agreements.

Subsection (g)(2)

This subsection permits the notice in subsection (g)(1) to serve as an amendment to the original agreement, extending the time period of the agreement, “if the customer affirmatively reselects the NGS.” In the final regulation, the PUC should clarify the meaning of “affirmatively reselect.”

Additionally, we question what occurs if a customer wants to convert a long-term agreement to a month-to-month contract. Does the customer have to “affirmatively reselect” this option, or will the conversion occur if there

is no action by the customer? Subsection (g) does not address this situation. The PUC should address this type of conversion of service in the final regulation, including appropriate disclosures of this information to customers in the 90-day and 60-day notices.

5. Section 62.76. Request for information.—Clarity.

Subsections (a) and (c) refer to “efficiency information” and “information on energy efficiency.” For improved clarity, the PUC should define the appropriate term and use that term consistently throughout the section.

6. Section 62.77. Marketing/sales activities.—Reasonableness; Clarity.

Subsections (b)(1) and (2) require prices for supply service to be shown in “ccf of natural gas or equivalent.” However, subsection (a) requires an NGS’s advertised prices to be in the “standard pricing unit of the NGDC.” For improved clarity and consistency between requirements, the PUC should amend subsection (b) to require prices to be in the standard pricing unit of the NGDC. Additionally, the PUC should clarify if the requirements in Subsections (b)(1) and (2) apply to all marketing materials, or only to marketing materials that are accompanied by disclosure statements.

Subsection (b)(1) applies to fixed pricing of natural gas. The PUC should clarify whether this provision also applies to declining block rates.

Subsection (b)(2) requires marketing materials for a variable price mechanism to show the “average price for supply service” per month for 15, 80 and 120 ccf of natural gas. We have questions and comments concerning this provision. First, section 62.75(c)(2)(ii) of the proposed regulation requires the disclosure statement for residential and small business customers to include the starting and ceiling price for variable price mechanisms. For consistency between requirements, the PUC should consider requiring marketing materials to show the starting and ceiling price, rather than the average price.

Second, does subsection (b)(2) require a statement of the average price over several months or for only one month? Additionally, are the marketing materials required to include a statement that the prices shown reflect gas prices for a particular date?

7. Section 62.78. Privacy of customer information.—Clarity.

The term “convenient method” referenced in subsection (a) is vague. The PUC should amend the final regulation to specify that the customer must be given the option of restricting the release of private information consistent with subsection (b).

8. Section 62.79. Complaint handling process.—Reasonableness; Clarity.

This section requires NGDCs and NGSs to make certain specified disclosures to customers with respect to their rights in the handling and resolution of complaints. Consistent with our Comment on section 62.75, has the PUC considered requiring that toll-free numbers be provided for customers?

9. Section 62.80. Common natural gas competition terms.—Clarity.

A comparison of the terms used in this section with the same terms defined in the “Glossary of Gas Terms for the Consumer” reveals some discrepancies in almost every definition. The PUC should ensure that the definitions in

this section and in the "Glossary of Gas Terms for the Consumer" are consistent.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1471. Filed for public inspection August 25, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of James E. Christman & Son under Act 143; Old Guard Insurance Company; Doc. No. AT00-08-001

A prereview telephone conference is scheduled for September 6, 2000, at 2 p.m. and shall be initiated by the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. A date for review shall be determined, if necessary, at the prereview telephone conference.

At the prereview telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the review, estimated time for review, special legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. No prereview memoranda or other written submissions are required for the prereview telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Except as established during the prereview telephone conference, both parties shall appear at the scheduled review prepared to offer all relevant testimony or other 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 for photographs into the record shall bring enough copies for the record and for each opposing party.

Motion preliminary to those at the review, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before August 24, 2000, with the Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 5, 2000.

M. DIANE KOKEN,
Insurance Company

[Pa.B. Doc. No. 00-1472. Filed for public inspection August 25, 2000, 9:00 a.m.]

Alleged Violation of Insurance Laws; David D. James; Doc. No. SC99-11-002

Notice is hereby given of the Order to Show Cause issued on August 10, 2000, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: Insurance Department Act (40 P. S. §§ 234, 275, 273, 273.1 and 279).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with the Administra-

tive Agency Law, 2 Pa.C.S. §§ 101—508 and 701—704; General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.193, 35.225—35.251; Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1473. Filed for public inspection August 25, 2000, 9:00 a.m.]

Alleged Violation of Insurance Laws Dyakyayie Quincy Taryor; Doc. No. SC00-08-016

Notice is hereby given of the Order to Show Cause issued on August 15, 2000, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the referenced matter. Violation of the following is alleged: sections 604, 605 and 633.1 of the Insurance Department Act (40 P. S. §§ 234, 235, 273.1 and 279)

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 101—508 and 701—704; General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.193, 35.225—35.251; Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1474. Filed for public inspection August 25, 2000, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Blue Cross Nongroup Basic Conversion and Direct Enrollment Rated Program

On August 2, 2000, Blue Cross of Northeastern Pennsylvania submitted a filing requesting the Insurance Department's (Department) approval to increase the

monthly rates by 19.07% for the Blue Cross Nongroup Basic Conversion and Direct Enrollment Rated Program.

An effective date of January 1, 2001, is requested. This increase will produce approximately \$1.9 million of additional revenue for 2001 based upon an average projected number of 70,369 contract-months.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1475. Filed for public inspection August 25, 2000, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Blue Cross Nongroup Special Care Program Rate Filing

On August 2, 2000, Blue Cross of Northeastern Pennsylvania submitted a filing requesting the Pennsylvania Insurance Department's approval to increase the monthly rates by 12.60% for the Blue Cross Nongroup Special Care Program.

An effective date of January 1, 2001, is requested. This increase will produce approximately \$207,321 of additional revenue for 2001 based upon an average projected number of 33,792 contract-months.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1476. Filed for public inspection August 25, 2000, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Security 65 Program Rate Filing

On August 2, 2000, Blue Cross of Northeastern Pennsylvania filed to increase rates for the Security 65 Program for a 5% overall average increase. Specifically, the requested increases are as follows:

	<i>Current Rate</i>	<i>Proposed Rate</i>	<i>Percentage Increase</i>
Security 65 Package A	\$35.62	\$35.76	0.40%
Security 65 Package B	\$55.74	\$57.89	3.86%
Security 65 Package C	\$68.44	\$71.26	4.12%
Security 65 Package H	\$107.39	\$116.36	8.36%

An effective date of January 1, 2001, is requested. This increase will produce approximately \$2.3 million of additional revenue for 2001 for an average projected number of 53,966 subscribers (647,597 contract-months).

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1477. Filed for public inspection August 25, 2000, 9:00 a.m.]

Filing of Private Passenger Auto Rules and Rates for Erie Insurance Exchange and Erie Insurance Company

On August 14, 2000, the Insurance Department (Department) received from Erie Insurance Exchange and Erie Insurance Company a filing for a rate level change for private passenger automobile insurance.

The Erie Insurance Exchange requests an overall 1.2% increase amounting to \$7,702,000 annually effective January 1, 2001. The Erie Insurance Company requests an overall 5.6% increase amounting to \$2,357,000 annually to be effective January 1, 2001.

Unless formal administrative action is taken prior to October 13, 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 Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Pennsylvania Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (E-mail at mburkett@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. 00-1478. Filed for public inspection August 25, 2000, 9:00 a.m.]

Independence Blue Cross and Pennsylvania Blue Shield; Nongroup Major Medical Rate Increase Form 5210; Filing No. 13-P-2000

By Filing No. 13-P-2000, Independence Blue Cross and Pennsylvania Blue Shield submitted a request to increase the premium rates for their Nongroup Major Medical programs by 29.79%. A January 1, 2001, effective date is proposed.

The proposed rate increase would affect approximately 4,400 contracts, and would produce additional annual premium income of \$2.0 million.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia.

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. 00-1479. Filed for public inspection August 25, 2000, 9:00 a.m.]

Independence Blue Cross; Filing 12-P-2000

By Filing 12-P-2000, Independence Blue Cross submitted a proposal to adjust the premium rates for its Medicare supplement business with a weighted average rate increase of 8.10%. Specifically, the requested increases are as follows:

	<i>Percentage Increase</i>
Plan A	21.38%
Plan B	7.81%
Plan C	6.90%
Plan H	13.78%

An effective date of January 1, 2001, is requested. The proposed rate adjustment would affect approximately 73,000 members, and would produce an additional annual premium income of approximately \$5.7 million.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office and Philadelphia Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1480. Filed for public inspection August 25, 2000, 9:00 a.m.]

QCC Insurance Company; Nongroup Personal Choice Rate Increase Forms 13029, 13030, 13031; Filing No. QCC-1-2000

By Filing QCC-1-2000, QCC Insurance Company submitted a request to increase the premium rates for its Nongroup Personal Choice product by 20.28%. A January 1, 2001, effective date is proposed.

The proposed rate increase would affect approximately 20,000 contracts, and would produce additional annual premium income of \$15.8 million.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia.

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. 00-1481. Filed for public inspection August 25, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has 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 the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Regional 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 in the Second Floor Hearing Room, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of State Farm Mutual Automobile Ins. Co.; file no. 00-181-04863; Juan Rivera; doc. no. P00-08-015; September 13, 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 of 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 partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1482. Filed for public inspection August 25, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has 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 the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Regional Offices in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Charles A., III and Judith L. Halpin; file no. 00-210-02441; Erie Insurance Group; doc. no. PH00-08-013; December 15, 2000, at 8:30 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 person 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 partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1483. Filed for public inspection August 25, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Abandonment of Natural Gas Service Without Hearing

A-121850 F2024. National Fuel Gas Distribution Corporation. Application for approval of abandonment of service by National Fuel Gas Distribution Corporation for two natural gas service customers located in Rose Township and the Borough of Brookville, Jefferson County, PA.

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 September 11, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: National Fuel Gas Distribution Corporation

Through and By Counsel: Gwen M. Ralph, 1100 State Street, Erie, PA 16501

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1484. Filed for public inspection August 25, 2000, 9:00 a.m.]

Abandonment of Water Service Without Hearing

A-212970 F2000 and A-210092. Everett G. Williams, t/d/b/a Templeton Water Company. Application of Everett G. Williams, t/d/b/a Templeton Water Company, for approval of the abandonment or discontinuance of water service to 165 customers in the Village of Templeton; and the application of John R. Lasher, Sr., and his wife, Lenae D. Lasher, for approval of the transfer by sale, lease or other device of any property and/or rights of the former to the latter, and to begin providing water service to 165 customers in the Village of Templeton.

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 September 11, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: Everett G. Williams t/a Templeton Water Company and John R. and Lenae D. Lasher, Sr., t/a Templeton Water Company

Through and By Counsel: Roger T. Mechling, Esquire 423 Market Street, Kittanning, PA 16201 and Lee J. Calarie, 200 North Jefferson Street, Kittanning, PA 16201

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1485. Filed for public inspection August 25, 2000, 9:00 a.m.]

Acquisition of Stock Without Hearing

A-310400 F0003; A-310550 F0003; A-311750 F0003; A-312600 F0002; A-311250 F0003; and A-310153 F0003. Frontier Communications of Breezewood, Inc. et al. Joint Application of Frontier Communications of Breezewood, Inc., Frontier Communications of Canton, Inc., Frontier Communications of Lakewood, Inc., Frontier Communications of Oswayo River, Inc., Frontier Communications of Pennsylvania, Inc., and Frontier Communications of America, Inc., for all approvals under the Public Utility Code for the acquisition of all of the stock of the Utilities' Corporate Parent, Frontier Subsidiary Telco, Inc., by Citizens Communications 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 September 11, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: Frontier Communications of Breezewood, Inc., Frontier Communications of Canton, Inc., Frontier Communications of Lakewood, Inc., Frontier Communications of Oswayo River, Inc., Frontier Communications of Pennsylvania, Inc., Frontier Communications of America, Inc.,

Through and By Counsel: William T. Hawke, Norman James Kennard, Malatesta Hawke and McKeon, LLP, Harrisburg Energy Center, 100 North 10th Street, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1486. Filed for public inspection August 25, 2000, 9:00 a.m.]

Railroad With Hearing

C-00992984. Carol Shoemaker v. CSX Transportation, Inc., West Newton Borough, Westmoreland County, Department of Transportation. Requests a resolution for two railroad crossings on Main Street and Water Street in West Newton, PA. Complainant is a school bus driver and has been trapped twice between the crossing gates putting her school bus occupants at risk.

An initial hearing on this matter will be held Thursday, November 2, 2000, at 10 a.m. in an 11th floor hearing room, Pittsburgh State Office Building, 300 Liberty Av-

enue, Pittsburgh, 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. 00-1487. Filed for public inspection August 25, 2000, 9:00 a.m.]

Railroad With Hearing

I-00000085. Pittsburg and Shawmut Railroad, Inc. Investigation upon the Commission's own motion to determine the disposition of the public rail-highway crossings along Pittsburg and Shawmut Railroad, Inc. (PSRR) Piney Branch, extending from Milepost 0.00 to Milepost 23.80, in the Townships of Rose, Clover, Limestone, Monroe, and Piney, and Borough of Brookville in Jefferson and Clarion County.

An initial hearing on this matter will be held Wednesday, October 25, 2000, at 10 a.m. in an 11th floor hearing room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, 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. 00-1488. Filed for public inspection August 25, 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 September 18, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00107211, Folder 5. Rainbow Cab Inc., t/d/b/a Rainbow Limo and Air Parcel Service (539 South Bolmar Street, West Chester, Chester County, PA 19382), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Chester, Delaware, Montgomery and Philadelphia.

A-00107211, Folder 6. Rainbow Cab, Inc., t/d/b/a Rainbow Limo and Air Parcel Service (539 South Bolmar Street, West Chester, Chester County, PA 19382), a corporation of the Commonwealth of Pennsylvania—additional right—persons in group and party service, in vehicles seating 15 passengers or less, including the driver, between points in the counties of Chester, Delaware, Montgomery and Philadelphia.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.

A-00116769. Werner Donaldson Moving Systems, Inc. (2121 West Chestnut Street, Washington, Washington County, PA 15301), a corporation of the Commonwealth of Pennsylvania—(1) household goods in use, between points in the county of Beaver and from points in said county, to other points in Pennsylvania, and vice versa; (2) household goods in use, from points in the borough of Rochester, Beaver County, and within 10 miles by the usually traveled highways of the limits of said borough to points within 50 miles by the usually traveled highways of the limits of said borough, and vice versa; (3) household goods in use, from points in the boroughs of Wilkesburg, Edgewood and Swissvale, Allegheny County, to other points in Pennsylvania within 25 miles by the usually traveled highways of the limits of said boroughs, and vice versa; subject to the following condition: That no right, power or privilege is granted to transport household goods in use, between points in Pennsylvania for distances of more than 40 statute miles; (4) household goods in use, between points in the county of Allegheny; (5) household goods in use, from points in Allegheny County to other points in Pennsylvania (excluding points in Beaver County), and vice versa; and (6) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of the rights authorized under the certificate issued to Campbell/Werner Donaldson Moving Services, Inc., at A-00109120, subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1489. Filed for public inspection August 25, 2000, 9:00 a.m.]

Telecommunications

P-00001825. Petition of Conestoga Communications, Inc., for Designation as an Eligible Telecommunications Carrier under section 214(e) of the Telecommunications Act of 1996 and 47 CFR 54.101, 201—207.

On July 18, 2000, Conestoga Communication, Inc., (Conestoga) filed a petition requesting designation as an Eligible Telecommunications Carrier (ETC) for applicable Federal universal service funding. The petition seeks ETC approval for the entire service covered by Conestoga. The Commission has determined that publication and comment on this petition is appropriate. Interested parties must submit comments on the Conestoga petition within 7 days of publication in the *Pennsylvania Bulletin*. Reply Comments must be submitted within 14 days of publication in the *Pennsylvania Bulletin*.

Copies of the petition may be obtained from the Commission, Office of the Secretary, upon request. The

contact person at the Commission is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau (717) 772-0696.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1490. Filed for public inspection August 25, 2000, 9:00 a.m.]

Telecommunications

A-310922F0002. Verizon Pennsylvania, Inc., and Core Communications, Inc. Joint Petition of Verizon Pennsylvania, Inc. and Core Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Core Communications, Inc., by its counsel, filed on August 11, 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 Verizon Pennsylvania, Inc. and Core Communications, Inc. 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. 00-1491. Filed for public inspection August 25, 2000, 9:00 a.m.]

Telecommunications

A-310687F0002. Verizon Pennsylvania, Inc. and ICG Telecom Group, Inc. Joint Petition of Verizon Pennsylvania, Inc. and ICG Telecom Group, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and ICG Telecom Group, Inc., by its counsel, filed on August 11, 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 Verizon Pennsylvania, Inc. and ICG Telecom Group, Inc. 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. 00-1492. Filed for public inspection August 25, 2000, 9:00 a.m.]

**2001 Schedule of Filing Dates for Recovery of
Purchased Gas Costs; Doc. No. L-840102**

Regulations promulgated by the Pennsylvania Public
Utility Commission (Commission) at 52 Pa. Code
§ 53.64(a) direct the Commission to annually publish a
schedule of filing dates for jurisdictional gas utilities
subject to the procedure of 66 Pa.C.S. § 1307(f) (relating

to sliding scale of rates; adjustments) for the recovery of
purchased gas costs.

The 2001 schedule of filing dates is as follows:

February 1, 2001: National Fuel Gas Distribution Cor-
poration—Pennsylvania Division; T. W. Phillips Gas and
Oil Company.

April 1, 2001: Columbia Gas of Pennsylvania, Inc.;
Peoples Natural Gas Company; Equitable Gas Company.

June 1, 2001: P. G. Energy, Inc.; PECO-Gas Division;
UGI Corporation; PFG Gas, Inc.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1493. Filed for public inspection August 25, 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

087TKL Furnish and install dump truck bed liners (approx. four trucks) at our department facility.

Department: Transportation
Location: PA Dept. of Transportation, 2105 Lincoln Highway East, Lancaster, PA 17602
Duration: One time purchase
Contact: Jeralyn L. Rettew, (717) 299-7621, Ext. 322

FL-260084 Design, fabricate, deliver and install one set of neon tubing, consisting of eight signs and approximately 665 feet of single stroke neon stripes. All wiring to be concealed behind walls and/or above ceiling. Copy to be noted in Standard "Script" Style (upper and lower case, as shown on drawings).

Department: Liquor Control Board
Location: Wine & Spirits Shoppe #0926, 132 Veterans Lane, Doylestown, PA 18901-3424
Duration: Indeterminate 2000—2001
Contact: Leland E. Scott, Jr., Purchasing Agent, (717) 787-9854

FL-260083 Bag, Gift, metalized, polypropylene, silver, .0008 MIL thickness. 1. - 6-1/2" W x 18" H (Quart - 250 ea./pkg.) 2,500 packs 2. - 9-1/2"W x 18" H (1/2 gallon - 250 ea./pkg.) 1,500 packs.

Department: Liquor Control Board
Location: Procurement Division Warehouse, 3525 North Sixth Street, Harrisburg, PA 17110-1425
Duration: Single Purchase
Contact: James A. Hanks, (717) 787-1893

0451 Cadet Twin Automated Drug Repacking Machine manufactured by Euclid Spiral Paper Tube Corp.; located at 339 Mill St.; P. O. Box 458; Apple Creek, OH 44606. No substitutes. This machine is to be used in the pharmacy department.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA
Duration: Indeterminate 2000—2001
Contact: Jack W. Heinze, (717) 772-7435

4-115 CLINIC Supplies to raise roof (Bicentennial Clinic, Ft. Indiantown Gap) Cement blocks, lime, trusses, lumber, roofing sheets etc. POC: Regine Faith, Fax No. (717) 861-2932. E-Mail: rfaith@dmva.state.pa.us.

Department: Military Affairs
Location: Ft. Indiantown Gap, Annville, PA 17003-5002
Duration: FY 00
Contact: Regine Faith, (717) 861-8455

087G3W Furnish and install a rotary brush cutter to a Gradall.

