

PENNSYLVANIA BULLETIN

Volume 30
Saturday, December 9, 2000 • Harrisburg, Pa.
Number 50
Pages 6315—6408

Agencies in this issue:

The General Assembly
The Courts
Department of Agriculture
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Revenue
Department of Transportation
Game Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
State Architects Licensure Board
State Board of Accountancy
State Board of Education

Detailed list of contents appears inside.

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

No. 313, December 2000

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

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

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

Copyright © 2000 Commonwealth of Pennsylvania
ISBN 0-8182-0004-9

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

Contents

THE GENERAL ASSEMBLY

Recent actions during the 2000 regular session of the General Assembly 6325

THE COURTS

LOCAL COURT RULES

Clinton County

Rules of miscellaneous procedures, rules of civil procedure, rules of criminal procedure, and Orphans' Court rules; no. 29 January Term 1976 6326

Snyder County

Adoption of local rules; misc. no. 65-2000 6326

Union County

Adoption of local rules; misc. no. 00 782 6326

EXECUTIVE AGENCIES

DEPARTMENT AGRICULTURE

Notices

Dog Control Facility Bill Reimbursement Grant Program 6361

DEPARTMENT OF BANKING

Notices

Action on applications 6363
Election by Standard Bank, PaSB to exercise conditional powers 6363

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Application, actions and special notices 6364

DEPARTMENT OF GENERAL SERVICES

Notices

Contract awards 6407
Design, construction and testing services; request for proposal 6384
Design professional selections (2 documents).. 6384, 6386
Effective date of section 4 of Act 60 of 2000 6387
Risk management and insurance broker services for a controlled insurance program 6387
State contracts information 6400

DEPARTMENT OF REVENUE

Notices

Pennsylvania Jumbo Bucks instant lottery game.... 6388
Pennsylvania 3 for the Money lottery game..... 6389
Rates of tax on aviation gasoline and jet fuel for 2001; oil company franchise tax rate for 2001..... 6391
Realty Transfer Tax; revised 1999 common level ratio real estate valuation factors 6392

DEPARTMENT OF TRANSPORTATION

Notices

Retention of engineering firms 6393

GAME COMMISSION

Proposed Rulemaking

Fee for return postage 6357

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of comments issued 6396

INSURANCE DEPARTMENT

Notices

Application for merger 6397
Benjamin Nelson, Jr.; order to show cause; doc. no. SC00-07-023 6398

LIQUOR CONTROL BOARD

Notices

Expiration of leases 6398

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rules and Regulations

Reporting requirements for quality for service benchmarks and standards 6346

Statements of Policy

Maintaining safety and reliability for natural gas supply and distribution service 6358

Notices

Service of notice of motor carrier applications 6398

STATE ARCHITECTS LICENSURE BOARD

Rules and Regulations

Fees 6342

STATE BOARD OF ACCOUNTANCY

Rules and Regulations

Fees 6344

STATE BOARD OF EDUCATION

Rules and Regulations

Gifted education; special education services and programs 6330

Now Available Online at <http://www.pabulletin.com>

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

1	8
120b	4226
120c	4229
120d	4238
174	5138
176	5138
177	5138

Proposed Rulemaking

7	5967
118	5735
119	5742
119a	5747
120	5748
177	1255
263	3795
401	3179
402	3179
403	3179
405	3179

Statements of Policy

5	1469
9	44, 649, 902, 1556, 1760, 1876, 2380, 3081, 3469, 4011, 4434, 5025, 5849, 5971, 6217
114	4263

7 Pa. Code (Agriculture)

Adopted Rules

110	5941
138h	5540

Proposed Rulemaking

3	768, 1255, 6187
7	768, 1255, 6187
21	3660, 5152
110	636, 5543
137	4573
137a	4573
137b	4573
138h	638
138i	771, 1255
138j	776, 1255
138k	781, 1255
151	4253

Statements of Policy

3a	2482
----	------

12 Pa. Code (Community and Economic Development)

Adopted Rules

33	3035
----	------

Statements of Policy

123	4434
-----	------

16 Pa. Code (Community Affairs)

Adopted Rules

45	3434
81	3168
83	3168

85	3168
87	3168
91	3168

17 Pa. Code (Conservation and Natural Resources)

Proposed Statement of Policy

44	5454
----	------

22 Pa. Code (Education)

Adopted Rules

14	6330
16	6330
44	4243
121	3924
342	6330
354	5141
507	4897
701	3776

Proposed Rulemaking

14	4628
191 (correction)	5847, 6137
342	4628
507	1378
711	3463, 5290

25 Pa. Code (Environmental Protection)

Adopted Rules

86	4898
89	3439
91	521
92	6059
93	3036, 6059, 6191
95	6059
96	6059
97	521, 6059
101	521
111 (with correction)	111, 232
121 (with correction)	1370, 2995, 3779, 5447
123	1370, 4899
129 (with correction)	2995, 3779
139 (with correction)	533, 2995, 3779
145	4899

Proposed Rulemaking

78	3065
88	3053
90	3053
109	4596, 4611
123	399, 1135
145	399, 1135
210	2768
211	2768
215	4503
217	4503
219	4503
220	4503
224	4503
225	4503
226	4503
230	4503
232	4503
240	3661
245	3897

250 3946, 4356
 260a 4816
 261a 1136
 266b 1136
 268a 1136
 269a 4816
 270a 1136
 901 5844
 1021 2766

Statements of Policy

16 6111
 23 4935

Proposed Statements of Policy

23 1766

28 Pa. Code (Health and Safety)

Adopted Rules

1001 5363
 1003 5363
 1005 5363
 1007 5363
 1009 5363
 1011 5363
 1013 5363
 1015 5363

Proposed Rulemaking

23 4591
 25 3945
 27 2715
 701 3795
 715 3795
 1101 873
 1103 873
 1105 873
 1107 873
 1113 873

31 Pa. Code (Insurance)

Adopted Rules

33 4812
 35 1542
 67a 4812
 84c 2228
 86 3658
 89 2229
 113 310
 123 1542
 124 1542
 154 1453
 301 1453