Department: Transportation
Location: Will deliver gradall to vendor in and around the confines of the Commonwealth of PA
Duration: One time purchase
Contact: Jeralyn L. Rettew, (717) 299-7621, Ext. 322

PR117210 Interested in purchasing a lightweight, high quality, compact and efficient unit dose packing machine: hospital, and oral solid manufacturing environments with the optional printing systems.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: Indeterminate 2000—2001
Contact: Robert Mitchell, (610) 740-3425

4809-73030-00 Cold Rolled Steel Products. To include but not limited to: 11 gauge steel 2 x 3/8 flat stock. To be bid as needed.

Department: Corrections
Location: Correctional Industries SCI Mahanoy, 301 Morea Rd., Frackville, PA 17932
Duration: FY 00
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

1809-73000-01 Plywood, various sizes, species and grades. To be bid as needed approximately quarterly.

Department: Corrections
Location: Correctional Industries, State Correctional Inst., 1 Kelley Drive, Coal Township, PA 17872
Duration: FY 00
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

4809-72900-00 Panel upholstery fabric: 100% polyester, width 66", weight 18.6 oz. per linear yard. To be bid as needed.

Department: Corrections
Location: Correctional Industries SCI Mahanoy, 301 Morea Rd., Frackville, PA 17932
Duration: FY 00
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

4009-72900-01 Upholster material: F.R. Collection, Trevira, Weight 23 oz. per linear yard, 54" wide, to be bid as needed.

Department: Corrections
Location: Correctional Industries, State Correctional Inst., Route 119S, Greensburg, PA
Duration: FY 00
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

3509-73500-02 Insole material, 5 iron, Texon 437 creme color, size 44 x 50. To be bid approximately quarterly as needed.

Department: Corrections
Location: Correctional Industries State Correctional Inst., Graterford, PA 19426
Duration: FY 00
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

3509-73500-1 Heels, men's Nylex. Various sizes. To be bid approximately quarterly as needed.

Department: Corrections
Location: Correctional Industries, State Correctional Inst., Graterford, PA 19426
Duration: FY 00
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

73100-00 Staphcheck XL Material: Fawn, 54" wide, 10.5 oz./sq.yd. Flame retardant, antibacterial, fluidproof and antistatic. To be bid approximately quarterly as needed.

Department: Corrections
Location: Correctional Industries, State Correctional Inst., Follies Rd., Dallas, PA 18612
Duration: FY 00
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

1809-73000-02 Hardwood lumber: Various sizes, species and grades. To be bid as needed approximately quarterly.

Department: Corrections
Location: Correctional Industries, State Correctional Inst., 1 Kelley Drive, Coal Township, PA 17872
Duration: FY 00
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

8505390 PA Driver's Manual. 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

1098200 Chains, Tire, Passenger Car, Z Type. Security Chain Co #ZP-563. No substitute. For a copy of bid package fax request to (717) 787-0725.

Department: State Police
Location: Various, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8505370 Hydraulic Spreader Motor for Stainless and Rubber Trough Spreaders. 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

1106110 Fencing materials. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Dallas, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1080220 Design, Printing, Processing, Imaging, Barcoding and Mailing of Boat Registration Renewal Forms. For a copy of bid package fax request to (717) 787-0725.

Department: Fish and Boat Commission
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1093110 Crimsco Brand Ambient Tray Delivery Cart, Model #USTC-36-HA or an approved equal. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Pittsburgh, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1112070 Emergency Medical Technician Arm Patch. Colors: Blue and White. For a copy of bid package fax request to (717) 787-0725.

Department: Health
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1113110 Fabric: Twill, 63" Cuttable. For a copy of bid package fax request to (717) 787-2199.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

PSU 7247-g Penn State University is seeking vendors interesting in bidding on two TTC with color display, module and cable kit. Interested vendors can fax their request to Steve Blazer at (814) 865-3028. Bids are due by September 4, 2000.

Department: State System of Higher Education
Location: University Park
Duration: N/A
Contact: Steve Blazer, Fax (814) 865-3028

0064-04 PSERS and SERS Newsletters. For a copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1089150 Inspection System. For a copy of bid package fax request to (717) 787-0725.

Department: Education
Location: University Park, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1115120 Video Magnifier. For a copy of bid package fax request to (717) 787-0725.

Department: Labor and Industry
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

7370-01 Disposable Dietary products. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 11/1/00-10/31/01
Contact: Vendor Services, (717) 787-2199

SERVICES

Construction—09

DGS963-13 Project Title: Latrobe National Guard Armory. Brief Description: Construction of a new 28,987 square foot armory with assembly hall, classrooms, offices, locker rooms, kitchen, vehicle maintenance bays, unit storage, wash platform, refueling station and parking for military and private vehicles. Work includes general, HVAC plumbing and electrical construction. Estimated Range: \$2,000,000 to \$5,000,000. General, HVAC, Plumbing and Electrical Construction. Plans Deposit: \$200 per set payable to EADS Architects, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to: EADS Architects, Inc., 1126 Eighth Avenue, Altoona, PA 16602, Tel: (814) 944-5035. Bid Date: Wednesday, September 6, 2000 at 11 a.m.

Department: General Services
Location: Latrobe Armory, Latrobe, Westmoreland County, PA
Duration: 395 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGSA251-582 Project Title: Bulk Salt Storage Facility with High Gambrel Roof. Brief Description: Construct a new 60' x 80' high arch salt building. Estimated Range: \$100,000 to \$200,000. 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 your 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, September 6, 2000 at 1 p.m.

Department: General Services
Location: PennDOT Maintenance Stockpile, Tunkhannock, Wyoming County, PA
Duration: 60 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-202-883 Furnish and install a 6 ft. wide by 60 ft. long Pratt Truss pedestrian bridge on existing concrete abutments at Cook Forest State Park in Forest County. Note: Bid documents will be available on or after August 28, 2000.

Department: Conservation and Natural Resources
Location: Barnett Township
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

MI-782 Project Title: Bard Hall Roof Replacement. Project Scope: Reroofing one 3 story roof totaling approximately 10,103 square feet; removing existing gravel built-up roofing and insulation; installation of new modified bitumen roofing system, new coping caps.

Department: State System of Higher Education
Location: Bard Hall, Millersville University of Pennsylvania, Millersville, Lancaster County, PA 17551
Duration: 60 calendar days from the date of Notice to Proceed
Contact: Jill M. Coleman, (717) 872-3730

1101 Recondition the storit water discharge system and repair destructed building elements going to the defective discharge system. Work includes: masonry, supply four downspouts, interior and exterior wall surfaces and metal window frame rehabilitation.

Department: Military Affairs
Location: Sunbury Armory, R. D. 1, P. O. Box 342, Sunbury, PA 17801
Duration: September 1, 2000—June 30, 2001
Contact: Emma Schroff, (717) 861-8518

MI-783 Project Title: Gilbert Hall Roof Replacement. Project Scope: Reroofing one 3 story roof totaling approximately 11,140 square feet; removing existing gravel built-up roofing and insulation; installation of new modified bitumen roofing system, new coping cap and building panels.

Department: State System of Higher Education
Location: Gilbert Hall, Millersville University of Pennsylvania, Millersville, Lancaster County, PA 17551
Duration: 60 calendar days from the date of Notice to Proceed
Contact: Jill M. Coleman, (717) 872-3730

DGSA220-10 Project Title: Expansion of Evidence Room. Brief Description: Remove existing overhead doors, close opening with concrete block and brick to match existing. Install new interior block walls, paint new doors, hardware and new suspended acoustic tile ceilings. Provide new exhaust ventilation, split system air conditioning, rippe and rewire as required. Install new lighting, reopt and security system. Estimated Range: Under \$100,000. General, Mechanical 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 your 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. Bid Date: Wednesday, September 6, 2000 at 1 p.m.

Department: General Services
Location: PA State Police, Dunmore Headquarters, Dunmore, Lackawanna County, PA
Duration: 120 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

Demolition—11

014005 The Mercer County Maintenance District is seeking bids for the demolition of an existing 120' diameter concrete salt storage dome (including floor and foundations) and removal of all refuse from work site.

Department: Transportation
Location: PennDOT Maintenance Stockpile, Mercer, Mercer County, PA
Duration: All work to be completed by May 31, 2001
Contact: William Mantz, (814) 678-7383

Contracting for Demolition and/or Removal of Structures Notice is hereby given by the Department of Transportation, that it is seeking bids for the Demolition and/or Removal of a certain Residential and Commercial structure in conjunction with the construction of S. R. 191, Section 01B, in the County of Northampton, Township of Washington. There is asbestos in the structure to be removed. For Bid Forms, date of inspections, specifications and further information contact: PA Department of Transportation, District 5-0, 1713 Lehigh Street, Allentown, PA 18103.

Department: Transportation
Location: Washington Township, Northampton County
Duration: As specified in Contract
Contact: Ken Kutchinsky, (610) 798-4271

2-3-00002 This contract is for the demolition and removal of an 82' diameter wooden "domar" style salt storage building and concrete side walls. (Pad to remain) In general, the contractor shall provide all labor, materials, apparatus, incidentals, trucking, tools, superintendence and services required for performance of the work. The contractor is to demolish the storage dome and remove all refuse from the site for disposal. Contractor will also be responsible for the excavation and backfilling required to complete the work.

Department: Transportation
Location: Loganton Stockpile located on 477, approx. 1 mile south of Exit 27 of Interstate 80
Duration: Once contract awarded, completion within 30 calendar days
Contact: Tammie J. McHenry, (570) 893-2430

Engineering Services—14

08430AG2597 Open-End Contract to provide various engineering and environmental services on various projects in Engineering District 12-0, that is, Fayette, Greene, Washington and Westmoreland Counties. Details concerning this project may be found under Department of Transportation, Retention of Engineering Firms in the *Pennsylvania Bulletin* or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 12-0
Duration: Sixty Months
Contact: N/A

RFP #0R-02 The project will involve a detailed evaluation of the service life of SuperPave hot mixed asphalt (HMA). The primary purpose of this project is to produce a report on the validation of SuperPave design as it relates to HMA construction in the Commonwealth of Pennsylvania. Detailed requirements and an RFP are available upon fax request. Send fax requests, including name, company name, address and phone number, to Roberta Cooper at (717) 783-7971.

Department: Transportation
Location: Statewide
Duration: 60 months with possible extensions
Contact: Roberta Cooper, (717) 787-4006

08430AG2596 To provide bridge safety inspection for 765 designated bridges in Engineering District 6-0, that is Bucks and Montgomery Counties. Details concerning this project may be found under Department of Transportation, Retention of Engineering Firms in the *Pennsylvania Bulletin* or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 6-0
Duration: Thirty Months
Contact: N/A

Environmental Maintenance—15

SP 3800120 Services required for drilling and overburden sampling and field permeability tests for in-house foundation design for bridges. Services also required for monitor well installation to sample groundwater at underground storage tank sites, on an as needed basis, in various locations throughout the state.

Department: Conservation and Natural Resources
Location: Various locations throughout Pennsylvania
Duration: Upon execution through 12/31/2001
Contact: Corey Walters, (717) 783-0733

BF 452-101.1 Abandoned Mine Land Reclamation, Coal Stripping Inc., involves backfilling of basins, 5 acres of selective grading and 7 acres of seeding. This project issues August 25, 2000; payment in the amount of \$10 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Springfield Township, Fayette County
Duration: 190 days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994

Financial Services—17

D & O Fiduciary Commonwealth agency seeking an insurance broker responsible for the following: Broker to competitively solicit, negotiate and procure directors and officers liability insurance and fiduciary liability insurance for public pension fund with assets in excess of \$53 billion. The broker will provide full service to the pension fund, including special due diligence services relating to the evaluation of insurance policies carried by the investment firms retained by the pension fund to mortgage fund investments. In this regard, the broker will also monitor and evaluate policy changes and continued compliance with Fund requirements and provide advice and recommend such modifications to agency's insurance requirements as may be appropriate for the protection of the agency. The broker will also provide monthly compliance reporting. Broker must be able to provide references and satisfactory qualifications as to broker's ability to obtain and provide the requested coverage and ancillary services.

Department: Public School Employees' Retirement System
Location: 5 North 5th Street, Harrisburg, PA 17101
Duration: Five years
Contact: Rebecca A. Snead or e-mail rsnead@state.pa.us, (717) 720-4607

Firefighting Services—18

SP1381001236 On-Call maintenance of Fire Suppression System and Fire Suppression System Flow Test.

Department: Military Affairs
Location: PA Army National Guard, 554 Airport Road, Johnstown, PA 15904
Duration: October 1, 2000—September 20, 2003
Contact: Vicky Lengel, (717) 861-8579

Food—19

HUN350 Dairy and Frozen Products as vegetable margarine, waffles, yeast, eggs (whole & frozen), broccoli spears, cauliflower, ice cream, cottage cheese, twin pops, orange juice and yogurt.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: August 9, 2000 to August 9, 2001
Contact: Phyllis C. Sheffield, PA1, (814) 643-2400, Ext. 303

HVAC—22

LBY001 The Hiram G. Andrews Center is seeking a contractor to abandon the radiant heat loop, remove the cooling only fan coil units and replace them with dual purpose fan coil units to include direct digital controls on the new equipment to match the existing barber coleman ddc's, in accordance with all related bid documents. There will be a mandatory prebid site visit. To obtain a bid package and date and location of the site visit, submit your written request to the attention of R. D. Robinson, Hiram G. Andrews Center, Johnstown, PA 15905 or fax your request to (814) 255-8370.

Department: Labor and Industry
Location: Office of Vocational Rehabilitation, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905
Duration: For a period of 1 year from award of contract
Contact: Robert D. Robinson, (814) 255-8210

1103500010 Vendor to provide to the State Correctional Inst. Graterford all parts and labor to replace 43 "D" tubes on #4 Nebraska oil fired boiler.

Department: Corrections
Location: State Corr. Inst. Graterford, Box 246, Rt. 29, Graterford, PA 19426
Duration: 6 months
Contact: Kelly Richardson, (610) 489-4151

Lodging Facilities—27

08-A-00 Three day Bureau of Workers' Compensation Judges' Conference.

Department: Labor and Industry
Location: State College Area
Duration: July 17-19, 2001 or July 24-26, 2001
Contact: Cherianita Thomas/BF, (717) 787-2877

350S02 The Department of Transportation is soliciting interested contractors, available within 20 miles from the City of Pittsburgh, to provide hotel facilities, food and equipment services for its Bureau of Office Services' Purchasing Academy to be conducted on Tuesday, October 24, 2000 through Thursday, October 26, 2000. The number of persons participating in this Academy is anticipated to be between 80 and 100. A bid package may be obtained by faxing your request to Vikki Mahoney at (717) 783-7971. Include in your request: Reference SPC 350S02; your company name; address; phone number and fax number.

Department: Transportation
Location: Within 20 miles of the City of Pittsburgh
Duration: Six months
Contact: Tonja Jackson, (717) 783-8910

SU-00-05 Shippensburg University is seeking vendors interesting in submitting bids for conference facilities in the State College, PA area. Must have facilities for 45-50 individuals for lodging, meeting rooms and food service. Must also have Audio/Visual equipment available for rental. Please fax your request to Pam King to be added to bidders list. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: State College, PA area
Duration: Various dates from September 1, 2000 through March 31, 2001
Contact: Pamela A. King, Purchasing Agent, (717) 477-1121

Medical Services—29

RFP 23-00 This Request for Proposal (RFP) has the objective of procuring the services of Pennsylvania-licensed Physical Health Managed Care Organizations (PH-MCOs) to administer mandatory managed care services for Medicaid consumers in the HC-SE (HealthChoices Southeast) zone including Philadelphia, Delaware, Montgomery, Bucks and Chester Counties. This RFP is being issued by the Division of Procurement, Department of Public Welfare, on behalf of the Office of Medical Assistance Programs. If you are interested in providing a proposal for this service, fax your request to the Division of Procurement at (717) 787-3560.

Department: Public Welfare
Location: Office of Medical Assistance Programs, Cherry Wood Building, Room A111, Harrisburg State Hospital Grounds, Harrisburg, PA 17105
Duration: October 1, 2001 through September 30, 2006 (Exact duration to be determined)
Contact: Darlene L. Demore, (717) 787-9010

9999-3200-055 Contractor shall provide on an as needed basis the services of a registered nurse (RN) for routine medical care of this agency's resident population. Specifications are contained within the quote format.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: October 1, 2000 to June 30, 2001
Contact: John Pitonyak, (724) 662-1837, Ext. 194

00972031 Medical examinations—Annual physical exams to include health and occupational history, physical exam, radiologic services, pulmonary function, spirometry screen, a written interpretation, comparison of exam results, etc. to Mayview State Hospital maintenance employees engaged in asbestos abatement.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: January 1, 2001 through December 31, 2005
Contact: Fred Molisee, (412) 257-6215

Property Maintenance—33

060016 Provide ice and snow removal at the PA Department of Transportation District 6 Office at 7000 Geerdes Boulevard, King of Prussia, PA. Bidding packages may be obtained by faxing in a request to the PADOT District Maintenance Unit at (610) 205-6909 Attention: Louis J. Porrini, Highway Maintenance Manager. Refer to Service Bid Contract No. 060016.

Department: Transportation
Location: 7000 Geerdes Blvd. in Upper Merion Township, Montgomery County, PA
Duration: Multi-year Contract with options to renew
Contact: Louis J. Porrini, (610) 205-6703

0443 Bathroom Partitions fabricated from high density polyethylene "HDPE" manufactured by the Santana Products Company; P. O. Box 2021; Scranton, PA 15501. Material must match existing materials purchased over the past 5 years.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA
Duration: Indeterminate 2000—2001
Contact: Jack W. Heinze, (717) 772-7435

388115002 Remedial tree planting project. Seedlings will be planted on recently harvested forest land at different sites on the Susquehannock State Forest. 94,700 seedlings on 340 acres. In addition to tree planting, contractor will install 1,700 tree shelters.

Department: Conservation and Natural Resources
Location: Susquehannock State Forest, District #15 Potter County, North Central, PA
Duration: March 15, 2001 through June 30, 2001
Contact: John Wambaugh, (814) 274-3600

3881100017 Service to plant hardwood and conifer seedlings. Approximately 90,600 trees, 5 ft. tree shelters to be installed on approximately 12,800 seedlings. Planting will on the Sproul State Forest at eight locations.

Department: Conservation and Natural Resources
Location: DCNR, Bureau of Forestry HCR 62, Box 90, Renovo, PA 17764
Duration: June 30, 2001
Contact: Richard Kugel, (570) 923-6011

2010000031 Repainting (interior/exterior), glass replacements, reupholstering and carpet replacement of two Bell 206L-3 helicopters which will include the furnishing of all paint and other materials, labor, equipment and services required in performing all phases in connection with the preparation and refinishing of these aircraft.

Department: State Police
Location: Services to be performed at vendor's premises
Duration: Upon award of contract through June 30, 2001
Contact: Diane Bolden, Procurement & Supply Division, (717) 705-5923

Security Services—37

C-00-05 Request qualified vendor to provide semi-annual preventative maintenance, emergency repairs, repairs and parts to all Motorola Communication Systems located at the State Correctional Institution at Coal Township.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: Contract will be for a 3-year period with an estimated beginning date of November 1, 2000
Contact: Nancy A. Lasko, (570) 644-7890, Ext. 142

Vehicle, Heavy Equipment Services—38

C-00-06 Request qualified vendor to provide the rental of the following equipment with qualified operator for various excavation projects for the State Correctional Institution at Coal Township. Rental of Crawler Dozer, 60 to 74 horsepower, power angle tilt blade, hydrostatic or powershift transmission. Estimated hours are 120; Crawler Loader, 105 to 129 horsepower, 1 3/4 to 2 yard bucket, hydrostatic or powershift transmission. The maximum estimated hours are 160; and a Tractor Loader Backhoe, 70 to 79 horsepower, 1 1/4 yard loader bucket with 15", 24" and 30" backhoe buckets available. The machine will have an extending type backhoe. The maximum estimated hours are 160.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: Estimated time period 1 year
Contact: Nancy A. Lasko, (570) 644-7890, Ext. 142

Miscellaneous—39

110350009 Vendor to provide to the State Correctional Inst. Graterford draining cleaning services on storm and sanitary drains. Equipment required Vactor 810 combination sewer cleaner with 4000 p.s.i. at head of water lance.