Proposed Rulemaking

3 5019
 11 5020
 64 5543
 84c (with correction) 23, 312
 86 886
 89 4623
 89a 4623
 118 1377, 5452
 147 5023

34 Pa. Code (Labor and Industry)

Proposed Rulemaking

231 5152

37 Pa. Code (Law)

Adopted Rules

93 1252
 95 (with correction) 866, 1129
 309 763

Proposed Rulemaking

199 1871
 431 5961

Statements of Policy

421 3472

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

9 6342
 11 6194, 6344
 15 4429
 16 2474
 18 5943
 21 3040, 5943, 5952
 23 (with correction) 2355, 2475
 25 533
 31 2357, 2583, 3044, 5017, 5954
 33 2359, 3046, 4245
 35 (with correction) 228, 2586, 5954, 6199
 36 3934
 37 2589
 39 6199
 40 2592
 41 536, 2593
 42 2597, 2599
 47 3049

Proposed Rulemaking

1 2264
 7 3266
 9 2481
 11 888, 1271, 2376
 16 6210
 18 6210
 21 2265, 4730
 27 4734
 31 2378, 5969, 6231
 35 641
 36 5290
 42 4255

51 Pa. Code (Public Officers)

Proposed Rulemaking

17 3467
 21 3467

52 Pa. Code (Public Utilities)

Adopted Rules

32 3439
 53 3441, 6202
 54 3445
 57 (with correction) 1129, 1254
 59 3172, 3451
 62 6346
 64 2028
 69 634

Proposed Rulemaking

3 3073
 59 37
 62 893, 897, 2605, 3073
 63 539, 1379, 1549, 2376

Statements of Policy

604 4437

67 Pa. Code (Transportation)**Adopted Rules**47 5448
175 3794
179 3051
601 3175**101 Pa. Code (General Assembly)****Adopted Rules**501 3152
521 3152
551 3152**204 Pa. Code (Judicial System General Provisions)****Adopted Rules**29 3563
71 4728
82 2350, 5527, 5924
83 865, 1357
207 865
211 3564
215 4223**Proposed Rulemaking**71 2900
83 1124, 1126
85 1127
89 1127**207 Pa. Code (Judicial Conduct)****Adopted Rules**1 619
5 619
33 2125
Unclassified 5287**Proposed Rulemaking**1 5732
3 5732**210 Pa. Code (Appellate Procedure)****Adopted Rules**35 3429
63 519
65 3429
67 11**225 Pa. Code (Rules of Evidence)****Adopted Rules**Art I 1639
Art IV 1639, 1642, 3919
Art VI 1643
Art VIII 1639, 1645**231 Pa. Code (Rules of Civil Procedure)****Adopted Rules**200 519
1900 1646, 3027, 5837
1910 1646, 3155, 5837
1915 1646
1920 1646, 3155
1930 1646, 3155
1940 5837**Proposed Rulemaking**200 619, 620, 2350, 5287
400 620

1000 621, 2127, 3565

1500 2127, 5836

1900 1357

1910 1357, 4348

1915 2210

1930 1357, 4348

2220 5287

Part II 1476

Part III 4350

234 Pa. Code (Rules of Criminal Procedure)**Adopted Rules**1 1477, 2211, 5841
2 1477
3 1477
4 1477
5 1477, 2211
6 1477, 1955, 2211
7 1477
8 1477
9 1477
10 1477
11 1477
20 1477, 2211, 5135
30 1477
50 1477, 1508
100 1477
200 1477
300 1477, 2211, 6183
350 1477
1100 1477, 1955, 2211
1400 1477
1500 622, 1477
1600 1477
1700 1477
2000 1477
4000 1477, 2211
6000 1477
9000 1477**Proposed Rulemaking**1 2573
9 2575
20 1360
50 5527
100 4543, 4811
200 4543
300 5533
1500 2575, 5533
4000 4543
6000 4543**237 Pa. Code (Juvenile Rules)****Statements of Policy**

301 (with correction) 1762, 1960

246 Pa. Code (Minor Court Civil Rules)**Proposed Rulemaking**

100 3265

249 Pa. Code (Philadelphia Rules)Unclassified 13, 198, 201, 1362, 1649,
1740, 1741, 1957, 2128, 2129, 2472,
2763, 2900, 3565, 5136, 5446, 6184, 6185

6324

252 Pa. Code (Allegheny County Rules)

Unclassified 2579

255 Pa. Code (Local Court Rules)

Unclassified 14, 201, 202, 225, 226, 307, 624,
762, 1120, 1251, 1369, 1509, 1511,
1651, 1741, 1870, 2222, 2351, 2352,
2353, 2581, 2763, 2764, 2765, 2904, 3027,
3028, 2039, 3030, 3166, 3430, 3566, 3766, 3773,
3920, 3922, 4223, 4224, 4225, 4353, 4549, 4896,
5137, 5446, 5536, 5537, 5733, 5734, 5924, 6326, 6329

THE GENERAL ASSEMBLY

Recent Actions during the 2000 Regular Session of the General Assembly

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

2000 ACTS—ACTS 87 through 93 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2000-87	Nov. 22	HB165	PN153	Immediately	Repeals obsolete law pertaining to second and fourth class county fire training schools for municipal paid and volunteer fireman
2000-88	Nov. 22	HB1443	PN4120	60 days	Real and Personal Property (68 Pa.C.S.)—public lands
2000-89	Nov. 22	HB2533	PN4073	Immediately	Banking Code of 1965—omnibus amendments
2000-90	Nov. 22	HB2139	PN3974	Immediately	Military and Veterans Code (51 Pa.C.S.)—State Veterans Commission and military leaves of absence
2000-91	Nov. 22	SB1403	PN2335	Immediately*	Public School Code of 1949—omnibus amendments
2000-92	Nov. 22	HB1523	PN3460	60 days	Names (54 Pa.C.S.)—resumption of surname for party in divorce action
2000-93	Nov. 22	HB1416	PN1659	60 days	Judicial Code (42 Pa.C.S.)—school officers civil immunity relating to emergency care, first aid and rescue

2000 JOINT RESOLUTIONS—JR 1 (numerical)

<i>JR No.</i>	<i>Filing Date</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Prior Passage</i>	<i>Subject Matter</i>
2000-JR1	Nov. 22	SB231	PN2191	JR1998-3	Legislative reapportionment and judicial retirement—Legislative Reapportionment Commission organization and functions and judges and district justices retirement

* with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 00-2120. Filed for public inspection December 8, 2000, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Rules of Miscellaneous Procedure, Rules of Civil Procedure, Rules of Criminal Procedure, and Orphans' Court Rules; No. 29 January Term 1976

Order

Following review with District Attorney, the suspension of Clinton R., Crim.P. No. 101A.1, Approval of Police Complaints and Arrest Warrant Affidavits by District Attorney for the Commonwealth is hereby rescinded and the rule reinstated in its entirety.

It Is Further Ordered the Clerk of Court shall:

1. File seven certified copies with the Administrative Office of Pennsylvania Courts;
2. Distribute two certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. File one certified copy with the Criminal Procedural Rules Committee, c/o Ann Panfil, Esquire, 5035 Ritter Road, Mechanicsburg, PA 17055.

Effective this date.

By the Court

RICHARD N. SAXTON, Jr.,
President Judge

[Pa.B. Doc. No. 00-2121. Filed for public inspection December 8, 2000, 9:00 a.m.]

SNYDER COUNTY

Adoption of Local Rules; Misc. No: 65-2000

Order

And Now, this 10th day of August, 2000, it is hereby *Ordered*:

1. That the Rules of Civil Procedure of the 17th Judicial District are amended by the adoption of the following Rule:

17CV216. Continuances.

17CV216.1.

A Motion for Continuance shall be in writing, unless exceptional circumstances prevent a written motion. All motions averring facts not of record shall be verified. Before filing a written Motion for Continuance or making an oral motion for continuance every reasonable effort shall be made to notify and seek the agreement of all interested parties. A Motion for Continuance shall be made as soon as possible after the circumstances necessitating the request become known to the moving party.

17CV216.2.

- A. A written Motion for Continuance in all civil cases shall be in substantially the following form:

MOTION FOR CONTINUANCE

NOW COMES _____, by and through (his) (her) (its) attorney, _____,
(Name of Party) (Name of Attorney)

Attorney, and moves for a continuance as follows:

1. The above captioned matter is scheduled for

(Nature of proceeding, i.e., argument, hearing, trial, etc.)
on the _____ day of _____, 20____, at _____ .m. before _____ .
(Name of judge, master, etc.)

2. The moving party for said proceeding is

(Name of party whose claim is to be heard)

3. The opposing parties are:

_____ represented by: _____

_____ represented by: _____

_____ represented by: _____

_____ represented by: _____

4. The proceeding was scheduled by _____ dated _____ .
 (Order or Notice) (Date)

A copy of the said Order is attached hereto and marked as "Exhibit A."

5. The proceeding (has) (has not) been previously continued _____ time(s). The moving party has obtained a continuance _____ time(s).

6. A continuance is requested because _____

If the continuance is requested because of a conflicting court matter, a copy of the Order scheduling the conflicting court matter is attached hereto and marked as "Exhibit B."

7. _____ The following parties have been notified of this request and have no objection:

_____ The following parties have not been notified of this request:

Efforts to notify the opposing parties include:

_____ The following parties objected to the continuance for the reason stated herein: _____

8. I hereby certify that if a continuance is granted I will serve a copy of the order granting the continuance on all parties forthwith and that I will notify all witnesses who would be appearing at my request.

9. I specifically request a continuance

_____ of not less than _____

_____ of not more than _____ (or)

_____ to the next available date.

Respectfully submitted,

B. All written motions requesting a continuance shall include a proposed Order, which shall be placed on top of the Motion for Continuance. The proposed Order shall be in substantially the following form:

ORDER

AND NOW, this _____ day of _____, 20___, upon consideration of the attached motion of _____ requesting a continuance: (Moving party)

_____ the motion is denied

_____ the motion is granted and the matter scheduled for _____ at _____ .m. before _____ is hereby continued until _____ at _____ .m. (Name of judge, master, etc.) (Date) (Time) (Date) (Time)

The moving party shall promptly notify all interested parties of this Order and shall serve a copy of this Order upon them.

BY THE COURT:

_____ Judge

2. That the Rules of Criminal Procedure of the 17th Judicial District are amended by the adoption of the following Rule:

17CR106. Continuances.

17CR106.1.

A Motion for Continuance shall be in writing, unless exceptional circumstances prevent a written motion. All motions averring facts not of record shall be verified. Before a filing a written Motion for Continuance or making an oral motion for continuance every reasonable effort shall be made to notify and seek the agreement of all interested parties. A Motion for Continuance shall be made as soon as possible after the circumstances necessitating the request become known to the moving party.

17CR106.2.

A. A written Motion for Continuance in a criminal case shall be in substantially the following form:

MOTION FOR CONTINUANCE

NOW COMES _____, by and through (his) (her) (its) attorney, _____, Attorney, and moves for a continuance as follows: (Name of party) (Name of Attorney)

1. The above captioned matter is scheduled for

_____ on the _____ day of _____, 20___, at _____ m. before _____ (Nature of proceeding, i.e., arraignment, omnibus pre-trial hearing, trial, etc.) (Name of Judge)

2. The opposing party is: _____ represented by _____.

3. The proceeding was scheduled by _____ dated _____. A copy of the said Order is attached hereto and marked as "Exhibit A." (Notice of Order)

4. The proceeding (has) (has not) been previously continued _____ time(s). The moving party has obtained a continuance _____ time(s).

5. A continuance is requested because _____

If the continuance is requested because of a conflicting court matter, a copy of the Order scheduling the conflicting court matter is attached hereto and marked as "Exhibit B."