Department: Corrections
Location: State Correctional Inst., Graterford, Box 246, Rt. 29, Graterford, PA 19426
Duration: 3 years
Contact: Kelly Richardson, (610) 489-4151

040129 To provide and maintain containers and remove rest area refuse at specified intervals at three safety rest areas on I-81 and I-80 in Luzerne County. Two rest areas are located on I-81 northbound and southbound between exits 42 and 43, and one rest area is located on I-80 eastbound between exits 39 and 40.

Department: Transportation
Location: Luzerne County I-81 north and south, Nuangola, Luzerne County, I-80 east, White Haven
Duration: Five years
Contact: Martha Spaide, (570) 963-4048

040128 To provide and maintain containers and remove rest area refuse at specified intervals at two safety rest areas on I-81 in Lackawanna and Susquehanna Counties.

Department: Transportation
Location: Lackawanna County I-81 north, Tomkinsville Susquehanna County, I-81 south, Lenox
Duration: Five years
Contact: Martha Spaide, (570) 963-4048

SP 1106000-007 The contractor will provide internal and external inspection of both the coal and ash silos, institution's boiler plant, to determine the extent of deterioration and develop a repair plan as well as installation of six tensioning rods on the visibly bulging area of the coal silo.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233
Duration: Anticipated period of service November 1, 2000 to June 30, 2001
Contact: Carol Schaeffer/Purchasing Agent, (412) 761-1955, Ext. 291

[Pa.B. Doc. No. 00-1494. Filed for public inspection August 25, 2000, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1034150-01	8/10/00	The Phillips Group	115,714.57
1034150-02	8/10/00	Office Basics Inc.	17,856.00
1034150-03	8/10/00	Adolph Sufrin Inc.	35,665.00
1034150-04	8/10/00	Kurtz Bros.	8,227.92
1037210-01	8/10/00	Harold G. Jones Co.	27,265.00
8160640-01	8/10/00	Virginia Materials and Supplies Inc.	19,994.00
8252300-01	8/10/00	Highway Equipment and Supply Co.	61,600.00
8252320-01	8/10/00	Stephenson Equipment Inc.	255,860.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
8252370-01	8/10/00	Godwin Pumps of America	39,810.00
8252410-01	8/10/00	Ringtown Wilbert Vault Works Inc.	15,150.00
8252220-01	8/10/00	Plasterer Equipment Co. Inc.	567,863.10
8252080-01	8/11/00	Furnival Machinery Co. Inc.	2,955,348.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-1495. Filed for public inspection August 25, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 215, 217, 219, 220, 224, 225,
226, 230 AND 232]

Radiological Health

The Environmental Quality Board (Board) proposes to amend Chapters 215, 217, 219, 220, 224–226 and 230 and to add a new Chapter 232. The proposed amendments update the standards for protection against radiation.

This proposal was adopted by the Board at its regular meeting on June 20, 2000.

A. *Effective Date*

These amendments will be effective immediately upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. *Contact Persons*

For further information, the contact persons are Ray Urciuolo, Chief, Licensing Section, Bureau of Radiation Protection, 13th Floor, Rachel Carson State Office Building, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-3720; and Marylou Barton, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 9th Floor, 400 Market Street, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

C. *Statutory Authority*

These amendments are proposed under the authority of the following statutes:

Sections 301 and 302 of the Radiation Protection Act (act) (35 P. S. §§ 7110.301 and 7110.302), which, respectively, direct the Department to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation sources and radiation source users, and delegate to the Board the power to adopt the regulations of the Department to implement the act.

Section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes and directs the Board to adopt regulations necessary for the proper performance of the work of the Department.

D. *Background and Purpose*

In 1995, the Board updated its radiological health regulations to provide for compatibility with other states and to serve as a basis for the Commonwealth to assume authority from the United States Nuclear Regulatory Commission (NRC) for radioactive material licensees in this Commonwealth as an agreement state. These updates were published at 25 Pa.B. 5088 and 5206 (November 18, 1995). Technological advances in the use of radioactive material and the need to establish and maintain radiation protection standards at least as stringent as the NRC standards provide the basis for these revisions to the existing radiological health regulations.

The proposed amendments are necessary for the Commonwealth to acquire agreement state status from the NRC. Under section 201 of the act (35 P. S. § 7110.201), the Governor is authorized to enter into agreements with the NRC transferring regulatory authority to the Com-

monwealth for radiation protection. Presently, the Commonwealth is responsible for the regulation of naturally occurring and accelerator-produced radioactive material (NARM) and radiation producing equipment. Under the Atomic Energy Act of 1954 (42 U.S.C.A. § 2021), the NRC is authorized to enter into an agreement with the Governor to discontinue NRC regulatory authority with respect to most by-product materials, source materials and special nuclear materials in amounts insufficient to form a critical mass.

The proposed amendments are based on the current NRC radiation protection regulations in 10 CFR Parts 19–150.

As required by section 301(c)(14) of the act (35 P. S. § 7110.301), the Department provided the Radiation Protection Advisory Committee (Committee) with an opportunity to review the proposed amendments and to advise the Department prior to submittal to the Board. On March 18, 1999, the Committee met and reviewed the proposed amendments. The chairperson announced by letter dated May 17, 1999, the Committee's concurrence to send the proposed amendments to the Board.

E. *Summary of Regulatory Requirements*

The proposed amendments revise current radiation protection regulations to reflect compatibility with NRC radiation protection regulations. The revisions are requisite to the Commonwealth's attainment of Agreement State status from the NRC. A description of the proposed regulations is provided as follows:

Chapter 215. General Provisions

Section 215.1 (relating to purpose and scope) is expanded to clarify that the effect of incorporation by reference under subsection (e) would not relieve a person from complying with Pennsylvania law nor would it expand the scope of authority granted the Department under statute in subsection (f). Locations are listed in new § 215.1(g) for purchasing copies of the *Code of Federal Regulations* (Title 10 Chapter I) to be incorporated by reference. An electronic version is also available on the United States Government Printing Office world wide web site. <http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=199910>

Section 215.2 (relating to definitions) The following definitions were deleted because they are incorporated by reference: "ALARA," "A1," "A2," "absorbed dose," "agreement State," "airborne radioactive material," "airborne radioactivity area," "background radiation," "becquerel," "byproduct material," "calendar quarter," "collective dose," "committed dose equivalent," "committed effective dose equivalent," "controlled area," "curie," "deep dose equivalent," "depleted uranium," "dose," "dose equivalent," "dose limits," "effective dose equivalent," "embryo/fetus," "exposure," "exposure rate," "external dose," "extremity," "eye dose equivalent," "generally applicable environmental radiation standards," "gray," "high radiation area," "individual monitoring," "individual monitoring devices," "internal dose," "licensed material," "lost or missing licensed or registered source of radiation," "member of the public," "minor," "monitoring," "normal form," "occupational dose," "personnel monitoring equipment," "prescribed dosage," "public dose," "rad," "radiation area," "radiopharmaceutical," "rem," "research and development," "restricted area," "sealed source," "SI," "shallow dose equivalent," "sievert,"

“site boundary,” “source material,” “special form,” “special nuclear material,” “special nuclear material in quantities not sufficient to form a critical mass,” “survey,” “TEDE,” “unrefined and unprocessed ore,” “unrestricted area,” “week,” “whole body,” “working level,” “working level month” and “year.”

The following definitions are updated: “NRC,” “qualified expert” and “roentgen.” The definition of “misadministration” is redefined for X-ray by using the appropriate parts of the NRC proposed definition for “medical event.” The definition of “prescribed dose” is changed to “prescribed dose for X-ray therapy” by deleting references to radioactive material modalities. The definition of “written directive” is changed to “written directive for X-ray therapy” by deleting references to radioactive material.

Section 215.3 (relating to units of exposure and dose) is amended to delete units of dose already incorporated by reference in 10 CFR 20.1004.

Section 215.4 (relating to units of activity) is deleted because it is replaced by incorporation by reference of 10 CFR 20.1005.

Section 215.5 (relating to effect of incorporation of the *Code of Federal Regulations*) is added for clarification.

Section 215.11 (relating to records) is amended to clarify the separate recordkeeping requirements of licensees and registrants.

Section 215.12 (relating to inspections) is amended to change the target inspection frequency for major medical facility X-ray operations from every 2 years to every 3 years.

Section 215.15 (relating to additional requirements) was amended by incorporating the requirements of § 219.73 (orders requiring furnishing of bioassay services).

A new § 215.25 (relating to deliberate misconduct) is added for compatibility with the NRC.

A new § 215.26 (relating to employe protection) is added for compatibility with the NRC.

A new § 215.27 (relating to vacating premises) is added to replace § 219.241 (relating to vacating premises). The requirement is extended to all licenses and is in addition to the decommissioning requirements of 10 CFR 30.36 that are incorporated by reference under Chapter 217.

A new § 215.28 (relating to deceptive exposure of a monitoring device) is added to prohibit using a monitoring device to indicate deceptively high or low doses to individuals.

Section 215.32 (relating to exempt qualifications) is amended to add the new Chapter 232 (relating to licenses and radiation safety requirements for irradiators) to the list of chapters.

Chapter 217. Licensing of Radioactive Material

Section 217.1 (relating to purpose and scope) is amended to include references to Chapters 218 and 232 (relating to licenses and radiation safety requirements for irradiators).

Section 217.2 (relating to address for communications) is updated with the new Department name and address.

Sections 217.11—217.18, 217.21—217.24, 217.31, 217.32, 217.41—217.49, 217.51—217.57, 217.65, 217.71—217.74, 217.81—217.93, 217.101, 217.121 and 217.122, Appendix A, B and D are deleted and replaced by new sections and new tables for NARM and renamed

subchapters that incorporate applicable portions of 10 CFR Parts 30, 31, 32, 33, 40, 70 and 150 by reference.

A new Subchapter B (general provisions for radioactive material) is created to incorporate 10 CFR 30 (relating to rules of general applicability to domestic licensing of byproduct material).

Sections 217.131 and 217.132 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 30) explain incorporation by reference.

Section 217.133 (relating to persons possessing a license for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass on the date the Commonwealth becomes an Agreement State as published in the *Federal Register*) is the existing § 217.24.

Section 217.134 (relating to filing application for specific licenses) is the existing § 217.51(d) and alerts the applicant for a license that a fee is required.

Section 217.135 (relating to renewal of licenses) is similar to the existing § 217.55 and is amended to alert the licensee to the Department’s renewal requirements.

Section 217.136, relating to exempt concentrations and Table 1, replaced the existing requirements of § 217.12 and Appendix A for NARM isotopes which are not included in incorporation by reference.

Section 217.137, relating to exempt quantities and Table 2, replace the existing requirements of § 217.13 and Appendix B for NARM isotopes which are not included in incorporated by reference.

A new Subchapter C (relating to general licenses for radioactive material) is created to incorporate 10 CFR 31 (relating to general domestic licenses for byproduct material).

Sections 217.141 and 217.142 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 30) explain the incorporation by reference.

Section 217.143 (relating to certain measuring, gauging or controlling devices) is the existing § 217.42 amended to include some Department requirements that are not included in the incorporation by reference.

Section 217.144 (relating to incidental radioactive material produced by a particle accelerator) is the existing § 217.48 amended to include a Department requirement which is not included in the incorporation by reference.

A new Subchapter D (relating to specific licenses to manufacture or transfer certain items containing radioactive material) is created to incorporate 10 CFR Part 32 (relating to specific domestic licenses to manufacture or transfer certain items containing byproduct material) and to also include NARM radioactive material.

The requirements of existing Subchapter D (relating to transfer of radioactive material) are moved to new Subchapter I with the same title.

Sections 217.151 and 217.152 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 32) explain the incorporation by reference.

Section 217.153 (licensing the incorporation of NARM into gas and aerosol detectors) is the existing § 217.83 amended to include a Department requirement for using radium-226 that is not included in the incorporation by reference.

Section 217.154 (relating to special requirements for license to manufacture calibration sources containing

americium-241, plutonium or radium-226) is the existing § 217.86 amended to include a Department requirement for using radium-226 that is not included in the incorporation by reference.

Section 217.155 (relating to manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license) is the existing § 217.88 amended to include Department requirements for using NARM that are not included in the incorporation by reference.

A new Subchapter F (relating to specific domestic licenses of broad scope for radioactive material) is created to incorporate 10 CFR Part 33 (relating to specific domestic licenses of broad scope for byproduct material). This replaces deleted §§ 217.71—217.74 and Appendix D for licenses of broad scope.

Sections 217.161 and 217.162 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 32) explain the incorporation by reference.

Section 217.163, relating to types of specific licenses of broad scope and Table 3, replace the existing requirements of §§ 217.71—217.73 and Appendix D for NARM isotopes which are not included in incorporation by reference.

A new Subchapter G (relating to licensing of source material) is created to incorporate 10 CFR Part 40 (relating to domestic licensing of source material).

Sections 217.171 (relating to incorporation by reference) and 217.172 (relating to effect of incorporation of 10 CFR Part 40) explain the incorporation by reference.

A new Subchapter H (relating to licensing of special nuclear material) is created to incorporate 10 CFR 70 (relating to domestic licensing of special material).

Sections 217.181 and 217.182 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 70) explain the incorporation by reference.

A new Subchapter I (relating to transfer of radioactive material) is the existing Subchapter D and § 217.191 is the existing § 217.101.

A new Subchapter J (relating to reciprocity) is the existing Subchapter F amended to incorporate 10 CFR 150.2 (relating to scope), 10 CFR 150.11 (relating to critical mass) and 10 CFR 150.20 (relating to recognition of Agreement State licenses).

Sections 217.201 and 217.202 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 150) explain the incorporation by reference.

Section 217.203 (relating to reciprocity of licenses of naturally occurring and accelerator-produced radioactive material) is the existing § 217.122.

Chapter 219. Standards for Protection Against Radiation

Section 219.3 (relating to definitions) is deleted because of incorporation by reference of 10 CFR Part 20.

Section 219.4 (relating to implementation) is deleted because it is obsolete.

Sections 219.5 and 219.6 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 20) are added to clarify the differences between Chapter 219 and 10 CFR Part 20.

Sections 219.21 and 219.31—219.38 are deleted because of incorporation by reference of 10 CFR Part 20.

Existing Subchapter D (relating to radiation dose limits for individual members of the public) consists of §§ 219.51 and 219.52.

Section 219.51 (relating to dose limits for individual members of the public) is amended by incorporation by reference. The current exception that allows individual members of the public in unrestricted areas to receive a higher limit of 0.5 rem per year from medical diagnostic radiation producing machines is eliminated. However, the grandfather clause is retained allowing a higher limit of 0.5 rem per year from any radiation producing machines or other registered radiation sources installed prior to November 18, 1985.

Sections 219.52 (compliance with dose limits for individual members of the public) is deleted because of the incorporation by reference of 10 CFR Part 20.

Existing Subchapter E (relating to testing for leakage or contamination of sealed sources) is reserved but the requirements are retained as in addition to those incorporated by reference in 10 CFR Part 20.

Existing Subchapter F (relating to surveys and monitoring) is deleted. Sections 219.71 and 219.72 are deleted because of incorporation of 10 CFR Part 20 by reference. The current § 219.73 is deleted and the requirements are combined with § 215.15 (relating to additional requirements).

Existing Subchapter G (relating to control of exposure from external sources in restricted areas) consisting of §§ 219.91—219.93 is deleted because of incorporation of 10 CFR Part 20 by reference.

Existing Subchapter H (relating to respiratory protection and controls to restrict internal exposure in restricted areas) consisting of §§ 219.111—219.113 is deleted because of incorporation of 10 CFR Part 20 by reference.

Existing Subchapter I (relating to storage and control of licensed or registered sources of radiation) is amended so that existing §§ 219.131 and 219.132 now apply only to radiation producing machines while incorporation of 10 CFR Part 20 by reference applies to radioactive material.

Existing Subchapter J (relating to precautionary procedures) is amended as follows:

Sections 219.151—219.158 were deleted because of incorporation of 10 CFR Part 20 by reference.

Section 219.159 (relating to posting of radiation producing machines) is amended by changing the words “The registrant” at the beginning of the first sentence to “The registrant or licensee” because accelerators are now licensed.

Section 219.160 (relating to exceptions to posting requirements) is amended by deletion of those sections for radioactive materials that are superseded through incorporation by reference of 10 CFR Part 20.

Sections 219.161 and 219.162 (relating to exemptions from labeling requirements; and procedures for receiving and opening packages) are deleted because of incorporation of 10 CFR Part 20 by reference.

Existing Subchapter K (relating to waste disposal) with §§ 219.181—219.186 is deleted because of incorporation of 10 CFR Part 20 by reference.

Existing Subchapter L (relating to records) with §§ 219.201—219.211 is deleted because of incorporation of 10 CFR Part 20 by reference.

Existing Subchapter M (relating to reports) consists of §§ 219.221—219.228

Section 219.221 (relating to reports of stolen, lost or missing licensed or registered sources of radiation) is amended by deletion of those sections for radioactive materials that are superseded through incorporation by reference of 10 CFR Part 20.

Section 219.222 (relating to notification of incidents) is amended by replacing the current text with incorporation by reference of the requirements for the notification of incidents under 10 CFR Part 20. The scope of the reference is also expanded to apply to radiation producing machines and NARM.

Sections 219.223—219.226 are deleted as a result of incorporation by reference of 10 CFR Part 20.

Existing § 219.227 (relating to reports of leaking or contaminated sealed sources) is retained.

Section 219.228 (relating to reports of misadministrations) was renamed to “reports of misadministrations from X-ray.”

Existing Subchapter N (relating to additional requirements) which consists of § 219.241 (relating to vacating premises) is deleted. The conditions are transferred to new § 215.27 and expanded to apply to all licensees.

Chapter 219, Appendices A—C (relating to protection factors for respirators; annual limits on intake (ALI) and derived air concentrations (DAC) of radionuclides for occupational exposure; effluent concentrations; concentrations for release to sanitary sewerage; and quantities of licensed or registered material requiring labeling) are deleted by incorporation by reference of 10 CFR Part 20.

Chapter 220. Notices, Instructions and Reports to Workers; Inspections and Investigations

Because of incorporation by reference of 10 CFR Part 19, the title of Chapter 220 has been expanded to include “Investigations.”

Section 220.2 (relating to posting of notices to workers) is updated for compatibility with the NRC.

Sections 220.3—220.8 are deleted because of incorporation by reference of 10 CFR Part 19.

Sections 220.9 and 220.10 (relating to incorporation by reference; effect of incorporation of 10 CFR Part 19) are added to clarify the differences between Chapter 220 and 10 CFR Part 19.

Chapter 224. Medical Use of Radioactive Material

Sections 224.2—224.9 are deleted because of incorporation by reference of 10 CFR Part 35.

New §§ 224.10 and 224.11 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 35) are added to clarify the differences between Chapter 224 and 10 CFR Part 35.

Subchapter B (relating to general administrative requirements) is renamed (other requirements).

New § 224.21 (relating to supervision) clarifies which auxiliary personnel may handle radioactive material. It replaces current § 224.55 (supervision) that is deleted by incorporation by reference of 10 CFR Part 35.

New § 224.22 (relating to authorization for calibration and reference sources) allows sealed sources up to 27 mCi (1,000 MBq) apiece of radioactive material. It replaces

current § 224.104 that is deleted because of incorporation by reference of 10 CFR 35.57.

New § 224.23 (relating to decay-in-storage) allows sealed sources of radioactive material with a physical half-life of up to 300 days to be held for decay-in-storage. It replaces current § 224.112 (relating decay-in-storage) that is deleted by incorporation by reference of 10 CFR 35.92.

Current §§ 224.51—224.60 are deleted because of incorporation by reference of 10 CFR Part 35. The requirements of current § 224.55 (relating to supervision) are now found in new § 224.21 (relating to supervision).