6. _____ The opposing party has been notified of this request and has no objection.

_____ The opposing party has not been notified of this request.

Efforts to notify the opposing party include:

_____ The opposing party objected to the continuance for the reasons stated herein:

7. I hereby certify that if a continuance is granted I will serve a copy of the order granting the continuance on all parties forthwith and that I will notify all witnesses who would be appearing at my request.

8. I specifically request a continuance

_____ of not less than _____
_____ of not more than _____ (or)
_____ to the next available date.

Respectfully submitted,

B. All written motions requesting a continuance shall include a proposed Order, which shall be placed on top of the Motion for Continuance. The proposed Order shall be in substantially the following form:

ORDER

AND NOW, this _____ day of _____, 2___, upon consideration of the attached motion of _____ requesting a continuance:
(Moving party)

_____ the motion is denied

_____ the motion is granted and the _____ scheduled for _____ at _____
(Matter being continued) (Date)
_____ .m. before _____ is hereby continued until _____ at _____
(Time) (Name of Judge) (Date)
_____ .m.
(Time)

The moving party shall promptly notify all interested parties of this Order and shall serve a copy of this Order upon them.

BY THE COURT

Judge

3. These amendments shall become effective thirty (30) days after publication of this Order in the *Pennsylvania Bulletin*.

4. The Court Administrator of the 17th Judicial District of Pennsylvania shall, in accordance with Pa.R.J.A. No. 103(c)(1), serve ten (10) certified copies of this Order to the Administrative Office of the Pennsylvania Courts for processing in accordance with Pa.R.J.A. No. 103(c)(2).

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

[Pa.B. Doc. No. 00-2122. Filed for public inspection December 8, 2000, 9:00 a.m.]

UNION COUNTY

Adoption of Local Rules; Misc. No: 00 782

For the text of the amendments of the Rules of Civil Procedure of the 17th Judicial District, see 30 Pa.B. 6326 (December 9, 2000).

HAROLD F. WOELFEL, Jr.,
President Judge

[Pa.B. Doc. No. 00-2123. Filed for public inspection December 8, 2000, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CHS. 14, 16 AND 342]

Gifted Education; Special Education Services and Programs

The State Board of Education (Board) deletes the gifted education provisions of Chapters 14 and 342 (relating to special education services and programs) and adds a new Chapter 16 (relating to gifted education) to read as set forth in Annex A, under the authority of sections 1371, 2601-B and 2602-B of the Public School Code of 1949 (School Code) (24 P. S. §§ 13-1371, 26-2601-B and 26-2602-B).

Notice of proposed rulemaking was published at 28 Pa.B. 4939 (October 3, 1998) with an invitation to submit written comments within 30 days.

Purpose

The Board acknowledges that students who are gifted and therefore need specially designed instruction are considered to be children with exceptionalities under section 1371(1) of the School Code. The creation of Chapter 16 and the separation of gifted education from Chapters 14 and 342 are not intended to circumvent the statutory protections afforded to gifted students by the School Code, nor is it the Board's intent to create a need to relitigate case law already established in this Commonwealth pertaining to gifted students. It is the Board's intent to draw a clear distinction between gifted education as required in this Commonwealth and special education as required by Federal law. To accomplish this, the Board has removed or changed references to terms and concepts which are clearly linked to special education as prescribed under the Individuals with Disabilities Education Act (20 U.S.C.A. §§ 1400—1485). This chapter is intended to strike a proper balance between necessary regulatory protections and maximum local control.

Response to Comments

Oversight of gifted education by the Department. Public commentators, the Senate Education Committee and the Independent Regulatory Review Commission (IRRC) recommended that oversight and monitoring responsibilities of the Department be specified as found in Chapters 14 and 342. Language in Chapters 14 and 342 is required by Federal statute for students with disabilities. Repeating that language in this chapter would not serve the goal of separating Federally-driven provisions for students with disabilities from those determined by the Commonwealth for students who are gifted.

As a result, no additional language was added to the final-form regulation in § 16.6 (relating to general supervision) because the responsibility of the Secretary and the Department to oversee gifted education is found in the School Code. Section 1371(1) of the School Code includes students who are gifted in the term children with exceptionalities. In section 1372 of the School Code, the responsibility of the Secretary to ensure that special education for students with exceptionalities is delineated. Specifically the Secretary is required to "superintend the organization of special classes and other arrangements for special education and shall enforce the provisions of this act relating thereto (24 P. S. § 13-1372(3))." To meet this

responsibility, the Secretary will continue to include students who are gifted in Departmental tracking systems, monitor the actions of school districts for compliance with the requirements of this regulation, and hear and investigate complaints.

Limitation on class size. Public commentators, the Senate Education Committee and IRRC recommended that in addition to establishing a case load maximum, a maximum class size should be established in § 16.41(c) (relating to general). Under Chapter 342, class size is limited to 15. A statewide gifted education organization suggested that a class size maximum of 20 be included in the regulation. The final form regulation has been revised under § 16.41(c)(4) to include this maximum class size.

Participation of regular education teachers in the gifted individualized education program (GIEPs). Public commentators recommended that both gifted and regular education teachers participate in the GIEP meeting. Section 16.41 of the proposed rulemaking stated that "one or more of the student's current teachers" participate in the GIEP. The teacher or teachers involved in the GIEP could be a teacher of gifted students or a regular education teacher. There is currently no unique certification for teachers of gifted students. No change was made on final-form to provide local districts with the flexibility to include and involve teachers as necessary to develop an appropriate program.

Prehearing conference. Public commentators and IRRC recommended the addition of the prehearing conference provision available to parents of gifted students in current Chapters 14 and 342. In the past, persons have found the prehearing procedure obviates the need for the time and expense consumed by the formal hearing process. However, a relatively high percentage of prehearing conferences are unable to resolve differences with the parties electing to proceed to a due process proceeding anyway. The Board heard from many that it would be more efficient to move directly to a due process hearing to resolve differences.