Current §§ 224.101—224.112 comprising all of Subchapter C are deleted because of incorporation by reference of 10 CFR Part 35. The requirements of current § 224.104 (relating to authorization for calibration and reference sources) are now found in new § 224.22 (relating to authorization for calibration and reference sources). The requirements of current § 224.112 (relating to decay-in-storage) are now found in new § 224.23 (relating to decay-in-storage).

Sections 224.151—224.501 comprising all of Subchapters D through K are deleted because of incorporation by reference of 10 CFR Part 35.

Chapter 225. Radiation Safety Requirements for Industrial Radiographic Operations

Chapter 225 is split into two subchapters: Subchapters A and B (relating to general provisions; and radiation producing machines general administrative requirements).

Existing § 225.1 (relating to purpose and scope) is expanded upon. An addition to subsection (a) clarifies applicability. New subsection (b) is added to exempt persons using only radiation producing machines from the requirements of 10 CFR Part 34 incorporated by reference except as may be noted in Subchapter B. New subsection (c) is added to clearly indicate that Chapter 225 does not apply to medical diagnosis or therapy.

Existing §§ 225.2, 225.11—225.18, 225.21—225.23, 225.31—225.33, 225.41—225.44 are deleted because of incorporation by reference of 10 CFR Part 34.

Existing §§ 225.51—225.53 are deleted because of incorporation by reference of 10 CFR Part 34 with the requirements of existing § 225.52 (relating to security) being transferred to new § 225.87 (relating to security) and existing § 225.53 (relating to posting) being transferred to new § 225.88 (relating to posting).

Existing Appendix A is retained.

New §§ 225.2a and 225.3a (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 34) are added to clarify the differences between Chapter 225 and 10 CFR Part 34.

Section 225.4a (relating to radiation safety programs) is added for radiation producing machine users only. This section includes a requirement that a person using radiation producing machines for industrial radiography shall have Department approval before commencing operations.

Section 225.5a (relating to reciprocity) is added to alert out-of-State users of radiation producing machines to the requirements of § 216.7 (relating to out-of-State radiation producing machines).

Section 225.6a (relating to prohibitions) is added to clarify that the use of radiation producing machines

covered under this chapter is not permitted for diagnosis or therapy on humans or animals.

New Subchapter B (relating to radiation producing machines) requirements are added to apply to those persons who only have radiation producing machines because radiation producing machines do not fall under the requirements of sealed source radiography incorporated through reference of 10 CFR Part 34.

Subchapter B begins with a new heading, "General Administrative Requirements," that includes new §§ 225.71—225.76 (relating to definitions; duties of personnel; training of personnel; training and testing; audits and safety reviews of radiographers and radiographer assistants; and reporting requirements).

Definitions introduced in Subchapter B are "cabinet radiography," "cabinet X-ray system," "certified cabinet X-ray system," "industrial radiography," "permanent radiographic installation," "personal supervision," "radiation safety officer," "radiographer," "radiographer's assistant," "radiographer trainee," "radiographic operations," "shielded room radiography" and "temporary job site."

A new heading, "General Technical Requirements," includes §§ 225.81—225.88 (relating to permanent radiographic installations; operating requirements; records required at temporary job sites; operating and emergency procedures; surveys and survey records; utilization logs; security; and posting).

A new heading, "Radiation Survey Instrument and Personnel Monitoring," includes §§ 225.91—225.93 (relating to radiation survey meter requirements; radiation survey meter calibration requirements; and personnel monitoring control).

A new heading, "Radiation Producing Machine Requirements," includes §§ 225.101—225.104 (relating to cabinet X-ray systems and baggage/package X-ray systems; shielded room X-ray machine radiography; temporary job site radiography; and X-ray detection systems for explosives, weapons and illegal items).

Chapter 226. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies

Current Chapter 226 is renamed as "Licenses and Radiation Safety Requirements for Well Logging" to parallel 10 CFR Part 39.

Section 226.1 (relating to purpose and scope) is generally updated and revised to include persons using uranium sinker bars.

Section 226.2 (relating to definitions) is deleted because of incorporation by reference of 10 CFR Part 39.

Current § 226.3 (relating to prohibition) is renamed "abandonment of a sealed source." Current requirements are deleted and replaced by incorporation by reference of 10 CFR Part 39 and current reference to § 78.111 (relating to abandonment).

Sections 226.4 and 226.5 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 39) are added to clarify the differences between Chapter 226 and 10 CFR Part 39.

New heading "Particle Accelerators" is created.

Section 226.34 (relating to particle accelerators) is renumbered to § 226.61 and a reference to licensing

provisions of Chapter 228 (relating to radiation safety requirements for particle accelerators) is added.

Sections 226.11—226.51 and Appendixes A and B are deleted because of incorporation by reference of 10 CFR Part 39.

Chapter 230. Packaging and Transportation of Radioactive Material

Sections 230.2, 230.11, 230.12, 230.14, 230.21—230.26, 230.41—230.46, 230.51, Appendix A and Tables I—IV are deleted because of incorporation by reference of 10 CFR Part 71.

In Subchapter A (relating to scope and definitions), the phrase "and definitions" is dropped from the title because of the deletion of § 230.2 (relating to definitions).

Sections 230.3 and 230.4 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 71) are added to clarify the differences between Chapter 230 and 10 CFR Part 71.

Section 230.5 (relating to communications) is added to ensure that communications are sent to the Department's address.

Section 230.13 (relating to transportation of licensed material) is amended to include only the requirements of existing subsection (b) and incorporation by reference of 10 CFR Part 71.

Section 230.47 (relating to advance notification of transport of nuclear waste) is amended to ensure that the governor or governor's designee and the Department will receive the required notifications and information.

Chapter 232. Licenses and Radiation Safety Requirements for Irradiators

Chapter 232 is a new chapter that is compatible with 10 CFR Part 36 "Licenses and Radiation Safety Requirements for Irradiators."

Section 232.1 (relating to purpose and scope) explains that this chapter applies only to the use of radioactive material in sealed sources to irradiate objects or materials with gamma radiation.

Sections 232.2 and 232.3 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 36) clarify the differences between Chapter 232 and 10 CFR Part 36.

F. Benefits Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

Benefits

As set forth in this proposal, users of radioactive material will be required to comply with radiation protection standards that will not only protect employees but will also protect the general public. The Commonwealth will also be able to continue pursuit of agreement state status with the NRC which will lead to an overall reduction in license fees for NRC licensees of this Commonwealth.

Compliance Costs

There are no compliance costs because licensees are currently complying with these regulations by virtue of their NRC licenses.

Compliance Assistance Plan

Compliance assistance is available to all existing license holders through the use of a comprehensive set of regulatory guides published by the NRC.

Paperwork Requirements

The proposed amendments will not change paperwork requirements because licensees are already complying with NRC requirements.

G. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 2000, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has any 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. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor and the General Assembly before final publication of the regulations.

I. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477 Harrisburg, PA. 17105-8477 (express mail: Rachel Carson State Office Building, 15th floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by September 25, 2000 (within 30 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must be received by September 25, 2000 (within 30 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us and must also be received by the Board by September 25, 2000. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-350. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND
SAFETY**

ARTICLE V. RADIOLOGICAL HEALTH

CHAPTER 215. GENERAL PROVISIONS

GENERAL PROVISIONS

§ 215.1. Purpose and scope.

* * * * *

(e) Title 10 Chapter I (Nuclear Regulatory Commission) Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 70, 71 and 150 of the CFR is incorporated by reference. Notwithstanding the requirements incorporated by reference, nothing in this article relieves or limits a person from complying with the laws of the Commonwealth, including the act and the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101—7130.905).

(f) If a provision of the CFR incorporated by reference in this article includes a section which is inconsistent with the *Pennsylvania Code*, the *Pennsylvania Code* controls to the extent Federal law does not preempt Commonwealth law. If a provision of the CFR incorporated by reference in this article is beyond the scope of authority granted the Department under statute, or is in excess of the statutory authority, the provisions shall be and remain effective only to the extent authorized by the Pennsylvania law.

(g) Appropriate parts of 10 CFR may be obtained from the following:

(1) The United States Government Printing Office, Book Store, Room 118, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 664-2721.

(2) The United States Government Printing Office, Book Store, 100 North 17th Street, Robert Morris Building, Philadelphia, Pennsylvania 19103, (215) 597-0677.

(3) The United States Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

§ 215.2. Definitions.

The definitions in 10 CFR Chapter I Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 70, 71 and 150 are incorporated by reference in this article unless indicated otherwise. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

[ALARA—As low as is reasonably achievable—Making every reasonable effort to maintain exposures to radiation as far below the dose limits in this article as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of

improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

A₁1—The maximum activity of special form radioactive material permitted in a Type A package.

A₂2—The maximum activity of radioactive material, other than special form radioactive material, permitted in a Type A package. These values are either listed in Chapter 230, Appendix A (relating to packaging and transportation of radioactive materials), Table I, or may be derived in accordance with the procedure prescribed in Chapter 230, Appendix A.

Absorbed dose—The energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.]

* * * * *

[*Agreement state*—A state with which the NRC or the AEC has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954 (42 U.S.C.A. § 2021(b)).

Airborne radioactive material—Radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors or gases.

Airborne radioactivity area—A room, enclosure or area in which radioactive materials exist in concentrations as set forth in one of the following:

- (i) In excess of the derived air concentrations (DACs) specified in Chapter 219, Appendix B, Table I (relating to occupational values).
- (ii) To such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6% of the annual limit on intake (ALI) or 12 DAC-hours.

Background radiation—Radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices. The term does not include sources of radiation from radioactive materials regulated by the Department.

Becquerel (Bg)—The SI unit of activity. One becquerel is equal to one disintegration or transformation per second (dps or tps).]

* * * * *

[*Byproduct material*—The term includes one of the following:

- (i) Radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.
- (ii) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by

these solution extraction operations do not constitute “byproduct material” within this definition.

Calendar quarter—Not less than 12 consecutive weeks, nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January, and subsequent calendar quarters shall be arranged so that no day is included in more than one calendar quarter and no day in one year is omitted from inclusion within a calendar quarter. No licensee or registrant may change the method observed by him of determining calendar quarters for purposes of this article except at the beginning of a calendar year.

Collective dose—The sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

Committed dose equivalent (H_{T,50})—The dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

Committed effective dose equivalent (H_{E,50})—The sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues (H_{E,50} = ∑ w_TH_{T,50}).

Controlled area—An area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee or registrant for any reason.

Curie (Ci)—The special unit or quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7 x 10¹⁰ transformations per second (tps).

Deep dose equivalent (H_d), which applies to external whole body exposure—The dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm²).

Depleted uranium—The source material uranium in which the isotope uranium-235 constitutes less than .711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

Dose—A generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent or total effective dose equivalent. For purposes of this article, “radiation dose” is an equivalent term.

Dose equivalent (H_T)—The product of the absorbed dose in tissue, quality factor and other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

Dose limits—The permissible upper bounds of radiation doses established in accordance with this article. For purposes of this article, “limits” is an equivalent term.

Effective dose equivalent (H_E)—The sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (W_T) applicable to each of the body organs or tissues that are irradiated (H_E = ∑ W_TH_T).

Embryo/fetus—The developing human organism from conception until the time of birth.]

* * * * *

[**Exposure**—The quotient of dQ by dm where “dQ” is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass “dm” are completely stopped in air. The special unit of exposure is the roentgen (R). See § 215.3 (relating to units of exposure and dose) for the SI equivalent.

Exposure rate—The exposure per unit of time, such as R per minute or mR per hour.

External dose—That portion of the dose equivalent received from a source of radiation outside the body.

Extremity—A hand, elbow, arm below the elbow, foot, knee or leg below the knee.

Eye dose equivalent—The external dose equivalent to the lens of the eye at a tissue depth of 0.3 centimeter (300 mg/cm²).]

* * * * *

[**Generally applicable environmental radiation standards**—Standards issued by the EPA under the authority of the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—22g-4) that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

Gray (Gy)—The SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (100 rad).

High radiation area—An area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in 1 hour at 30 centimeters from a source of radiation or from a surface that the radiation penetrates.]

* * * * *

[**Individual monitoring**—The assessment of one of the following:

(i) Dose equivalent by the use of individual monitoring devices or survey data.

(ii) Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours. See the definition of DAC-hours in § 219.3 (relating to definitions).

Individual monitoring devices—Devices designed to be worn by a single individual for the assessment of dose equivalent. For purposes of this article, “personnel dosimeter” and “dosimeter” are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers and personal air sampling devices.]

* * * * *

[**Internal dose**—That portion of the dose equivalent received from radioactive material taken into the body.]

* * * * *

[**Licensed material**—Radioactive material received, possessed, used, transferred or disposed of under a general or specific license issued by the Department.]

* * * * *

[**Lost or missing licensed or registered source of radiation**—A licensed or registered source of radiation whose location is unknown. The term includes licensed material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

Member of the public—An individual in a controlled or unrestricted area. An individual is not a member of the public during a period in which the individual receives an occupational dose.

Minor—An individual under 18 years of age.]

Misadministration (medical event) from X-ray—The administration to a human being [of:], except for administrations resulting from the direct intervention of a patient that could not have been reasonably prevented by the licensee or registrant, that results in one of the following:

(i) [A radiopharmaceutical dosage greater than 30 microcuries (1.11 MBq) of either sodium iodide I-125 or I-131 under one of the following conditions:

(A) Involving the wrong patient or wrong pharmaceutical.

(B) When the administered dosage differs from the prescribed dosage by more than 20% of the prescribed dosage, and the difference between the administered and prescribed dosage exceeds 30 microcuries (1.11 MBq).

(ii) A therapeutic radiopharmaceutical dosage, other than sodium iodide I-125 or I-131 under one of the following conditions:

(A) Involving the wrong patient, wrong radiopharmaceutical, or wrong route of administration.

(B) When the administered dosage differs from the prescribed dosage by more than 20% of the prescribed dosage.

(iii) A gamma stereotactic radiosurgery radiation dose under one of the following conditions:

(A) Involving the wrong patient or wrong treatment site.

(B) When the calculated total administered dose differs from the total prescribed dose by more than 10% of the total prescribed dose.

(iv) A teletherapy radiation dose under one of the following conditions:

(A) Involving the wrong patient, wrong mode of treatment or wrong treatment site.

(B) When the treatment consists of three or fewer fractions and the calculated total administered

dose differs from the total prescribed dose by more than 10% of the total prescribed dose.

(C) When the calculated weekly administered dose is 30% greater than the weekly prescribed dose.

(D) When the calculated total administered dose differs from the total prescribed dose by more than 20% of the total prescribed dose.

(v) A brachytherapy radiation dose under one of the following conditions:

(A) Involving the wrong patient, wrong radioisotope or wrong treatment site—excluding, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site.

(B) Involving a sealed source that is leaking.

(C) When, for a temporary implant, one or more sealed sources are not removed upon completion of the procedure.

(D) When the calculated administered dose differs from the prescribed dose by more than 20% of the prescribed dose.

(vi) A diagnostic radiopharmaceutical dosage, other than quantities greater than 30 microcuries (1.11 MBq) of either sodium iodide I-125 or I-131, when the conditions in clauses (A) and (B) apply:

(A) Involving the wrong patient, wrong radiopharmaceutical, wrong route of administration or when the administered dosage differs from the prescribed dosage.

(B) When the dose to the patient exceeds 5 rem (50 mSv) effective dose equivalent or 50 rems (0.5 Sv) dose equivalent to any individual organ.

(vii) An X-ray therapy dose (with energies less than 1 MeV) under one of the following conditions:

(A) Involving the wrong patient, wrong mode of treatment, wrong treatment site, wrong tube potential or wrong filtration.

(B) When the treatment consists of three or fewer fractions and the calculated total administered dose differs from the total prescribed dose by more than 10% of the prescribed dose.

(C) When the calculated weekly administered dose is 30% greater than the weekly prescribed dose.

(D) When the calculated total administered dose differs from the total prescribed dose by more than 20% of the total prescribed dose.

(viii) A radiation therapy dose using X-rays or electron beams with energies of 1 MeV and above under one of the following conditions:

(A) Involving the wrong patient, wrong mode of treatment, wrong treatment site, wrong photon or electron beam energy, wrong applicator or wrong treatment geometry.

(B) When the treatment consists of three or fewer fractions and the calculated total administered dose differs from the total prescribed dose by more than 10% of the prescribed dose.

(C) When the calculated weekly administered dose is 30% greater than the weekly prescribed dose.

(D) When the calculated total administered dose differs from the total prescribed dose by more than 20% of the total prescribed dose.]

An administration of a dose to the wrong individual.

(ii) An administration of a dose that results in or is likely to result in functional damage to tissue unless the damage is an expected outcome of the prescribed procedure or the damage can not be avoided without compromising the efficacy of the procedure.

(iii) An administration of a dose for therapy to the wrong site or by the wrong treatment mode (photon versus electron), wrong effective energy, wrong applicator or wrong treatment geometry when one of the following applies:

(A) The deviation results in a dose to an area outside of the intended treatment site that exceeds 0.5 Sv (50 rem) to an organ or tissue, or 0.5 Sv (50 rem) shallow dose equivalent to the skin.

(B) The result is an increase in the total expected treatment doses inside the area of the intended treatment site (other than the primary treatment target), for organs, tissue or skin that exceeds the larger of 20% of the expected dose or 0.5 Sv (50 rem).

(iv) A total dose delivered to the treatment site identified in a written directive for therapy that differs from the prescribed dose by more than 20%, or for a fractionated dose, any individual dose fraction that differs from the prescribed single fraction dose by more than 50%.

[*Monitoring*—The measurement of radiation levels, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of this article, “radiation monitoring” and “radiation protection monitoring” are equivalent terms.]

* * * * *

NRC—United States Nuclear Regulatory Commission or its authorized representatives.

* * * * *

[*Normal form*—arterial in any form that does not qualify as “special form.”]

Occupational dose—The dose received by an individual in a restricted area or in the course of employment in which the individual’s assigned duties involve exposure to sources of radiation, whether in the possession of the licensee, registrant or another person. The term does not include dose received: from background radiation, as a patient from medical practices, from voluntary participation in medical research programs or as a member of the public.]

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[*Personnel monitoring equipment*—See the definition of “individual monitoring devices.”]

* * * * *

[*Prescribed dosage*—The quantity of radiopharmaceutical activity as documented in one of the following methods:

- (i) In a written directive.
- (ii) Either in the diagnostic clinical procedures manual or in an appropriate record in accordance with the directions of the authorized user for diagnostic procedures.]

Prescribed dose for X-ray therapy—[One of the following:

- (i) For gamma stereotactic radiosurgery, the total dose as documented in the written directive.
- (ii)] For [*teletherapy*,] X-ray therapy and electron beam therapy, the total dose and dose per fraction as documented in the written directive.
- [(iii) For brachytherapy, either the total source strength and exposure time or the total dose, as documented in the written directive.

Public dose—The dose received by a member of the public from exposure to sources of radiation either within a licensee's or registrant's controlled area or in unrestricted areas. The term does not include occupational dose, dose received from background radiation, dose received as a patient from medical practices or dose from voluntary participation in medical research programs.]

Qualified expert—[An individual having the knowledge, training and experience to measure ionizing radiation, to evaluate safety techniques and to advise regarding radiation protection needs. Examples include relevant certification by the American Board of Health Physics, the American Board of Radiology, or the equivalent.]

- (i) An individual having the knowledge and training to measure ionizing radiation, to evaluate safety techniques and to advise regarding radiation protection needs, for example: individuals certified in the appropriate field by the American Board of Radiology, or the American Board of Health Physics, or the American Board of Medical Physics or those having equivalent qualifications.
- (ii) With reference to the calibration of radiation therapy equipment, an individual having, in addition to the qualifications in subparagraph (i), training and experience in the clinical applications of radiation physics to radiation therapy, for example: individuals certified in therapeutic radiological physics or X-ray and radium physics by the American Board of Radiology, or radiation oncology physics by the American Board of Radiology, or radiation oncology physics by the American Board of Medical Physics or those having equivalent qualifications.

[*Rad*—The special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (0.01 gray).]

* * * * *

[*Radiation area*—An area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in 1 hour at 30 centimeters

from the source of radiation or from a surface that the radiation penetrates.]

* * * * *

[*Radiopharmaceutical*—A pharmaceutical containing radioactive material.]

* * * * *

[*Rem*—The special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 sievert).

Research and development—One of the following:

- (i) Theoretical analysis, exploration or experimentation.
- (ii) The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes. The term does not include the internal or external administration of radiation or radioactive material to human beings.

Restricted area—An area to which access is limited by the licensee or registrant for the purpose of protecting individuals against undue risks from exposure to sources of radiation. The term does not include areas used for residential quarters, although a separate room in a residential building may be set apart as a restricted area.]

Roentgen (R)—The special unit of exposure to external X-ray and gamma radiation. One roentgen equals 2.58×10^{-4} coulombs/kilogram of air. See [*exposure*] § 215.3 (relating to units of exposure).

[*Sealed source*—Radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

SI—The abbreviation for the International System of Units.

Shallow dose equivalent (Hs), which applies to the external exposure of the skin or an extremity—The dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm) averaged over an area of 1 square centimeter.

Sievert (Sv)—The SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

Site boundary—That line beyond which the land or property is not owned, leased or otherwise controlled by the licensee or registrant.

Source material—Uranium or thorium, or a combination thereof, in a physical or chemical form or ores which contain by weight .05% or more of uranium, thorium or a combination thereof. The term does not include special nuclear material.

Special form—Radioactive material which satisfies the following conditions:

(i) The material is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule.

(ii) The piece or capsule has at least one dimension not less than 5 millimeters (.197 inch).

(iii) The material satisfies the test requirements of regulations of the United States Department of Transportation 49 CFR 173.469. Special form encapsulations designed in accordance with the requirements of 49 CFR 173.389(g) in effect on June 30, 1983, and constructed prior to July 1, 1985 may continue to be used. Special form encapsulations either designed or constructed after June 30, 1985 shall meet the requirements of this subparagraph.

Special nuclear material—Plutonium, uranium 233, uranium enriched in the isotope 233 or the isotope 235; material artificially enriched in plutonium, uranium 233, uranium enriched in the iso-

tope 233 or the isotope 235. The term does not include source material.

Special nuclear material in quantities not sufficient to form a critical mass—Uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or a combination of them in accordance with the following formula: for each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of the ratios for all of the kinds of special nuclear material in combination may not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

Survey—An evaluation of the production, use, release, disposal or presence of radiation sources under a specific set of conditions to determine actual or potential radiation hazards. When appropriate, the evaluation includes, but is not limited to, tests, physical examinations and measurements of levels of radiation or concentrations of radioactive material present.

TEDE—Total effective dose equivalent—The sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.]

* * * * *

[*Unrefined and unprocessed ore*—Ore in its natural form prior to processing, such as grinding, roasting, beneficiating or refining.

Unrestricted area—An area to which access is neither limited nor controlled by the licensee or registrant. For purposes of this article, "uncontrolled area" is an equivalent term.]

* * * * *

[*Week*—Seven consecutive days starting on Sunday.

Whole body—For purposes of external exposure, the head, trunk including male gonads, arms above the elbow, or legs above the knee.]

* * * * *

[*Working level (WL)*—A combination of radon-222 daughters in one liter of air which will result in the ultimate emission of 1.3 x 10⁵ million electron volts of alpha particle energy.

Working level month (WLM)—The exposure resulting from inhalation of air containing a radon daughter concentration of 1 WL for 170 working hours.]

Written directive for X-ray therapy—An order in writing for a specific patient, dated and signed by an authorized user or licensed practitioner prior to the

administration of [a radiopharmaceutical or radiation, except as specified in subparagraph (vi), containing the following information] an X-ray therapy treatment:

(i) [For the administration of quantities greater than 30 microcuries (1.11 MBq) of either sodium iodide I-125 or I-131: the dosage.

(ii) For a therapeutic administration of a radiopharmaceutical other than sodium iodide I-125 or I-131: the radiopharmaceutical, dosage and route of administration.

(iii) For gamma stereotactic radiosurgery: target coordinates, collimator size, plug pattern and total dose.

(iv) For teletherapy: the total dose, dose per fraction, treatment site and overall treatment period.

(v) For high-dose-rate remote afterloading brachytherapy: the radioisotope, treatment site and total dose.

(vi) For other brachytherapy the following apply:

(1) Prior to implantation: the radioisotope, number of sources; source strengths; and number, type and size of applicator.

(2) After implantation but prior to completion of the procedure: the radioisotope; treatment site; and total source strength and exposure time (or, equivalently, the total dose).

(vii)] For X-ray therapy at potentials less than 1 MeV: the total dose, dose per fraction, treatment site, field [size] sizes, tube potential and filtration, and overall treatment period.

[(viii)] (ii) For X-ray and electron beam therapy at energies of 1 MeV and above: the total dose, dose per fraction, treatment site, field size, beam type and energy, applicator, use of beam blocking or shaping devices, treatment geometry and overall treatment period.

[*Year*—The period of time beginning in January used to determine compliance with this article. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant if the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.]

§ 215.3. Units of exposure [and dose].

[(a)] As used in this article, the unit of exposure to external X-ray and gamma radiation expressed in standard international (SI) units is the coulomb per kilogram (C/kg) of air. This represents the quotient of dQ by dm where “ dQ ” is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass “ dm ” are completely stopped in air. The “roentgen” is a special unit of exposure. One roentgen is equal to 2.58×10^{-4} coulomb per kilogram of air. One milliroentgen (mR) is equal to 1/1000 Roentgen.

[(b) As used in this article, the units of dose are:

(1) Gray (Gy), which is the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (100 rad).

(2) Rad, which is the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (0.01 Gy).

(3) Rem is the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

(4) Sievert is the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

(c) As used in this article, the quality factors for converting absorbed dose to dose equivalent are shown in Table I.

TABLE I
QUALITY FACTORS AND
ABSORBED DOSE EQUIVALENCIES

<i>TYPE OF RADIATION</i>	<i>Quality Factor (Q)</i>	<i>Absorbed Dose Equal to a Unit Dose Equivalent^a</i>
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

^a Absorbed dose in gray equal to 1 Sv or the absorbed dose in rad equal to 1 rem.

(d) If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in sievert per hour or rem per hour, as provided in subsection (c), 0.01 Sv (1 rem) of neutron radiation of unknown energies may, for purposes of this article, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II
MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE
EQUIVALENT FOR MONOENERGETIC NEUTRONS

<i>Neutron Energy (MeV)</i>	<i>Quality Factors (Q)</i>	<i>Fluence per Unit Dose Equivalent^b (neutrons cm⁻² rem⁻¹)</i>	<i>Fluence per Unit Dose Equivalent^b (neutrons cm⁻² Sv⁻¹)</i>
(thermal) 2.5E-8	2	980E+6	980E+8
1E-7	2	980E+6	980E+8
1E-6	2	810E+6	810E+8
1E-5	2	810E+6	810E+8
1E-4	2	840E+6	840E+8
1E-3	2	980E+6	980E+8
1E-2	2.5	1010E+6	1010E+8
1E-1	7.5	170E+6	170E+8
5E-1	11	39E+6	39E+8
1	11	27E+6	27E+8
2.5	9	29E+6	29E+8
5	8	23E+6	23E+8

<i>Neutron Energy (MeV)</i>	<i>Quality Factors (Q)</i>	<i>Fluence per Unit Dose Equivalent^b (neutrons cm⁻² rem⁻¹)</i>	<i>Fluence per Unit Dose Equivalent^b (neutrons cm⁻² Sv⁻¹)</i>
7	7	24E+6	24E+8
10	6.5	24E+6	24E+8
14	7.5	17E+6	17E+8
20	8	16E+6	16E+8
40	7	14E+6	14E+8
60	5.5	16E+6	16E+8
1E+2	4	20E+6	20E+8
2E+2	3.5	19E+6	19E+8
3E+2	3.5	16E+6	16E+8
4E+2	3.5	14E+6	14E+8

^a Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-centimeter diameter cylinder tissue-equivalent phantom.

^b Monoenergetic neutrons incident normally on a 30-centimeter diameter cylinder tissue-equivalent phantom.]

§ 215.4. [Units of activity] (Reserved).

[For purposes of this article, activity is expressed in the SI unit of becquerel (Bq) or in the special unit of airborne curie (Ci), or their multiples, or disintegrations or transformations per unit of time.

(1) One becquerel (Bq) = 1 disintegration or transformation per second (dps or tps).

(b) One curie (Ci) = 3.7 x 10¹⁰ disintegrations or transformations per second (dps or tps) = 3.7 x 10¹⁰ becquerel (Bq) = 2.22 x 10¹² disintegrations or transformations per minute (dpm or tpm).]

§ 215.5. Effect of Incorporation of the CFR.

(a) *Title and name changes.* To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of the Federal regulations as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC" or "agreement state" means "Department, NRC or agreement state."

(b) *Forms and documents.* References to forms in the Federal regulations incorporated by reference will be replaced by the appropriate forms prescribed by the Department.

RIGHTS AND RESPONSIBILITIES OF THE DEPARTMENT

§ 215.11. Records.

[Licensees and registrants shall maintain records showing the receipt, transfer and disposal of radiation sources.]

(a) Registrants shall maintain records showing the receipt, transfer and disposal of radiation producing machines.

(b) Licensees shall maintain records showing the receipt, transfer and disposal of radioactive material as described in 10 CFR 30.51 (relating to records).

§ 215.12. Inspections.

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(c) *Inspections by the Department.*

(1) The Department, its employes and agents may conduct inspections of the facilities of registrants of radiation-producing machines and licensees of radioactive material at the following frequencies:

(i) For major medical facilities, including hospitals, at least once every [2] 3 years for X-ray operations.

(ii) For all other facilities, at least once every 4 years for X-ray operations.

(iii) For licensees, at the frequencies recommended by the NRC.

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§ 215.15. Additional requirements

The Department may impose upon a person requirements additional to those established in this article which it may deem reasonable and necessary to protect the public health and safety. As an example, when necessary or desirable to determine the extent of an individual's exposure to concentrations of radioactive material, the Department may require a licensee to provide to the individual appropriate bioassay services, medical services and the services of a qualified expert and to furnish a copy of the reports of these services to the Department.

PROHIBITIONS AND RESTRICTIONS

§ 215.25. Deliberate misconduct.

The requirements under 10 CFR 30.10 (relating to deliberate misconduct) are incorporated by reference. This requirement also applies to registrants.

§ 215.26. Employee protection.

The requirements under 10 CFR 30.7 (relating to employee protection) are incorporated by reference. This requirement also applies to registrants.

§ 215.27. Vacating premises.

In addition to the decommissioning requirements of 10 CFR 30.36 (relating to expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas) that are incorporated by reference under Chapter 217 (relating to licensing of radioactive material), a licensee shall notify the Department in writing of intent to vacate at least 30 days before vacating or relinquishing

possession or control of premises which may have been contaminated with radioactive material as a result of the licensee's activities. When deemed necessary by the Department, the licensee shall decontaminate the premises as the Department may specify.

§ 215.28. Deceptive exposure of a monitoring device.

Exposure of a personnel monitoring device or area monitoring device to deceptively indicate the dose delivered to an individual is prohibited.

EXEMPTIONS

§ 215.32. Exemption qualifications.

The following sources, uses and types of users are exempt from Chapters 216—[230] 232:

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CHAPTER 217. LICENSING OF RADIOACTIVE MATERIAL

Subchapter A. GENERAL

§ 217.1. Purpose and scope.

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(b) A licensee is subject to Chapters 215, [219], 218—220 and 230 [(relating to general provisions; standards for protection against radiation, and notices, instructions and reports to workers; inspections)]. A licensee engaged in industrial uses and radiographic operations is subject to Chapter 225 (relating to radiation safety requirements for industrial radiographic operations). A licensee using radioactive material for human use is subject to Chapter 224 (relating to medical use of radioactive material). A licensee using sealed sources in well logging is subject to Chapter 226 (relating to licenses and radiation safety requirements for [wireline service operations and subsurface tracer studies] well logging). A licensee using sealed sources in irradiators is subject to Chapter 232 (relating to licenses and radiation safety requirements for irradiators). A licensee for the disposal of low-level radioactive wastes received from other persons is subject to Chapter 236 (relating to low-level radioactive waste management and disposal).

* * * * *

§ 217.2. Address for communications.

An application for a license, license renewal and license amendments and other communications under this chapter shall be addressed to the Bureau of Radiation Protection, Department of Environmental [Resources] Protection, Post Office Box [2063] 8469, Harrisburg, Pennsylvania [17120] 17105-8469.

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the existing text of §§ 217.11—217.18, 217.21—217.24, 217.31, 217.32, 217.41—217.49, 217.51—217.57, 217.65, 217.71—217.74, 217.81—217.93, 217.101, 217.121 and 217.122 and Appendices A, B and D which appear at 25 Pa. Code pages 217-2—217-76, serial pages (203810)—(203832), (249215)—(249244) and (203863)—(203884). The existing subchapters are renamed and the following regulations are new and printed in regular type to enhance readability.)

Subchapter B. GENERAL PROVISIONS FOR RADIOACTIVE MATERIAL

Sec.

217.131. Incorporation by reference.

217.132. Effect of incorporation of 10 CFR Part 30.

217.133. Persons possessing a license for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass on the date the Commonwealth becomes an agreement state as published in the *Federal Register*.

217.134. Filing application for specific licenses.

217.135. Renewal of licenses.

217.136. Exempt concentrations.

217.137. Exempt quantities.

§ 217.131. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 30 (relating to rules of general applicability to domestic licensing of byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 30.5 (relating to interpretations), 10 CFR 30.6 (relating to communications), 10 CFR 30.8 (relating to information collection requirements: OMB approval), 10 CFR 30.63 (relating to violations) and 10 CFR 30.64 (relating to criminal penalties) are not incorporated by reference.

§ 217.132. Effect of incorporation of 10 CFR Part 30.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 30, the following words and phrases shall be substituted for the language in 10 CFR Part 30 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

§ 217.133. Persons possessing a license for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass on the date the Commonwealth becomes an agreement state as published in the *Federal Register*.

On the date the Commonwealth becomes an agreement state as published in the *Federal Register*, a person who possesses a general or specific license issued by the NRC for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass, is deemed to possess a like license issued under this chapter and the act. The license shall expire either 90 days after receipt from the Department of a notice of expiration of the license, or on the date of expiration specified in the NRC license, whichever is earlier.

§ 217.134. Filing application for specific licenses.

In addition to incorporation by reference, an application for a specific license shall be accompanied by the fee required under Chapter 218 (relating to fees).

§ 217.135. Renewal of licenses.

(a) An application for renewal of a specific license shall be filed under § 217.134 (relating to filing application for specific licenses).

(b) If a renewal application is filed prior to 30 days before the expiration of a license, the existing license does

not expire until definitive notice has been given by the Department of its action on the renewal application. This subsection also applies to new license applications incorporating other licenses.

§ 217.136. Exempt concentrations.

In addition to the parts of 10 CFR 30 incorporated by reference, the following requirements apply:

(1) Except as provided in paragraph (2), a person may receive, possess, use, transfer, own or acquire products or materials containing radioactive material introduced in

concentrations less than those listed in Table 1 without possession of a license under this chapter.

(2) Except under a specific license issued under Subchapter D (relating to specific licenses to manufacture or transfer certain items containing radioactive material), or the general license under Subchapter F (relating to reciprocity), a person may not introduce radioactive material into a product or material for distribution to persons exempt under paragraph (1) or equivalent regulations of the NRC, an agreement state or licensing state.

**TABLE 1
EXEMPT CONCENTRATIONS**

Note: Some of the Values in Table A-1 are presented in the computer "E" notation. In this notation a value of 6E-02 represents a value of 6×10^{-2} or 0.06, 6E+2 represents 6×10^2 or 600 and 6E+0 represents 6×10^0 or 6.

<i>Element (atomic number)</i>	<i>Isotope</i>	<i>Column I Gas concentration μCi/ml</i>	<i>Column II Liquid and solid concentration μCi/ml</i>
Actinium (89)	Ac-228		9E-04
Cadmium (48)	Cd-109		2E-03
Cesium (55)	Cs-129		3E-03
Europium (63)	Eu-154		2E-04
Gallium (31)	Ga-67		2E-03
Germanium (32)	Ge-68		9E-03
Gold (79)	Au-195		1E-02
Indium (49)	In-111		1E-03
Iodine (53)	I-123		3E-04
	I-124		4E-06
	I-125		2E-06
Lead (82)	Pb-212		2E-04
Phosphorus (15)	P-33		3E-04
Potassium (19)	K-43		2E-04
Protactinium (91)	Pa-230		2E-03
Radium(88)	Ra-223		7E-06
	Ra-224		2E-05
	Ra-228		3E-07
Radon (86)	Rn-220	1E-07	
	Rn-222	3E-08	
Sodium (11)	Na-22		4E-04
Technetium (43)	Tc-97m		4E-03
Xenon (54)	Xe-127	4E-06	
Yttrium (39)	Y-88		8E-04

§ 217.137. Exempt quantities.

In addition to the parts of 10 CFR 30 incorporated by reference, the following requirements apply:

(1) A person may receive, possess, use, transfer, own or acquire radioactive material in individual quantities each of which is less than those listed in Table 2 if the person does not produce, package or repackage radioactive material for purposes of commercial distribution or incorporate radioactive material into products intended for commercial distribution.

(2) Except under a specific license issued by the Department or the NRC under 10 CFR 32.18 (relating to manufacture, distribution and transfer of exempt quantities of byproduct material: Requirements for license), a person may not, for purposes of commercial distribution, transfer radioactive material for distribution to persons exempt under paragraph (1) or equivalent regulations of the NRC, an agreement state or licensing state.

**TABLE 2
EXEMPT QUANTITIES**

<i>Radioactive Material</i>	<i>Microcuries</i>
Actinium-228 (Ac 228)	1
Beryllium-7 (Be 7)	10
Bismuth-207 (Bi 207)	10
Cesium-129 (Cs 129)	100
Cobalt-57 (Co 57)	100
Gallium-67 (Ga 67)	100
Germanium-68	10
Gold-195 (Au 195)	10
Gold-196 (Au 196)	1
Indium-111 (In 111)	100
Iodine-123 (I 123)	100
Iodine-124 (I 124)	1
Iridium-190 (Ir 190)	100
Lead-203 (Pb 203)	100
Lead-210 (Pb 210)	0.1
Lead-212 (Pb 212)	10

<i>Radioactive Material</i>	<i>Microcuries</i>
Phosphorus-33 (P 33)	10
Potassium-43 (K 43)	10
Protactinium-230 (Pa 230)	10
Protactinium-231 (Pa 231)	0.1
Radium-223 (Ra 223)	1
Radium-224 (Ra 224)	1
Radium-226 (Ra 226)	0.1
Radium-228 (Ra 228)	0.1
Radon-220 (Rn 220)	1
Radon-222 (Rn 222)	1
Rhenium-183 (Re 183)	100
Rhenium-187 (Re 187)	100
Rubidium-81 (Rb 81)	10
Scandium-46 (Sc 46)	10
Sodium-22 (Na 22)	10
Technetium-96m (Tc 96m)	100
Xenon-127 (Xe 127)	1,000
Yttrium-87 (Y 87)	10
Yttrium-88 (Y 88)	10

Subchapter C. GENERAL LICENSES FOR RADIOACTIVE MATERIAL

Sec.

- 217.141. Incorporation by reference.
 217.142. Effect of incorporation of 10 CFR Part 31.
 217.143. Certain measuring, gauging or controlling devices.
 217.144. Incidental radioactive material produced by a particle accelerator.

§ 217.141. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 31 (relating to general domestic licenses for byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 31.4 (relating to information collection requirements: OMB approval), 10 CFR 31.13 (relating to violations) and 10 CFR 31.14 (relating to criminal penalties) are not incorporated by reference.

§ 217.142. Effect of incorporation of 10 CFR Part 31.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 31 (relating to general domestic licenses for byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 31 as follows:

- (1) A reference to "NRC" or "Commission" means Department.
- (2) A reference to "NRC or agreement state" means Department, NRC or agreement state.
- (3) The definition of "sealed source" includes NARM.
- (4) The definition of "licensed material" includes NARM.