Title change. Public commentators, the House and Senate Education Committees and IRRC commented that the title of the chapter be revised to better reflect statutes requiring special education for students who are gifted. The title is changed on final-form.

Graduation plans. Public commentators, the House Education Committee and IRRC recommended that proposed rulemaking be revised to add a requirement for a graduation plan. IRRC stated that a GIEP would not be complete without graduation planning for those in high school. In considering the addition of a graduation plan, the Board felt that planning courses and experiences needed to meet graduation requirements needs to be determined is implicit in the development of GIEP's for high school students. To make this clear, the Department will advise local school districts of this responsibility.

Dual exceptionality. Public commentators, the Senate Education Committee and IRRC recommended that the language in § 16.7(b) (relating to special education) be clarified to ensure that for students determined to be eligible for special education and needing gifted education, the processes followed under Chapters 14 and 342 fully address the students' needs related to disability as well as that for gifted status. The final-form regulations have been revised to clarify the intent to provide fully for students with dual exceptionality.

Deletion of nonregulatory language. IRRC identified several places where nonregulatory language was contained within the regulation and recommended its deletion or movement to the Preamble (such as, § 16.2(b) (relating to purpose) which explains the Board's intent in developing separate gifted education regulations). In addition, IRRC identified several places where regulatory language was embedded within definitions under §§ 16.1 and 16.64(b) (relating to definitions; and mediation), and recommended that they be moved to the body of the regulation (such as, regulatory language found in the definition of "mentally gifted" was moved to § 16.21(d) or deleted (such as, the mediator's responsibility under the definition of joint session). The changes have been made in the final-form rulemaking.

Deadline for implementation of the individualized education program (IEP). The House and Senate Education Committees and IRRC commented that there was no time frame in which a completed GIEP must be implemented. The final-form was revised to require the implementation of the completed GIEP within 10 school days or at the start of the following school year if the GIEP is completed less than 30 days before the last day of scheduled classes.

Subpoena powers. Public commentators and IRRC questioned the statutory authority under which the Board could empower parties in a due process hearing to compel the attendance of witnesses, found in the proposed rulemaking under § 16.63(k) (relating to impartial due process hearing). No statutory provision can be found for the compelling of witnesses in a due process hearing. The Board has deleted this provision in the final-form rulemaking.

Evaluation by certified school psychologist. Public commentators, the Senate Education Committee and IRRC recommended that the broad language of § 16.22(h)(3)(iv) (relating to gifted multidisciplinary evaluation) enabling certified professional employees to administer tests and similar evaluation materials used to determine giftedness be eliminated to clarify that only certified school psychologists are able to administer tests and evaluation materials. The final-form rulemaking has been revised accordingly.

Definition of criteria for gifted education. IRRC commented that the criteria for determination of gifted status currently found in Department guidelines are regulatory in nature and should be added to the regulation. Criteria has been added to § 16.21(e) (relating to general).

Application of Education Empowerment Act

On May 10, 2000, the Governor approved the Education Empowerment Act (EEA) (24 P. S. Art. XVII-B). Effective July 1, 2000, section 1714-B of the EEA (24 P. S. § 17-1714-B) established a mandate waiver program under which the Department of Education is empowered to waive certain statutory and regulatory mandates on application of any school district. However, the EEA expressly exempts from the Department's waiver authority certain specified statutes and regulations. Among those regulations exempted from the waiver program is Chapter 14. See 24 P. S. § 17-1714-B(h).

On May 4, 2000, the Board submitted its final-form regulations to IRRC and the Senate and House Education Committees for review under the Regulatory Review Act. However, at the Board's meeting held May 11, 2000, concerns were raised as to whether a new Chapter 16 would be exempt from the EEA's mandate waiver program scheduled to take effect July 1, 2000. To study this new legal issue, the Board on May 11 voted to recall its final-form regulations from regulatory review.

At the request of the Board, the Secretary asked the Department's Office of Chief Counsel to render an opinion on the issue. The Department's Office of Chief Counsel advised the Secretary that because the General Assembly clearly intended to exempt from the mandate waiver program all of Chapter 14, including the provisions governing gifted education, a new Chapter 16 governing gifted education would also be exempt from the mandate waiver program under section 1714-B(h) of the EEA. The change in numbering of the regulations by the Board would not alter the clear legislative intent to exempt from the program all Board regulations contained in Chapter 14 at the time the law went into effect.

Satisfied that a new Chapter 16 would be exempt from the mandate waiver program of the EEA exactly as Chapter 14 is exempt, the Board on July 12, 2000, voted to resubmit its final-form regulations.

Changes Directed by Attorney General

Based on its review under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506), on September 19, 2000, the Office of the Attorney General requested that clarification be made in the language in two sections. First, in § 16.21(a) the Office of the Attorney General found that the language used in this section might limit the efforts of school districts to identify students suspected of being gifted to those enrolled in the school district. A duty is created under 24 P. S. § 13-1371 for superintendents of school districts to identify and report every exceptional child within the district. To ensure that students suspected of being gifted in the district are identified regardless of whether they are enrolled in the public schools or not, changes were made to § 16.21(a) and (b).

Second, the Office of the Attorney General required that § 16.63(h) be changed prior to publication to make it clear that under State law, licensed attorneys only may represent parents in due process proceedings. Changes to § 16.63(h) were made to clarify the role of legal counsel and other parties with special knowledge or training with respect to students who are gifted.

These changes to the regulations were ratified by the Board on November 16, 2000.

Affected Parties

Chapter 16 will benefit Commonwealth students who are, or thought to be, gifted; their parents; and school districts and other education agencies which must comply with the regulations.

Cost and Paperwork Estimates

The final-form regulations impose no additional cost or revenue loss to the Commonwealth. They will not require any additional reports or paperwork requirements. None of the regulatory requirements in the chapter are new for school districts, and, in fact, a number of regulatory requirements have been removed or reduced. For example, routine reevaluations of the approximately 85,000 identified gifted students currently required every 2 years, cost an average of \$250 per student. Eliminating the requirements for reevaluation every 2 years, assuming that reevaluations are requested for 20% of gifted students, can reduce costs to school districts by approximately \$16.8 million over 3 years. Moreover, considerable staff time can be redirected to teaching and other services for students.