§ 217.143. Certain measuring, gauging or controlling devices.

In addition to the parts of 10 CFR 30.5 (relating to interpretations) incorporated by reference, general licensees shall also comply with the following:

- (1) Conduct a physical inventory every 6 months to account for all sources or devices, or both, received and possessed under this section and do the following:
 - (i) Maintain the physical inventory records for 3 years from the date of each inventory.
 - (ii) Furnish a report to the Department annually showing to the extent practicable, the make, model, serial

number, isotope, source activity and location of each device. The report shall list an individual to contact regarding questions about this report.

(2) For portable devices, shall also comply with the following:

(i) A person who initiates acquisition, transfer or disposal of a portable device shall notify the Department within 15 days of the action. Sending a portable device for calibration, maintenance or source replacement does not constitute transfer.

(ii) Portable devices may only be used by or under the direct supervision of individuals who have been instructed in the operating and emergency procedures necessary to ensure safe use.

(iii) For each individual that the licensee permits to use a portable device, the licensee shall maintain a record showing the type of device use permitted and the basis, such as training certificates, for that authorization. An individual's record shall be kept for at least 3 years after the individual terminates association with the licensee.

(iv) Portable devices shall be secured from access by unauthorized personnel whenever the device is not under the direct surveillance of an individual authorized to use the device.

(v) The licensee shall maintain a current sign out log at the permanent storage location of the portable device. Log entries shall be available for inspection by the Department for 3 years from the date of entry. The following information shall be recorded for each portable device:

- (A) The model and serial number of the device.
- (B) The name of the assigned user.
- (C) Locations and dates of use.

(vi) Emergency instructions shall accompany each portable device taken off the premises of the licensee.

§ 217.144. Incidental radioactive material produced by a particle accelerator.

A general license is issued to possess radioactive material produced incidentally to the operation of a particle accelerator. The general license is also subject to the applicable provisions of Chapters 215, 217, 219 and 220. A licensee may transfer this radioactive material only under Subchapter I and Chapter 230 (relating to transfer of radioactive material; and packaging and transportation of radioactive material). A licensee may dispose of this radioactive material only with Department approval.

Subchapter D. SPECIFIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING RADIOACTIVE MATERIAL

Sec.

- 217.151. Incorporation by reference.
 217.152. Effect of incorporation of 10 CFR Part 32.
 217.153. Licensing the incorporation of NARM into gas and aerosol detectors.
 217.154. Special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226.
 217.155. Manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license.

§ 217.151. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 32 (relating to specific domestic licenses to manufacture or transfer certain items containing byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 32.8 (relating to information collection requirements: OMB approval) is not incorporated by reference.

§ 217.152. Effect of incorporation of 10 CFR Part 32.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 32 (relating to specific domestic licenses to manufacture or transfer certain items containing byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 32 as follows:

- (1) A reference to "NRC" or "Commission" means Department.
- (2) A reference to "NRC or agreement state" means Department, NRC or agreement state.
- (3) The definition of "sealed source" includes NARM.
- (4) The definition of "licensed material" includes NARM.
- (5) A reference to byproduct material includes NARM.

§ 217.153. Licensing the incorporation of NARM into gas and aerosol detectors.

An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under Subchapter B (relating to general provisions for radioactive material) will be approved if the application satisfies requirements equivalent to those in 10 CFR 32.26—32.29. The maximum quantity of radium-226 may not exceed 0.1 microcuries (3.7 kBq).

§ 217.154. Special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226.

In addition to the incorporation by reference of requirements in 10 CFR 32.57 (relating to calibration sources containing americium-241) applicants using plutonium and radium-226 in the manufacture of calibration or reference sources shall comply with 10 CFR 32.57.

§ 217.155. Manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license.

(a) In addition to the incorporation by reference of requirements in 10 CFR 32.71 (relating to manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license) applicants using cobalt-57 shall prepare for distribution the cobalt-57 in prepackaged units that do not exceed 10 microcuries (370 kBq) of cobalt-57.

(b) A prepackaged unit shall bear a durable, clearly visible label identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries (370 kBq) cobalt-57.

Subchapter E. [Reserved]

Subchapter F. SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR RADIOACTIVE MATERIAL

- Sec.
- 217.161. Incorporation by reference.
- 217.162. Effect of incorporation of 10 CFR Part 33.
- 217.163. Types of specific licenses of broad scope.

§ 217.161. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 33 (relating to specific domestic licenses of broad scope for byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 33.8 (relating to information collection requirements: OMB approval), 10 CFR 33.21 (relating to violations) and 10 CFR 33.22 (relating to criminal penalties) are not incorporated by reference.

§ 217.162. Effect of incorporation of 10 CFR Part 33.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 33, the following words and phrases shall be substituted for the language in 10 CFR Part 33 as follows:

- (1) A reference to "NRC" or "Commission" means Department.
- (2) A reference to "NRC or agreement state" means Department, NRC or agreement state.
- (3) The definition of "sealed source" includes NARM.
- (4) The definition of "licensed material" includes NARM.
- (5) A reference to byproduct material includes NARM.

§ 217.163. Types of specific licenses of broad scope.

In addition to the incorporation by reference of 10 CFR 33.11 (relating to types of specific licenses of broad scope), the following requirements for licensees using NARM also apply:

(1) A Type A specific license of broad scope is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of a chemical or physical form of radioactive material specified in the license, but not exceeding quantities specified in the license, for purposes authorized by the act. The quantities specified exceed those specified in Column I, Table 3 and are usually in the multicurie range.

(2) A Type B specific license of broad scope is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of a chemical or physical form of radioactive material specified in Table 3, for an authorized purpose. The possession limit for a Type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column I, Table 3. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: for each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Column I, Table 3, for that radionuclide; the sum of the ratios for radionuclides possessed under the license may not exceed unity.

(3) A Type C specific license of broad scope is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of a chemical or physical form of radioactive material specified in Table 3, for an authorized purpose. The possession limit for a Type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column II, Table 3. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: for each radionuclide determine the ratio of the quantity possessed to the applicable quantity specified in

Column II, Table 3, for that radionuclide; the sum of the ratios for radionuclides possessed under the license may not exceed unity.

TABLE 3
LIMITS FOR BROAD LICENSES

<i>Radioactive Material</i>	<i>Col. I curies</i>	<i>Col. II curies</i>
Beryllium-7	10	0.1
Cobalt-57	10	0.1
Radium-226	0.01	0.0001
Scandium-46	1	0.01
Sodium-22	0.1	0.001

Subchapter G. LICENSING OF SOURCE MATERIAL

Sec.

217.171. Incorporation by reference.

217.172. Effect of incorporation of 10 CFR Part 40.

§ 217.171. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 40 (relating to domestic licensing of source material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 40.5 (relating to communications), 10 CFR 40.6 (relating to interpretations), 10 CFR 40.8 (relating to information collection requirements: OMB approval), 10 CFR Part 40.81 (relating to violations) and 10 CFR Part 40.82 (relating to criminal penalties) are not incorporated by reference.

§ 217.172. Effect of incorporation of 10 CFR Part 40.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 40 (relating to domestic licensing of source material), the following words and phrases shall be substituted for the language in 10 CFR Part 40 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

Subchapter H. LICENSING OF SPECIAL NUCLEAR MATERIAL

Sec.

217.181. Incorporation by reference.

217.182. Effect of incorporation of 10 CFR Part 70.

§ 217.181. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 70 (relating to domestic licensing of special nuclear material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 70.5 (relating to communications), 10 CFR 70.6 (relating to interpretations), 10 CFR 70.8 (relating to information collection requirements: OMB approval), 10 CFR 70.71 (relating to violations) and 10 CFR 70.72 (relating to criminal penalties) are not incorporated by reference.

§ 217.182. Effect of incorporation of 10 CFR Part 70.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 70 (relating to

domestic licensing of special nuclear material), the following words and phrases shall be substituted for the language in 10 CFR Part 70 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

Subchapter I. TRANSFER OF RADIOACTIVE MATERIAL

Sec.

217.191. Transfer of material.

§ 217.191. Transfer of material.

(a) Subject to subsections (b)—(d), a licensee may transfer radioactive material only to one or more of the following:

(1) The Department, but only after receiving prior approval from the Department.

(2) The United States Department of Energy.

(3) A person exempt from this article to the extent permitted under the exemption.

(4) A person authorized to receive the material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Department, the NRC, an agreement state or a licensing state, or to a person otherwise authorized to receive the material by the Federal government or an agency thereof, the Department, an agreement state or a licensing state.

(5) A person otherwise authorized by the Department in writing.

(b) Prior to the receipt of radioactive material that is being transferred to a specific licensee of the Department, of the NRC, of an agreement state, of a licensing state, or to a general licensee who is required to furnish information to the NRC, to an agreement state, to a licensing state, or to the Department under Subchapters C or G (relating to general licenses for radioactive material; and licensing of source material), the licensee transferring the material shall verify that the transferee's license authorizes receipt of the type, form and quantity of radioactive material to be transferred.

(c) The following methods for the verification required by subsection (b) are acceptable:

(1) The transferor may possess a current copy of the transferee's specific license or certificate.

(2) The transferor may possess a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form and quantity of radioactive material to be transferred, specifying the license or certificate number, issuing agency and expiration date.

(3) For emergency shipments, the transferor may accept oral certification from the transferee that he is authorized by license or certificate to receive the type, form and quantity of radioactive material to be transferred, specifying the license or certificate number, issuing agency and expiration date. The oral certification shall be confirmed in writing within 10 days.

(4) The transferor may obtain other sources of information compiled by a reporting service from official records

of the Department, the NRC, the licensing agency of an agreement state or a licensing state as to the identity of licensees and the scope and expiration dates of licenses.

(d) If none of the methods of verification described in subsection (c) are readily available or if a transferor desires to verify that information received by one of the methods is correct or up-to-date, the transferor may obtain and record confirmation from the Department, the NRC, the licensing agency of an agreement state or a licensing state that the transferee is licensed to receive the radioactive material.

(e) Preparation for shipment and transport of radioactive material shall be in accordance with Chapter 230 (relating to packaging and transportation of radioactive material).

Subchapter J. RECIPROCITY

Sec.

217.201. Incorporation by reference.

217.202. Effect of incorporation of 10 CFR Part 150.

217.203. Reciprocity of licenses of naturally occurring and accelerator-produced radioactive material.

§ 217.201. Incorporation by reference.

Except as provided in this subchapter, the requirements of 10 CFR 150.2 (relating to scope), 10 CFR 150.11 (relating to critical mass) and 10 CFR 150.20 (relating to recognition of Agreement State licenses) are incorporated by reference.

§ 217.202. Effect of incorporation of 10 CFR Part 150.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 150 (relating to exemptions and continued regulatory authorization agreement states and in offshore waters under section 274), the following words and phrases shall be substituted for the language in 10 CFR Part 150:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

§ 217.203. Reciprocity of licenses of naturally occurring and accelerator-produced radioactive material.

(a) Subject to this article, a person who holds a specific license from a licensing state where the licensee maintains an office, issued by the agency having jurisdiction to direct the licensed activity and to maintain radiation safety records, is granted a general license to conduct the activities authorized in the licensing document within this Commonwealth for a period not in excess of 180 days in a calendar year if:

(1) The licensing document does not limit the activity authorized by the document to specified installation or locations.

(2) The out-of-State licensee notifies the Department in writing at least 3 days prior to engaging in the activity. The notification shall indicate the location, period and type of proposed possession and use within this Commonwealth, and shall be accompanied by a copy of the pertinent licensing document. If for a specific case the 3-day period would impose an undue hardship on the out-of-State licensee, the licensee may, upon application

to the Department, obtain permission to proceed sooner. The Department may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in this subsection.

(3) The out-of-State licensee complies with this title and with the terms and conditions of the licensee's document, except terms and conditions which may be inconsistent with this title.

(4) The out-of-State licensee supplies other information as the Department may request.

(5) The out-of-State licensee does not transfer or dispose of radioactive material possessed or used under the general license provided in this subsection except by transfer to a person who is one of the following:

(i) Specifically licensed by the Department or by another licensing state to receive the material.

(ii) Exempt from the requirements for a license for the material under Subchapter B (relating to general provisions for radioactive material).

(b) Notwithstanding the provisions of subsection (a), a person who holds a specific license issued by a licensing state authorizing the holder to manufacture, transfer, install or service a device described in Subchapter C (relating to general licenses for radioactive material) within areas subject to the jurisdiction of the licensing body is granted a general license to install, transfer, demonstrate or service the device in this Commonwealth subject to the following conditions:

(1) The person files a report with the Department within 30 days after the end of a calendar quarter in which a device is transferred to or installed in this Commonwealth. The report shall identify the general licensee to whom the device is transferred by name and address, the type of device transferred and the quantity and type of radioactive material contained in the device.

(2) The device has been manufactured, labeled, installed and serviced in accordance with the specific license issued to the person by a licensing state.

(3) The person assures that labels required to be affixed to the device, under regulations of the authority which licensed manufacture of the device, bear a statement that "Removal of this label is prohibited."

(4) The holder of the specific license or his intermediary shall provide a copy of the conditions of general license contained in Subchapter C (relating to general license for radioactive material) to the general licensee upon transfer of the radioactive material or installation of a device containing the radioactive material.

(c) The Department may withdraw, limit or qualify its acceptance of a specific license or equivalent licensing document issued by another agency, or product distributed under the licensing document, upon determining that the action is necessary to prevent undue hazard to public health and safety or property.

(d) When a person is granted a general license under subsection (a) and subsequently exceeds the prescribed 180-day period, the person shall file a license application with the Department under Subchapter B (relating to general provisions for radioactive material) within 30 days after the end of the 180-day period.

(Editors Note: As part of this proposed rulemaking, the Department is proposing to delete the existing text of §§ 219.3, 219.4, 219.21, 219.31—219.38, 219.51, 219.52,

219.61, 219.71—219.73, 219.91—219.93, 219.111—219.113, 219.131, 219.132, 219.151—219.159, 219.160—219.162, 219.181—219.186, 219.201—219.211, 219.221—219.228, 219.241, Appendix A, Appendix B and Appendix C which appear at 25 Code pages 219-1—219-138, serial pages (252831), (252832), (204035)—(204038), (249251), (249252), (204041), (204042), (249253), (249254), (204045)—(204048), (249255), (249256), (204051)—(204054), (249257), (249258), (204057)—(204062), (249259), (249260), (204065)—(204070), (249261)—(249267), (204077)—(204080), (249269)—(249270) and (204083)—(204170).) The following text is new and has been printed in regular type to enhance readability.)

CHAPTER 219. STANDARDS FOR PROTECTION AGAINST RADIATION

Subchapter A. GENERAL PROVISIONS

§ 219.5. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 20 (relating to standards for protection against radiation) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 20.1006 (relating to interpretations), 10 CFR 20.1009 (relating to information collection requirements: OMB approval), 10 CFR 20.2401 (relating to violations) and 10 CFR 20.2402 (relating to criminal penalties) are not incorporated by reference.

§ 219.6. Effect of incorporation of 10 CFR Part 20.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 20 (relating to standards for protection against radiation), the following words and phrases shall be substituted for the language in 10 CFR Part 20 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) A reference to "licensee" includes registrant.

(4) A reference to "license" includes registration.

(5) A reference to "licensed" includes registered.

(6) A reference to "Department" in this chapter means the United States Department of Energy.

§ 219.51. Dose limits for individual members of the public.

In addition to incorporation by reference of 10 CFR Part 20 (relating to standards for protection against radiation), registrants who met the previous limit (5 mSv or 0.5 REM in 1 year) for locations having existing radiation-producing machines or equipment or other registered radiation sources will not be required to retrofit installations existing before November 18, 1995. The Department does not require the retrofitting of shielding for the replacement of equipment in the facility as long as the equipment is being replaced with similar equipment.

§ 219.61. Testing for leakage or contamination of sealed sources.

(a) In addition to incorporation by reference of 10 CFR Part 20 (relating to standards for protection against radiation), a licensee possessing a sealed source shall assure that:

(1) Except as specified in subsection (b), each sealed source is tested for leakage or contamination and the test

results are received before the sealed source is put into use unless the licensee has a certificate from the transferor indicating that the sealed source was tested within 6 months before transfer to the licensee.

(2) Each sealed source that is not designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 6 months or at alternative intervals approved by the Department, and agreement state, a licensing state or the NRC, except that the maximum interval between leak tests may not exceed 3 years.

(3) Each sealed source that is designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 3 months or at alternative intervals approved by the Department, an agreement state, a licensing state or the NRC, except that the maximum interval between leak tests may not exceed 3 years.

(4) For each sealed source that is required to be tested for leakage or contamination, the sealed source is tested for leakage or contamination before further use at any time there is reason to suspect that the sealed source might have been damaged or might be leaking.

(5) Except for brachytherapy sources manufactured to contain radium, tests for leakage for sealed sources shall be capable of detecting the presence of 185 Bq (0.005 mCi) of radioactive material on a test sample. Test samples shall be taken from the sealed source or from the surfaces of the container in which the sealed source is stored or mounted on which one might expect contamination to accumulate. For a sealed source contained in a device, test samples are obtained when the source is in the "off" position.

(6) The test for leakage for brachytherapy sources manufactured to contain radium shall be capable of detecting an absolute leakage rate of 37 Bq (0.001 mCi) of radon-222 in a 24-hour period when the collection efficiency for radon-222 and its progeny has been determined with respect to collection method, volume and time.

(7) Tests for contamination from radium progeny shall be taken on the interior surface of brachytherapy source storage containers and shall be capable of detecting the presence of 185 Bq (0.005 mCi) of any radium progeny which has a half-life greater than 4 days.

(b) A licensee need not perform tests for leakage or contamination on the following sealed sources:

(1) Sealed sources containing only radioactive material with a half-life of less than 30 days.

(2) Sealed sources containing only radioactive material as a gas.

(3) Sealed sources containing 3.7 MBq (100 mCi) or less of beta or photon-emitting material or 370 kBq (10 mCi) or less of alpha-emitting material.

(4) Sealed sources containing only hydrogen-3.

(5) Seeds of iridium-192 encased in nylon ribbon.

(6) Sealed sources, except teletherapy and brachytherapy sources, which are stored, are not being used, and are identified as in storage. The licensee shall, however, test each of these sealed sources for leakage or contamination and receive the test results before any use or transfer unless it has been tested for leakage or contamination within 6 months before the date of use or transfer. The maximum interval between tests for leakage or contamination may not exceed 3 years.

(c) Tests for leakage or contamination from sealed sources shall be performed by persons specifically autho-

ized by the Department, an agreement state, a licensing state or the NRC to perform these services.

(d) Test results shall be kept in units of becquerel or microcurie and maintained for inspection by the Department.

(e) The following shall be considered evidence that a sealed source is leaking:

(1) The presence of 185 Bq (0.005 mCi) or more of removable contamination on any test sample.

(2) Leakage of 37 Bq (0.001 mCi) of radon-222 per 24 hours for brachytherapy sources manufactured to contain radium.

(3) The presence of removable contamination resulting from the decay of 185 Bq (0.005 mCi) or more of radium.

(f) The licensee shall immediately withdraw a leaking sealed source from use and take action to prevent the spread of contamination. The leaking sealed source shall be repaired or disposed of in accordance with this article.

(g) Reports of test results for leaking or contaminated sealed sources shall be made under § 219.227 (relating to reports of leaking or contaminated sealed sources).

§ 219.131. Security of stored sources of radiation.

In addition to incorporation by reference of 10 CFR Part 20 (relating to standards for protection against radiation), the licensee or registrant shall secure from unauthorized removal or access radiation sources that are in storage.

§ 219.132. Control of sources of radiation not in storage.

In addition to incorporation by reference of 10 CFR Part 20 (relating to standards for protection against radiation), the licensee or registrant shall maintain control of radiation producing machines that are not in storage.

§ 219.159. Posting of radiation-producing machines.

The registrant or licensee shall ensure that each radiation producing machine is labeled in a conspicuous manner which cautions individuals that radiation is produced when it is energized. For example:

“CAUTION—RADIATION
THIS EQUIPMENT PRODUCES RADIATION
WHEN ENERGIZED.”

§ 219.160. Exceptions to posting requirements.

In addition to incorporation by reference of 10 CFR Part 20 (relating to standards for protection against radiation), a room or area is not required to be posted with a caution sign because of the presence of radiation machines used solely for diagnosis in the healing arts.

§ 219.221. Reports of stolen, lost or missing licensed or registered sources of radiation.

In addition to incorporation by reference of the requirements in 10 CFR Part 20 (relating to standards for protection against radiation) covering the reporting requirements associated with reports of theft or loss of licensed material, the following reporting requirements apply to radiation producing machines:

(1) *Telephone reports.* Each licensee or registrant shall report to the Department by telephone immediately, after its occurrence becomes known, a stolen, lost or missing radiation producing machine.

(2) *Written reports.* Each licensee or registrant required to make a report under paragraph (1) shall, within 30

days after making the telephone report, make a written report to the Department setting forth the following information:

(i) A description of the licensed or registered source of radiation involved, including, for radiation producing machines, the manufacturer, model and serial number, type and maximum energy of radiation emitted.

(ii) A description of the circumstances under which the loss or theft occurred.

(iii) A statement of disposition, or probable disposition, of the licensed or registered source of radiation involved.

(iv) Exposures of individuals to radiation, circumstances under which the exposures occurred and the possible total effective dose equivalent to persons in unrestricted areas.

(v) Actions that have been taken, or will be taken, to recover the source of radiation.

(vi) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

(3) *Additional information.* Subsequent to filing the written report, the licensee or registrant shall also report additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of the information.

(4) *Detachable reports.* The licensee or registrant shall prepare a report filed with the Department under this section so that the names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

§ 219.222. Notification of incidents.

In addition to incorporation by reference of the requirements in 10 CFR Part 20 (relating to standards for protection against radiation), regarding notification of incidents, those notification requirements also apply to radiation producing machines and NARM.

§ 219.228. Reports of misadministrations from X-ray.

(a) For a misadministration from X-ray, the licensee or registrant shall do the following:

(1) Notify the Department by telephone no later than 24 hours after discovery of the misadministration.

(2) Submit a written report to the Department within 15 days after discovery of the misadministration. The written report shall include the licensee's or registrant's name; the prescribing physician's name; a brief description of the event; why the event occurred; the effect on the patient; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee or registrant notified the patient, or the patient's responsible relative or guardian (for notification purposes under this section, this person will be included in subsequent references to "the patient"), and if not, why not; and if the patient was notified, what information was provided to the patient. The report may not include the patient's name or other information that could lead to identification of the patient.

(3) Notify the referring physician and also notify the patient of the misadministration not later than 24 hours after its discovery, unless the referring physician personally informs the licensee either that he will inform the patient or that, based on medical judgment, telling the patient would be harmful. The licensee or registrant is not required to notify the patient without first consulting

the referring physician. If the referring physician or patient cannot be reached within 24 hours, the licensee or registrant shall notify the patient as soon as possible thereafter. The licensee or registrant may not delay appropriate medical care for the patient, including necessary remedial care as a result of the misadministration, because of delay in notification.

(4) If the patient was notified, the licensee or registrant shall also furnish, within 15 days after discovery of the misadministration, a written report to the patient by sending one of the following:

(i) A copy of the report that was submitted to the Department.

(ii) A brief description of both the event and the consequences, as they may affect the patient, if a statement is included that the report submitted to the Department can be obtained from the licensee or registrant.

(b) The licensee or registrant shall retain a record of each misadministration for 5 years. The record shall contain the names of the individuals involved (including the prescribing physician, allied health personnel, the patient and the patient's referring physician), the patient's Social Security number or identification number if one has been assigned, a brief description of the misadministration, why it occurred, the effect on the patient, what improvements are needed to prevent recurrence and the actions taken to prevent recurrence.

(c) Aside from the notification requirement, this section does not affect rights or duties of licensees or registrants and physicians in relation to each other, patients or the patient's responsible relatives or guardians.

CHAPTER 220. NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS AND INVESTIGATIONS

§ 220.2. Posting of notices to workers.

(a) A licensee or registrant shall post current copies of the following documents:

(1) This chapter and Chapter 219 (relating to standards for protection against radiation).

(2) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto.

(3) The operating procedures applicable to activities under the license or registration.

(4) A notice of violation involving radiological working conditions, proposed imposition of civil penalty or order issued under Chapter 215 (relating to general provisions) and response from the licensee or registrant.

(b) If posting of a document specified in subsection (a)(1), (2) or (3) is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

(c) Department Form ER-BRP-3, "Notice to Employees," shall be posted by a licensee or registrant as required by this article.

(d) Department documents posted under subsection (a)(4) shall be posted within [5] 2 working days after receipt of the documents from the Department; the licensee's or registrant's response shall be posted within 5 working days after dispatch from the licensee or registrant. The documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

(e) Documents, notices or forms posted under this section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from the particular work location to which the document applies. The documents, notices or forms shall be conspicuous and shall be replaced if defaced or altered.

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the existing version of §§ 220.3—220.8 which appear at 25 Pa. Code pages 220-2—220-7, serial pages (249272), (203893)—(203897). The following text is new and has been printed in regular type to enhance readability.)

§ 220.9. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 19 (relating to notices, instructions and reports to workers; inspections and investigations) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 19.4 (relating to interpretations), 10 CFR 19.5 (relating to communications), 10 CFR 19.8 (relating to information collection requirements: OMB approval), 10 CFR 19.30 (relating to violations) and 10 CFR 19.40 (relating to criminal penalties) are not incorporated by reference.

§ 220.10. Effect of incorporation of 10 CFR Part 19.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 19 (relating to notices, instructions and reports to workers; inspections and investigations), the following words and phrases shall be substituted for the language in 10 CFR Part 19 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

CHAPTER 224. MEDICAL USE OF RADIOACTIVE MATERIAL

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the text of §§ 224.2—224.9 and 224.51—224.501 which appear at 25 Pa. Code pages 224-2—224-50, serial pages (203906)—(203954).)

Subchapter A. GENERAL

§ 224.10. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 35 (relating to medical use of byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 35.8 (relating to information collection requirements: OMB approval), 10 CFR 35.990 (relating to violations) and 10 CFR 35.991 (relating to criminal penalties) are not incorporated by reference.

§ 224.11. Effect of incorporation of 10 CFR Part 35.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 35 (relating to medical use of byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 35 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "byproduct material" means radioactive material including NARM.

(4) The definition of "sealed source" includes NARM.

(5) A reference to the Advisory Committee on the Medical Uses of Isotopes is synonymous with the Department's Radiation Protection Advisory Committee.

Subchapter B. OTHER REQUIREMENTS

§ 224.21. Supervision.

In addition to the incorporation by reference of 10 CFR Part 35 (relating to medical use of byproduct material), the licensee shall also:

(1) Permit only auxiliary personnel who have met the applicable radiologic requirements of 49 Pa. Code, Part I, Subpart A (relating to professional and occupational affairs) to use radioactive materials for diagnostic or therapeutic purposes.

(2) Permit only auxiliary personnel employed by a health care facility regulated by the Department of Health, the Department of Public Welfare or the Federal government to use radioactive materials for diagnostic or therapeutic purposes in accordance with written job descriptions and employee qualifications.

§ 224.22. Authorization for calibration and reference sources.

Notwithstanding the incorporation by reference of 10 CFR Part 35, a licensee authorized for medical use radioactive materials may receive, possess and use sealed sources of radioactive material up to 27 mCi (1,000 MBq) apiece for check, calibration and reference use.

§ 224.23. Decay-in-storage.

Notwithstanding the incorporation by reference of 10 CFR Part 35 (relating to medical use of byproduct material), a licensee may hold sealed sources of radioactive material with a physical half-life-of up to 300 days for decay-in-storage before disposal in ordinary trash.

CHAPTER 225. RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL USES AND RADIOGRAPHIC OPERATIONS

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the text of §§ 225.2, 225.11—225.18, 225.21—225.23, 225.31—225.33, 225.41—225.44 and 225.51—225.53 which appears at 25 Pa. Code pages 225-3—225-18, serial pages (203957)—(203972). Appendix A is retained. The following text is new and has been printed in regular type to enhance readability.)

Subchapter A. GENERAL PROVISIONS

Sec.	
225.1.	Purpose and scope.
225.2a.	Incorporation by reference.
225.3a.	Effect of incorporation of 10 CFR Part 34.
225.4a.	Radiation safety program.
225.5a.	Reciprocity.
225.6a.	Prohibitions.

§ 225.1. Purpose and scope.

(a) This chapter establishes radiation safety requirements for persons utilizing radiation sources for industrial radiography. Licensees and registrants who use radiation sources for industrial radiography shall comply with this chapter. The requirements of this chapter are in addition to and not in substitution for other applicable requirements in this article, **in particular, the requirements and provisions of Chapters 215, 217—220, 228 and 230.**

(b) Persons using only radiation producing machines for industrial radiographic operations need not comply with § 225.2a (relating to incorporation by reference) unless otherwise specified in Subchapter B (relating to radiation producing machines).

(c) This chapter does not apply to the use of radiation sources for medical diagnosis or therapy.

§ 225.2a. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 34 (relating to licenses for industrial radiography and radiation safety requirements for industrial radiographic operations) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 34.5 (relating to interpretations), 10 CFR 34.8 (relating to information collection requirements: OMB approval), 10 CFR 34.121 (relating to violations) and 10 CFR 34.123 (relating to criminal penalties) are not incorporated by reference.

§ 225.3a. Effect of incorporation of 10 CFR Part 34.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 34, the following words and phrases shall be substituted for the language in 10 CFR Part 34 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

§ 225.4a. Radiation safety program.

A person who intends to use radiation producing machines for industrial radiography shall have a program for training personnel, written operating procedures and emergency procedures, an internal review system and an organizational structure for radiographic operations which includes specified delegations of authority and responsibility for operation of the program. This program shall be approved by the Department before commencing industrial radiographic operations.

§ 225.5a. Reciprocity.

Out-of-State users of radiation producing machines shall meet the requirements of § 216.7 (relating to out-of-State radiation-producing machines).

§ 225.6a. Prohibitions.

Use of radiation sources covered under this chapter for diagnosis or therapy on humans or animals is not permitted.

Subchapter B. RADIATION PRODUCING MACHINES

GENERAL ADMINISTRATIVE REQUIREMENTS

Sec.	
225.71.	Definitions.
225.72.	Duties of personnel.
225.73.	Training of personnel.
225.74.	Training and testing.
225.75.	Audits and safety reviews of radiographers and radiographer's assistants.
225.76.	Reporting requirements.

GENERAL TECHNICAL REQUIREMENTS

225.81.	Permanent radiographic installations.
225.82.	Operating requirements.
225.83.	Records required at temporary job sites.
225.84.	Operating and emergency procedures.

- 225.85. Surveys and survey records.
- 225.86. Utilization logs.
- 225.87. Security.
- 225.88. Posting.

RADIATION SURVEY INSTRUMENT AND PERSONNEL MONITORING REQUIREMENTS

- 225.91. Radiation survey meter requirements.
- 225.92. Radiation survey meter calibration requirements.
- 225.93. Personnel monitoring control.

RADIATION PRODUCING MACHINE REQUIREMENTS

- 225.101. Cabinet X-ray systems and baggage/package X-ray systems.
- 225.102. Shielded room X-ray radiography.
- 225.103. Temporary job site radiography.
- 225.104. X-ray detection systems for explosives, weapons and illegal items.

§ 225.71. Definitions.

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

Cabinet radiography—Industrial radiography conducted in an enclosure or cabinet (not a room) so shielded that doses to individual members of the public at every location on the exterior meet the limitations specified in 10 CFR 20.1301 (relating to dose limits for individual members of the public).

Cabinet X-ray system—An X-ray system with the X-ray tube installed in an interlocked enclosure or cabinet, designed to exclude personnel from its interior during operation.

(i) Included are all X-ray systems designed primarily for the inspection of baggage or packages.

(ii) An X-ray tube used within a shielded part of a building or X-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet X-ray system.

Certified cabinet X-ray system—An X-ray system which has been certified under 21 CFR 1010.2 (relating to certification) as being manufactured and assembled under 21 CFR 1020.40 (relating to cabinet x-ray systems).

Industrial radiography—An examination of the structure of materials by nondestructive methods, including fluoroscopy, which utilizes radiation producing machines to make radiographic images.

Permanent radiographic installation—A shielded installation or structure designed or intended for radiography in which radiography is regularly performed.

Personal supervision—The provision of guidance and instruction to a radiographer's assistant given by a radiographer who is:

- (i) Physically present at the site.
- (ii) In visual contact with the radiographer's assistant while the assistant is using radiation sources.
- (iii) In proximity so that immediate assistance can be given if required.

RSO—Radiation Safety Officer—An individual who ensures that, in the daily operation of the registrant's or licensee's radiation safety program, activities are being performed in accordance with approved procedures and are in compliance with Department requirements. An RSO shall have the authority to suspend or terminate radiographic operations.

Radiographer—An individual who performs radiographic operations or an individual in attendance at a

site where radiation producing machines are being used who personally supervises industrial radiographic operations.

Radiographer's assistant—An individual who, under the personal supervision of a radiographer, uses radiation producing machines or radiation survey instrumentation.

Radiographer trainee—An individual who is in the process of becoming a radiographer's assistant or a radiographer.

Radiographic operations—The activities associated with a radiation producing machine during use of the machine, to include surveys to confirm adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries.

Shielded room radiography—Industrial radiography that is conducted in an enclosed room, the interior of which is not occupied during radiographic operations.

Temporary job site—A location where industrial radiography is performed for 180 days or less during any consecutive 12 months other than the location listed in a registration.

§ 225.72. Duties of personnel.

(a) The RSO shall assure that the radiation safety program of the registrant or licensee is implemented and suspend or terminate operations that are not being conducted in accordance with approved procedures or the Department's requirements.

(b) The radiographer is responsible to the registrant or licensee for following the procedures of the registrant or licensee and for complying with the Department's requirements while industrial radiographic operations are being conducted.

(c) The radiographer's assistant shall only use radiation producing machines or radiation survey instrumentation under the personal supervision of a radiographer.

(d) The radiographer trainee is not permitted to operate radiation producing machines or radiation survey instrumentation.

§ 225.73. Training of personnel.

(a) A registrant may not allow an individual to act as a radiographer or radiographer's assistant unless that individual meets the requirements of § 225.74 (relating to training and testing).

(b) Persons performing temporary job site radiography shall comply with the training requirements in 10 CFR 34, Subpart D (relating to radiation safety requirements).

§ 225.74. Training and testing.

(a) The registrant may not permit an individual to act as a radiographer until that individual has:

- (1) Been instructed in the subjects outlined in Appendix A.
- (2) Received copies of this chapter, Chapters 219 and 220 (relating to standards for protection against radiation; and notices, instructions and reports to workers; inspections and investigations), and copies of the license or certificate of registration and the operating and emergency procedures of the registrant or licensee.

(3) Received instruction covering regulatory requirements, operating and emergency procedures and the use of radiation-producing machines and radiation survey instruments of the registrant or licensee.

(4) Demonstrated competency and understanding of the information in this subsection to the satisfaction of the registrant or licensee as evidenced by the successful completion of a written test and a field examination.

(b) The registrant or licensee may not permit an individual to act as a radiographer's assistant until that individual has:

(1) Received copies of, and instruction in, the applicable operating and emergency procedures and has been instructed in the use of sources of radiation and radiation survey instruments of the registrant or licensee.

(2) Demonstrated that, under direct personal supervision of a radiographer, the individual is competent to use sources of radiation and radiation survey instruments as evidenced by the successful completion of a written or oral test and a field examination on the subjects relevant to being an assistant radiographer.

(c) Records of the training required under subsections (a) and (b), including copies of written tests, dates of oral tests and field examinations, shall be maintained for inspection by the Department for 3 years following termination of employment by the individual or until the registration or license is terminated.

§ 225.75. Audits and safety reviews of radiographers and radiographer's assistants.

(a) The registrant or licensee shall review and provide for the safety and ongoing training needs of radiographers and radiographer's assistants at least once during each calendar year.

(b) The registrant or licensee shall conduct an annual inspection program of the job performance of each radiographer and radiographer's assistant to ensure that operating and emergency procedures and this article and registration or license requirements for the registrant or licensee are followed. This audit program shall:

(1) Include observation of the performance of each radiographer and radiographer's assistant during an actual radiographic operation at intervals not to exceed 1 calendar year.

(2) Provide that, if a radiographer or radiographer's assistant has not participated in a radiographic operation for more than 6 months since the last annual inspection, the individual's performance shall be observed and recorded when the individual next participates in a radiographic operation.

(c) The registrant or licensee shall maintain records of the training set forth in subsection (b) to include certification documents, written and field examinations, annual safety reviews and annual audits of job performance. Records shall be available for inspection by the Department for 3 years following the termination of employment of the individual or until the registration or license is terminated.

§ 225.76. Reporting requirements.

(a) In addition to the reporting requirements in Chapter 219 (relating to standards for protection against radiation), each registrant or licensee shall provide to the Department, within 30 days of its occurrence, a written report on any of the following incidents involving machines or equipment used in radiographic operations:

(1) The inability to terminate irradiation from a radiation producing machine.

(2) An interlock failure during shielded room radiography.

(b) The registrant shall include the following information in each report submitted under subsection (a):

(1) A description of the equipment problem.

(2) The cause of the incident, if known or determined.

(3) The manufacturer and model number of the equipment involved.

(4) The place, date and time of the incident.

(5) Actions taken to reestablish normal operations.

(6) Corrective actions taken or planned to prevent reoccurrence.

(7) The names and qualifications of personnel involved.

(c) Reports of overexposures, required under 10 CFR 20.2202 (relating to notification of incidents) or of excessive exposures, required under 10 CFR 20.2203 (relating to reports of exposures, radiation levels and concentrations of radioactive material exceeding the limits) which involve the failure of safety components of radiography equipment shall also include the information specified under subsection (b).

GENERAL TECHNICAL REQUIREMENTS

§ 225.81. Permanent radiographic installations.

(a) Permanent radiographic installations having high radiation area entrance controls of the types described in 10 CFR 20.1601 and 20.1902 (relating to control of access to high radiation areas; and posting requirements) shall also meet the following requirements.

(1) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be activated by radiation whenever the X-ray source is energized. The audible signal shall be actuated when an attempt is made to enter the installation while the X-ray source is energized.

(2) The entrance control device or alarm system shall be tested for proper function prior to beginning operations on each day of use.

(3) The radiographic exposure system may not be used if an entrance control device or alarm system is not operating properly. If an entrance control device or alarm system is not functioning properly, it shall be removed from service and repaired or replaced immediately. If no replacement is available, the facility may continue to be used provided that the registrant implements the continuous surveillance under 10 CFR 34.51 and 34.52 (relating to surveillance; posting), § 225.83 (relating to operating requirements) and uses an alarming ratemeter. Before the entrance control device or alarm system is returned to service, the radiation safety officer or an individual designated by the radiation safety officer shall validate the repair.

(b) Records of the tests performed under subsection (a) shall be maintained for inspection by the Department for 3 years.

§ 225.82. Operating requirements.

(a) When radiographic operations are performed at a location other than a permanent radiographic installation, a minimum of two radiographic personnel shall be present to operate the X-ray device. At least one of the radiographic personnel shall be qualified as a radiographer. The other individual may be either a radiographer or a radiographer's assistant.

(b) Other than a radiographer, or a radiographer's assistant who is under the personal supervision of a radiographer, an individual may not manipulate the controls or operate the equipment used in industrial radiographic operations.

(c) At each job site, the following shall be supplied by the registrant or licensee:

- (1) The appropriate barrier ropes and warning signs.
- (2) At least one operable, calibrated radiation survey instrument.
- (3) A current whole body individual monitoring device, for example, a "film badge" or "TLD" for each worker.
- (4) An operable, calibrated pocket ionization chamber, that is, a "pocket dosimeter" with a range of zero to 51.6 $\mu\text{C}/\text{kg}$ (200 milliroentgen) for each worker.
- (d) An industrial radiographic operation may not be performed if any of the items in subsection (c) is not available at the job site or is inoperable.