Effective Date

Chapter 16 will become effective upon final publication in the *Pennsylvania Bulletin*.

Sunset Date

The effectiveness of Chapter 16 will be reviewed by the Board every 4 years in accordance with the Board's policy and practice respecting all regulations promulgated by the Board. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 23, 1998, the Board submitted a copy of the proposed rulemaking published at 28 Pa.B. 4939 to IRRC and to the Chairpersons of the House and Senate Committees on Education for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), the final-form regulations were deemed approved by the Senate and House Committees. IRRC met on August 10, 2000, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act.

Contact Person

The official responsible for information on these final-form regulations is Peter H. Garland, Executive Director of the State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787 or TDD (717) 787-7367.

Findings

The Board finds that:

(1) Public notice of the intention to adopt these regulations 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 in 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) The regulations are necessary and appropriate for the administration of the School Code.

Order

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

(a) The regulations of the Board, 22 Pa. Code Chapters 14, 16 and 342, are amended by amending §§ 14.1, 14.2, 14.24, 14.25, 14.38, 14.67, 342.1, 342.25, 342.38 and 342.42 and by adding §§ 16.1—16.7, 16.21—16.23, 16.31—16.33, 16.41, 16.42 and 16.61—16.65 to read as set forth at Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director will submit this order and Annex A to the Office of General Counsel and the Office of the Attorney General for review and approval as to legality and form as required by law.

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

(d) This order is effective upon final publication in the *Pennsylvania Bulletin*.

PETER H. GARLAND,
Executive Director

(*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 6-266 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 22. EDUCATION****PART I. STATE BOARD OF EDUCATION****CHAPTER 14. SPECIAL EDUCATION SERVICES AND PROGRAMS****§ 14.1. Definitions.**

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

* * * * *

Exceptional student—For purposes of this chapter, an eligible student.

* * * * *

§ 14.2. Purpose.

(a) This chapter specifies how the Commonwealth will meet its obligations to suspected and identified exceptional students and to young children who require early intervention services to reach their potential. It is the intent of the Board that exceptional students and eligible young children be provided with quality special education services and programs. Achieving this purpose will require mutual efforts by the Commonwealth, school districts and other agencies.

(b) The Commonwealth, through the Department, will provide general supervision of services and programs provided under this chapter and Chapter 342 (relating to special education services and programs) and will meet other obligations of State and Federal law and this chapter.

(c) The Department will disseminate information about and promote the use of promising practices and innovative programs to meet the needs of exceptional students and eligible young children.

(d) To provide services and programs efficiently, the Commonwealth will delegate operational responsibility to its school districts. Each school district shall, by direct service or through arrangement with other agencies, provide the following:

(1) Services and programs planned, developed and operated for the early identification and evaluation of each exceptional student, including early intervention for eligible young children.

(2) A continuum of services and programs to provide instructional support to a student recommended for screening under §§ 14.21—14.25 (relating to screening and evaluation process) and found by the screening to be in need of assistance to achieve in school according to the documented needs and abilities of the student.

(3) A continuum of services to provide instructional support to assist eligible students to benefit from regular education programs, to the maximum extent appropriate.

(4) A free appropriate public program of education for each exceptional student which is based on the unique needs of the student, not solely on the classification of the student.

(5) Opportunities for each eligible student, including students in public or private day or residential facilities,

to interact with noneligible students and adults in community and school based activities, when appropriate.

(6) An education for each eligible student which approximates as nearly as possible the approved curriculum of the school district.

(7) An education for each eligible student which is designed to enable the student to participate fully and independently in the community, including preparation for employment or higher education.

(8) An appropriate program of early intervention services and programs for eligible young children as specified in this chapter and Chapter 342.

SCREENING AND EVALUATION PROCESS

§ 14.24. Instructional support.

(a) This section does not apply to students beyond the sixth grade who are thought to be eligible, to students attending nonpublic schools who are thought to be exceptional or to young children not yet of kindergarten age or not enrolled in a public school program.

* * * * *

§ 14.25. Multidisciplinary evaluation.

* * * * *

(c) A multidisciplinary evaluation shall be initiated if one of the following applies:

* * * * *

(5) The student is beyond the sixth grade and thought to be eligible, the student attends a nonpublic school and is thought to be exceptional or the young child thought to be eligible is not yet of kindergarten age or not enrolled in a public school program.

IEP

§ 14.38. Planned courses.

Planned courses for exceptional students shall be conducted under Chapter 4 (relating to academic standards and assessment), this chapter and Chapter 342 (relating to special education services and programs). Planned courses shall include provisions for:

(1) An orderly sequence of instruction to permit the development of learning skills and assessment of student progress.

(2) Adaptations or modifications in existing curricula or instructional approaches which will allow an exceptional student to progress through the regular curriculum of the district to earn credits toward graduation.

(3) Adaptions or modifications in existing curricula or instructional approaches which allow the student to develop skills necessary to make a transition from the school environment to community life and employment.

(4) Development of curricula which lead to instruction and supervision of instruction designed to teach skills which are functional and usable in participating in family, community, leisure and work activities in school and in the community.

PROCEDURAL SAFEGUARDS

§ 14.67. Independent educational evaluation.

(a) The parents of an eligible student or eligible young child or student or young child thought to be eligible have the right to obtain an independent educational evaluation of the student or young child, subject to subsections (b)—(f).

(b) Each school district shall provide to parents, on request, information about where an independent educational evaluation may be obtained.

(c) If parents obtain an independent educational evaluation at private expense, the results of the evaluation shall be considered by the district in decisions made with respect to the provisions of a free appropriate public education to the student and may be presented as evidence at a due process hearing regarding that student.

(d) If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation shall be at public expense.

(e) Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluators, shall be the same as the criteria which the district uses when it initiates an evaluation.

(f) Parents have the right to an independent evaluation at public expense if the parents disagree with an evaluation obtained by the school entity. The school entity may initiate a hearing under § 14.64 (relating to impartial due process hearing) to show that its evaluation is appropriate. If the final decision is that the school entity's evaluation was appropriate, the parents may present a privately-commissioned independent educational evaluation not at public expense.

CHAPTER 16. SPECIAL EDUCATION FOR GIFTED STUDENTS

GENERAL PROVISIONS

- Sec. 16.1. Definitions.
- 16.2. Purpose.
- 16.3. Experimental programs.
- 16.4. Strategic plans.
- 16.5. Personnel.
- 16.6. General supervision.
- 16.7. Special education.

SCREENING AND EVALUATION

- 16.21. General.
- 16.22. Gifted multidisciplinary evaluation.
- 16.23. Gifted multidisciplinary reevaluation.

GIEP

- 16.31. General.
- 16.32. GIEP.
- 16.33. Support services.

EDUCATIONAL PLACEMENT

- 16.41. General.
- 16.42. Parental placement in private schools.

PROCEDURAL SAFEGUARDS

- 16.61. Notice.
- 16.62. Consent.
- 16.63. Impartial due process hearing.
- 16.64. Mediation.
- 16.65. Confidentiality.

GENERAL PROVISIONS

§ 16.1. Definitions.

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

Agency—An intermediate unit, school district, area vocational technical school, State-operated program or facility, or other public or private organization providing educational services to gifted students or students thought to be gifted.

Chapter 4—The State Board of Education regulations as adopted under statutory authority in the School Code.

Educational placement—The overall educational environment in which gifted education is provided to a gifted student.

GIEP—Gifted Individualized Education Program.

GMDT—Gifted Multidisciplinary Team.

Gifted education—Specially designed instruction to meet the needs of a gifted student that is:

- (i) Conducted in an instructional setting.
- (ii) Provided in an instructional or skill area.
- (iii) Provided at no cost to the parents.
- (iv) Provided under the authority of a school district, directly, by referral or by contract.
- (v) Provided by an agency.
- (vi) Individualized to meet the educational needs of the student.
- (vii) Reasonably calculated to yield meaningful educational benefit and student progress.
- (viii) Provided in conformity with a GIEP.

Gifted Multidisciplinary Evaluation—A systematic process of testing, assessment, and other evaluative processes used by a team to develop a recommendation about whether or not a student is gifted or needs gifted education.

Gifted student—A student who is exceptional under section 1371 of the School Code (24 P. S. § 13-1371) because the student meets the definition of “mentally gifted” in this section, and needs specially designed instruction beyond that required in Chapter 4 (relating to academic standards and assessment). This term applies only to students who are of “school age” as defined under § 11.12 (relating to school age).

Instructional setting—A classroom or other setting in which gifted students are receiving gifted education.

Mentally gifted—Outstanding intellectual and creative ability the development of which requires specially designed programs or support services, or both, not ordinarily provided in the regular education program.

Parents—A natural or adoptive parent or parents, a guardian or guardians, one or more persons acting as the parent or parents of a student.

Party—Parent or school district.

Regular classroom—A specific instructional grouping within the regular education environment.

Regular education environment—The regular classroom and other instructional settings in which students without a need for gifted education receive instructional programs and the full range of supportive services normally provided to these children.

School Code—The Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

School day—A day in which school is in session.

Screening and evaluation process—The systematic determination of whether or not a student is gifted or needs gifted education.

Specially designed instruction—Adaptations or modifications to the general curriculum, instruction, instructional environments, methods, materials, or a specialized curriculum for students who are gifted.

Support services—Services as required under § 16.33 (relating to support services) to assist a gifted student to benefit from gifted education. Examples of the term include:

- (i) Psychological services.
- (ii) Parent counseling and education.
- (iii) Counseling services.
- (iv) Transportation to and from gifted programs to classrooms in buildings operated by the school district.

§ 16.2. Purpose.

(a) This chapter specifies how the Commonwealth will meet its obligations to suspected and identified gifted students who require gifted education to reach their potential. It is the intent of the Board that gifted students be provided with quality gifted education services and programs.

(b) The Commonwealth, through the Department, will provide general supervision of services and programs provided under this chapter.

(c) The Department will disseminate information about and promote the use of promising practices and innovative programs to meet the needs of gifted students.

(d) To provide services and programs efficiently, the Commonwealth will delegate operational responsibility to its school districts. Each school district shall, by direct service or through arrangement with other agencies, provide the following:

- (1) Services and programs planned, developed and operated for the identification and evaluation of each gifted student.
- (2) Gifted education for each gifted student which is based on the unique needs of the student, not solely on the student's classification.
- (3) Gifted education for gifted students which enables them to participate in acceleration or enrichment programs, or both, as appropriate, and to receive services according to their intellectual and academic abilities and needs.

§ 16.3. Experimental programs.

(a) The Secretary may approve exceptions to this chapter for the operation of experimental programs that are anticipated to improve student achievement and that meet certain unique programmatic needs of gifted students. School districts shall submit an annual application for approval of those programs. The application shall:

- (1) Include provision for the involvement of parents, administrators and professionals in the design and ongoing review of performance.
- (2) Include provisions for annually evaluating the program as to whether it benefits student achievement.
- (3) Demonstrate that it has met the following criteria:
 - (i) A definition of the need that exists which necessitates an experimental program.
 - (ii) Data to support the existence of the need.
 - (iii) A description of the program, including the nature of the program, specific goals and objectives to be reached, role and function of personnel involved, and timelines for development, implementation and evaluation.

(b) When an experimental program has been approved for 3-consecutive years and has resulted in improved

student achievement under subsection (a), annual application is not needed for the program to continue to operate.

(c) The Secretary may terminate an experimental program for failing to meet the objectives established in the application or for noncompliance with State law or regulations not specifically waived in the Secretary's approval of the experimental program under subsection (a) upon 60 days notice.