§ 225.83. Records required at temporary job sites.

Each registrant or licensee conducting radiographic operations at a temporary job site shall maintain and have available for inspection by the Department at that job site, the following records or documents:

- (1) The certificate of registration, license or equivalent document which authorizes radiographic operations, and radiographic personnel certifications.
- (2) Operating and emergency procedures.
- (3) Relevant regulations of the Department.
- (4) Survey records required under this chapter for the period of operation at the site.
- (5) Daily pocket ionization chamber records for the period of operation at the site.
- (6) The current radiation survey meter calibration records for meters in use at the site. Acceptable records include tags or labels that are affixed to the survey meter.

§ 225.84. Operating and emergency procedures.

The operating and emergency procedures of the registrant or licensee shall include instruction in at least the following:

- (1) Handling and use of sources of radiation to be employed so that no individual is likely to be exposed to radiation in excess of the limits established in Chapter 219 (relating to standards for protection against radiation).
- (2) Methods and occasions for conducting radiation surveys and the proper use of survey meters.
- (3) Methods for controlling access to areas where radiographic operations are being conducted.
- (4) Methods and occasions for locking and securing sources of radiation.
- (5) Personnel monitoring and the use of individual monitoring devices, including steps that are to be taken immediately by radiographic personnel when a direct reading personnel monitoring device "pocket dosimeter" is found to be off-scale.
- (6) Methods and procedures for minimizing exposure to individuals in the event of an accident.
- (7) The procedure for notifying proper personnel in the event of an accident.

(8) Maintenance of records required by the Department.

(9) The inspection and maintenance of radiation-producing machines and survey meters.

§ 225.85. Surveys and survey records.

- (a) A survey with a calibrated radiation survey instrument shall be made after each radiographic exposure to determine that the emission of radiation has terminated.
- (b) Records of the surveys required by subsection (a) shall be maintained (for inspection by the Department) for 3 years. If the survey has been used to determine an individual's exposure, the records of the survey shall be maintained until the Department authorizes their disposition.

§ 225.86. Utilization logs.

A registrant or licensee shall maintain current logs, which shall be kept available for inspection by the Department for 3 years from the date of the event, showing for each radiation-producing machine, the following applicable information:

- (1) The identity (name and signature) of the operator to whom the radiation-producing machine is assigned.
- (2) The model and serial number of the radiation-producing machine.
- (3) The locations and dates of use.
- (4) The technique factors (tube kilovoltage, tube current, exposure time) used for each radiographic exposure.

§ 225.87. Security.

During each radiographic operation, the radiographer or radiographer's assistant shall maintain direct surveillance of the operation to protect against unauthorized entry into a high radiation area, except when one of the following exists:

- (1) The high radiation area is equipped with a control device or an alarm system as described in 10 CFR 20.1601 and 20.1902(b) (relating to control of access to high radiation areas; and posting of high radiation areas).
- (2) The high radiation area is locked to protect against unauthorized or accidental entry.

§ 225.88. Posting.

Areas in which radiographic operations are being performed shall be conspicuously posted as required by 10 CFR 20.1902 (relating to posting requirements).

RADIATION SURVEY INSTRUMENT AND PERSONNEL MONITORING REQUIREMENTS

§ 225.91. Radiation survey meter requirements.

- (a) A registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this chapter and Chapter 219 (relating to standards for the protection against radiation).
- (b) A radiographic operation may not be conducted unless calibrated and operable radiation survey instrumentation is available and used at each site where radiographic operations are conducted.
- (c) Immediately prior to first use at a site where radiographic operations are conducted and at the beginning of work shift changes thereafter, a radiation survey instrument shall be checked to ensure that it is operating properly by exposing the instrument to a reference source

of radiation and observing its response. Instruments that fail to respond as expected may not be used.

§ 225.92. Radiation survey meter calibration requirements.

(a) In addition to the requirements of § 225.91 (relating to survey meter requirements), instruments required by this chapter shall have a range so that 0.516 $\mu\text{C}/\text{kg}$ (2 mR) per hour through 258 $\mu\text{C}/\text{kg}$ (1 R) per hour can be measured.

(b) Each radiation instrument shall be calibrated:

- (1) At energies appropriate for use.
- (2) At intervals not to exceed 6 months.
- (3) After each instrument servicing, other than battery replacement.
- (4) To within an accuracy of $\pm 20\%$.

(5) At two points located approximately one-third and two-thirds of full scale on each scale of linear scale instruments; at mid-range of each decade and at two points of at least 1 decade for logarithmic scale instruments; and for digital instruments, at three points between 0.516 $\mu\text{C}/\text{kg}$ (2 mR) and 258 $\mu\text{C}/\text{kg}$ (1000 mR) per hour.

(6) By a person authorized by the Department, the NRC or an agreement state.

(c) Calibration records shall be maintained for inspection by the Department for 3 years after the date of calibration.

§ 225.93. Personnel monitoring control.

(a) The registrant may not permit an individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each individual wears a direct reading pocket dosimeter and either a film badge, thermoluminescent dosimeter (TLD), optically stimulated luminescent dosimeter (OSLD) or other Department approved personnel monitoring device.

(1) Personnel monitoring devices used to determine compliance with dose limits for the whole body shall be worn on the trunk of the body over the area most likely to receive exposure.

(2) This does not relieve the registrant or licensee from providing peripheral monitoring devices such as ring finger TLD's when appropriate.

(3) Each personnel monitoring device shall be assigned to and worn by only one individual.

(b) Film badges shall be replaced at intervals not to exceed 1 month. TLDs and OSLDs shall be replaced at intervals not to exceed 3 months.

(c) Pocket dosimeters shall meet the criteria as in ANSI N13.5-1972, "performance specifications for direct reading and indirect reading pocket dosimeters for X- and gamma-radiation" published in 1972, exclusive of subsequent amendments or additions.

(d) The use of direct reading pocket dosimeters is subject to the following requirements:

(1) Direct reading pocket dosimeters shall have a range of zero to 51.6 $\mu\text{C}/\text{kg}$ (200 mR) and shall be recharged at least daily or at the start of each work shift. Electronic personal dosimeters may be used in place of direct reading pocket dosimeters.

(2) As a minimum, at the beginning and the end of each worker's shift involving the use of a source of

radiation, direct reading pocket dosimeters or electronic personal dosimeters shall be read and the exposure values recorded.

(3) Direct reading pocket dosimeters and electronic personal dosimeters shall be checked for correct response to radiation at periods not to exceed 1 year. A dosimeter may not be used for personnel monitoring unless the response is accurate within $\pm 30\%$ of the true radiation exposure. Records of dosimeter response checks shall be maintained for inspection by the Department for 3 years.

(4) If an individual's direct reading pocket or electronic personal dosimeter indicates exposure that is "off-scale" beyond the range it can measure, industrial radiographic operations by that individual shall cease immediately and the individual's film badge, TLD or OSLD shall be sent immediately for processing. The individual may not use any sources of radiation until the individual's radiation dose has been determined.

(e) Data on personnel exposure reported or recorded from personnel monitoring devices shall be kept for inspection by the Department until the certificate of registration or license is terminated or until the Department authorizes their disposition, in writing, following a determination by the Department that the records contain inaccurate personnel monitoring information.

RADIATION PRODUCING MACHINE REQUIREMENTS

§ 225.101. Cabinet X-ray systems and baggage/package X-ray systems.

(a) Cabinet and baggage/package X-ray systems that are certified under 21 CFR Chapter I, Subchapter J, Radiological Health, shall also meet the requirement of 21 CFR 1020.40 (relating to cabinet X-ray systems).

(b) It may not be possible to energize a cabinet X-ray system unless all openings are securely closed and the openings meet the requirements of 10 CFR 20.1201 (relating to occupational dose limits for adults). Each access door to the cabinet shall have an interlock that terminates the exposure whenever the door is opened. The enclosure shall be shielded so that every location on the exterior meets the conditions for an unrestricted area.

(c) A registrant may not permit an individual to operate a cabinet X-ray system until the individual has received a copy of, and instruction in, the operating procedures for the X-ray system and has demonstrated competency in the use of the cabinet X-ray system and an understanding of the operating procedures.

(d) The registrant shall evaluate the cabinet X-ray system to assure compliance with 10 CFR 20.1201 and 21 CFR 1020.40 if the system is a certified cabinet X-ray system. Records of these evaluations shall be maintained for inspection by the Department while the system is in the possession of the registrant or until the evaluation is replaced by an update following modifications.

(e) The registrant shall test on-off switches, interlocks and safety devices at intervals not exceeding 1 year, and make repairs as necessary to maintain all safety features including warning labels. Records of these tests shall be maintained for inspection by the Department for 3 years.

(f) Cabinet X-ray systems and baggage/package X-ray systems are exempt from all other provisions of this chapter.

§ 225.102. Shielded room X-ray radiography.

(a) A room used for shielded room X-ray radiography shall be shielded so that every location on the exterior

meets conditions for an unrestricted area and the only access to the room is through openings which are interlocked so that the radiation source will not operate unless all openings are securely closed and meet the requirements of 10 CFR 20.1601 (relating to control of access to high radiation areas).

(b) The registrant shall provide personnel monitoring equipment to every individual who operates, positions material for irradiation, or performs maintenance on a radiation-producing machine for shielded room X-ray radiography.

(c) The operator shall conduct a physical radiation survey to determine that the radiation source is de-energized prior to each entry into the radiographic exposure area.

§ 225.103. Temporary job site radiography.

(a) The operator shall conduct a physical radiation survey to determine that the radiation source is de-energized prior to each entry into the radiographic exposure area. Survey results and records of the boundary location shall be maintained and kept available for inspection by the Department for 3 years.

(b) Mobile or portable radiation producing machines shall be physically secured to prevent tampering or removal by unauthorized personnel.

§ 225.104. X-ray detection systems for explosives, weapons and illegal items.

(a) This section applies to X-ray systems that produce an image that may be used to screen for the presence of explosive devices or components, weapons, contraband or prohibited items. This section does not apply to cabinet and baggage/package X-ray systems covered under § 225.101 (relating to cabinet X-ray systems and baggage/package X-ray systems).

(b) An X-ray system used for detection of explosives, weapons or illegal items may not be used on human beings or animals without specific permission of the Department. X-ray systems that irradiate human beings for medical diagnosis are covered under Chapter 221 (relating to human use of X-ray machines). X-ray systems that irradiate animals for diagnosis or therapy are covered under Chapter 223 (relating to veterinary medicine).

(c) Radiographic X-ray detection systems shall conform to the following:

(1) The leakage radiation from the source assembly measured at a distance of 1 meter in any direction from the source may not exceed 25.8 $\mu\text{C}/\text{kg}$ (100 mR) in 1 hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(2) Portable X-ray systems shall be equipped with collimators which are capable of restricting the useful beam to the area of interest. Collimators shall provide the same degree of protection required in paragraph (1).

(3) A means shall be provided to terminate the exposure after a preset time, a preset to image receptor or a preset product of exposure time and tube current.

(4) The X-ray control shall have a dead-man type exposure switch.

(5) The X-ray controls shall indicate the technique factors, (that is, kilovoltage, tube current and exposure time or the product of tube current and exposure time).

(6) The X-ray machine shall be labeled with a readily discernible sign bearing the radiation symbol and the words, "CAUTION RADIATION—THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED" or words having a similar intent, near any switch that energizes the X-ray tube.

(7) For fixed radiographic equipment, an easily visible warning light shall be located adjacent to the X-ray tube and labeled with the words "X-RAY ON" or words having a similar intent. The warning light shall be illuminated only when the X-ray tube is energized or only when the shutter is open.

(d) Fluoroscopic X-ray detection systems shall conform to the following:

(1) The leakage radiation from the source assembly measured at a distance of 1 meter in any direction from the source may not exceed 25.8 $\mu\text{C}/\text{kg}$ (100 mR) in 1 hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(2) The X-ray machine shall be labeled with a readily discernible sign bearing the radiation symbol and the words, "CAUTION RADIATION—THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED" or words having a similar intent, near any switch that energizes the X-ray tube.

(3) To the extent practicable, the X-ray system (X-ray tube, imaging system and the object being irradiated) shall be completely enclosed so that every location on the exterior meets conditions for an unrestricted area and the only access to the room or enclosure is through openings which are interlocked so that the radiation source will not operate unless all openings are securely closed and meet the requirements of 10 CFR 20.1601 (relating to control of access to high radiation areas).

(4) The equipment shall be constructed so that, under conditions of normal use, the entire cross-section of the useful beam shall be attenuated by a primary protective barrier permanently incorporated into the equipment.

(5) The X-ray control shall have a dead-man type exposure switch. Activation of the X-ray beam shall be possible only by continuous pressure on the exposure switch.

(6) An easily visible warning light shall be located adjacent to the X-ray tube or on the outside of the enclosure and be labeled with the words "X-RAY ON" or words having a similar intent. This light shall be illuminated only when the X-ray tube is energized or only when the shutter is open.

(e) Operating procedures for portable radiographic X-ray detection systems are as follows:

(1) To the extent practicable, portable X-ray tube heads shall be supported by a stand.

(2) To the extent practicable, supporting or positioning devices for the image receptor shall be used during radiation exposures.

(3) Individuals, other than those whose presence is necessary to conduct the X-ray procedure, shall be located at least 2 meters away from the X-ray tube and the object being irradiated during exposures.

(4) An individual may not be regularly employed to support the image receptor or object during radiation exposures.

(f) Operating procedures for fixed radiographic X-ray detection systems are as follows:

(1) A registrant shall test the safety and warning devices, including interlocks, at intervals not to exceed 12 months. Test records shall be maintained for inspection by the Department for 3 years after the test has been conducted.

(2) Safety or warning devices that do not function properly shall be repaired in a timely manner.

(3) If an X-ray detection system is required to be operated while in need of repair, procedures shall be modified to maintain the design level equivalent of safety or else the equipment may not be used.

CHAPTER 226. LICENSES AND RADIATION SAFETY REQUIREMENTS FOR [WIRELINE SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES] WELL LOGGING

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the text of §§ 226.1, 226.11—226.51 and Appendixes A and B which appear at 25 Pa. Code pages 226-1—226-15, serial pages (203978)—(203991).)

GENERAL

§ 226.1. Purpose and scope.

This chapter establishes radiation safety requirements for persons using radiation sources for well logging in a single well, radioactive markers, uranium sinker bars and subsurface tracer studies. Persons who use radiation sources for well logging operations shall comply with this chapter, which is in addition to and not in substitution for other applicable requirements of this article, in particular, the requirements of Chapters 215, 217—220, 228 and 230.

§ 226.3. Abandonment of a sealed source.

In addition to incorporation by reference of 10 CFR Part 39 (relating to licenses and radiation safety requirements for well logging) the requirements of § 78.111 (relating to abandonment) shall also be met.

§ 226.4. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 39 (relating to licenses and radiation safety requirements for well logging) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 39.5 (relating to interpretations), 10 CFR 39.8 (relating to information collection requirements: OMB approval), 10 CFR 39.101 (relating to violations) and 10 CFR 36.103 (relating to criminal penalties) are not incorporated by reference.

§ 226.5. Effect of incorporation of 10 CFR Part 39.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 39, the following words and phrases shall be substituted for the language in 10 CFR Part 39 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

PARTICLE ACCELERATORS

§ 226.61. Particle accelerators.

(a) A licensee or registrant may not permit aboveground testing of particle accelerators designed for use in well logging which results in the production of radiation, except in areas or facilities controlled or shielded so that the requirements of 10 CFR 20.1301 (relating to radiation dose to dose limits for individual members of the public) are met.

(b) The use of particle accelerators for well logging shall be conducted under the licensing provisions of Chapter 228 (relating to radiation safety requirements for particle accelerators).

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the existing text of §§ 230.2, 230.11, 230.12—230.14, 230.21—230.26, 230.41—230.47, 230.51, Appendix A and Tables I—IV which appear at 25 Pa. Code pages 230-1—230-30, serial pages (204173)—(204176), (245185), (245186), (204179)—(204202). The following text is new and has been printed in regular type to enhance readability.)

CHAPTER 230. PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

Subchapter A. SCOPE

§ 230.3. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 71 (relating to packaging and transportation of radioactive material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 71.2 (relating to interpretations), 10 CFR 71.6 (relating to information collection requirements: OMB approval), 10 CFR 71.99 (relating to violations) and 10 CFR 71.100 (relating to criminal penalties) are not incorporated by reference.

§ 230.4. Effect of incorporation of 10 CFR Part 71.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 71 (relating to packaging and transportation of radioactive material), the following words and phrases shall be substituted for the language in 10 CFR Part 71 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

§ 230.5. Communications.

Notwithstanding the incorporation by reference of 10 CFR 71.1 (relating to communications and records), all communications concerning the requirements of this chapter should be sent to the address listed under § 215.41 (relating to address).

Subchapter B. GENERAL

§ 230.13. Transportation of licensed material.

In addition to the incorporation by reference of 10 CFR Part 71 (relating to packaging and transportation of

radioactive material), if 67 Pa. Code Chapter 403 (relating to hazardous materials transportation) or the regulations of the United States Department of Transportation are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of those regulations to the same extent as if the shipment was subject to the regulations.

Subchapter D. OPERATING CONTROLS AND PROCEDURES

§ 230.47. Advance notification of transport of nuclear waste.

In addition to the incorporation by reference of 10 CFR Part 71 (relating to packaging and transportation of radioactive materials), the licensee is responsible for the following:

(1) Prior to the transport of nuclear waste specified in 10 CFR 71.97(b) (relating to advance notification of shipment of irradiated reactor fuel and nuclear waste) outside the licensee's facility or other place of use or storage, or prior to delivery to a carrier for transport, each licensee shall provide advance notification of the transport to the governor, or governor's designee, of each state through which the waste will be transported, and to the Department.

(2) The notification required by paragraph (1) shall be made in writing to the office of each appropriate governor, or governor's designee, and to the Department. A notification delivered by mail shall be postmarked at least 7 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger shall reach the office of the governor, or governor's designee, and the Department, at least 4 days before the beginning of the 7-day period during which the departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for 3 years.

(3) The licensee shall notify each appropriate governor, or governor's designee, and the Department of changes to schedule information provided under paragraph (1). The notification shall be by telephone to a responsible individual in the office of each appropriate governor, or governor's designee, and the Department. The licensee shall maintain for 3 years a record of the individual contacted.

(4) Each licensee who cancels a nuclear waste shipment, for which advance notification has been sent, shall send a cancellation notice to each appropriate governor, or governor's designee, and to the Department. A copy of the notice shall be retained by the licensee for 3 years.

(5) A list of the mailing addresses of the governors and governors' designees is available upon request from the

Director, Office of State Programs, United States Nuclear Regulatory Commission, Washington, DC 20555.

(Editor's Note: The following proposed regulations are new and are printed in regular type to enhance readability.)

CHAPTER 232. LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

Sec.	
232.1.	Purpose and scope.
232.2.	Incorporation by reference.
232.3.	Effect of incorporation of 10 CFR Part 36.

§ 232.1. Purpose and scope.

(a) This chapter contains the requirements for the issuance of a license authorizing the use of radioactive materials in sealed sources to irradiate objects or materials with gamma radiation.

(b) The requirements of this chapter are in addition to, and not in substitution for, other applicable requirements in this article, in particular, the requirements and provisions of Chapters 215, 217—220 and 230.

§ 232.2. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 36 (relating to licenses and radiation safety requirements for irradiators) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 36.5 (relating to interpretations), 10 CFR 36.8 (relating to information collection requirements: OMB approval), 10 CFR Part 36.91 (relating to violations) and 10 CFR Part 36.93 (relating to criminal penalties) are not incorporated by reference.

§ 232.3. Effect of incorporation of 10 CFR Part 36.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 36 (relating to licenses and radiation safety requirements for irradiators), the following words and phrases shall be substituted for the language in 10 CFR Part 36 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or Agreement State.

(3) The definition of "sealed source" includes NARM.

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