(d) The Secretary will report annually to the Board regarding applications for experimental programs under this section and the disposition of the applications.

§ 16.4. Strategic plans.

(a) Each school district's strategic plan developed under Chapter 4 (relating to academic standards and assessments) shall include procedures for the education of all gifted students enrolled in the district. The strategic plan shall be developed to ensure the support of the implementation of plans developed under subsection (b).

(b) Each school district shall provide, as the Department may require, reports of students, personnel and program elements, including the costs of the elements, which are relevant to the delivery of gifted education.

§ 16.5. Personnel.

(a) Professional personnel shall consist of certified individuals responsible for identifying gifted students and providing gifted education in accordance with Article XI of the School Code (24 P. S. §§ 11-1101—11-1192) and this title.

(b) Paraprofessional personnel consist of individuals who work under the direction of professional personnel as defined in this chapter. The duties and training of the paraprofessional staff shall be determined by the employing agency.

(c) A school district and intermediate unit shall provide, under section 1205.1 of the School Code (24 P. S. § 12-1205.1), in-service training for gifted and regular teachers, principals, administrators and support staff persons responsible for gifted education.

§ 16.6. General supervision.

(a) Educational programs for gifted students administered within this Commonwealth are considered to be under the general supervision of the Department and shall meet the provisions of this chapter.

(b) The Department will ensure that appropriate and responsible fiscal oversight and control is maintained over the development and provision of gifted education in accordance with this chapter providing for fiscal accountability and prudent management.

(c) The Board will review this chapter at least every 4 years to ensure consistent interpretation and application of this chapter.

§ 16.7. Special education.

(a) Nothing in this chapter is intended to reduce the protections afforded to students who are eligible for special education as provided for under Chapters 14 and 342 (relating to special education services and programs) and the Individuals with Disabilities Education Act (20 U.S.C.A. §§ 1400—1485).

(b) If a student is determined to be both gifted and eligible for special education, the procedures in Chapter 14 and 342 shall take precedence. For these students identified with dual exceptionalities, the needs estab-

lished under gifted status in this chapter shall be fully addressed in the procedures required in Chapters 14 and 342.

(c) For students who are gifted and eligible for special education, it is not necessary for school districts to conduct separate screening and evaluations, develop separate IEPs, or use separate procedural safeguards processes to provide for a student's needs as both a gifted and an eligible student.

SCREENING AND EVALUATION PROCESS

§ 16.21. General.

(a) Each school district shall adopt and use a system to locate and identify all students within that district who are thought to be gifted and in need of specially designed instruction.

(b) Each school district shall conduct awareness activities to inform the public of gifted education services and programs and the manner by which to request these services and programs. These awareness activities shall be designed to reach parents of students enrolled in the public schools and the parents of school age children not enrolled in the public schools.

(c) Each school district shall determine the student's needs through a screening and evaluation process which meets the requirements of this chapter.

(d) Each school district shall establish procedures to determine whether a student is mentally gifted. This term includes a person who has an IQ of 130 or higher and when multiple criteria as set forth in Department Guidelines indicate gifted ability. Determination of gifted ability will not be based on IQ score alone. A person with an IQ score lower than 130 may be admitted to gifted programs when other educational criteria in the profile of the person strongly indicate gifted ability. Determination of mentally gifted shall include an assessment by a certified school psychologist.

(e) Multiple criteria indicating gifted ability include:

(1) A year or more above grade achievement level for the normal age group in one or more subjects as measured by Nationally normed and validated achievement tests able to accurately reflect gifted performance. Subject results shall yield academic instruction levels in all academic subject areas.

(2) An observed or measured rate of acquisition/retention of new academic content or skills that reflect gifted ability.

(3) Demonstrated achievement, performance or expertise in one or more academic areas as evidenced by excellence of products, portfolio or research, as well as criterion-referenced team judgement.

(4) Early and measured use of high level thinking skills, academic creativity, leadership skills, intense academic interest areas, communications skills, foreign language aptitude or technology expertise.

(5) Documented, observed, validated or assessed evidence that intervening factors such as English as a second language, learning disability, physical impairment, emotional disability, gender or race bias, or socio/cultural deprivation are masking gifted abilities.

§ 16.22. Gifted multidisciplinary evaluation.

(a) Prior to conducting an initial gifted multidisciplinary evaluation, the school district shall comply with the notice and consent requirements under §§ 16.61 and § 16.62 (relating to notice; and consent).

(b) Referral for gifted multidisciplinary evaluation shall be made when the student is suspected by teachers or parents of being gifted and not receiving an appropriate education under Chapter 4 (relating to academic standards and assessment) and one or more of the following apply:

(1) A request for evaluation has been made by the student's parents under subsection (c).

(2) The student is thought to be gifted because the school district's screening of the student indicates high potential consistent with the definition of mentally gifted or a performance level which exceeds that of other students in the regular classroom.

(3) A hearing officer or judicial decision orders a gifted multidisciplinary evaluation.

(c) Parents who suspect that their child is gifted may request a gifted multidisciplinary evaluation of their child at any time, with a limit of one request per school term. The request shall be in writing. If a parental request is made orally to school personnel, the personnel shall inform the parents that the request shall be made in writing and shall provide the parents with a form for that purpose.

(d) Multidisciplinary evaluations shall be conducted by GMDTs. The GMDT shall be formed on the basis of the student's needs and shall be comprised of the student's parents, a certified school psychologist, persons familiar with the student's educational experience and performance, one or more of the student's current teachers, persons trained in the appropriate evaluation techniques and, when possible, persons familiar with the student's cultural background. A single member of the GMDT may meet two or more of the qualifications specified in this subsection.

(e) Gifted multidisciplinary evaluations shall be sufficient in scope and depth to investigate information relevant to the student's suspected giftedness, including academic functioning, learning strengths and educational needs.

(f) The multidisciplinary evaluation process shall include information from the parents or others who interact with the student on a regular basis, and may include information from the student if appropriate.

(g) The following protection-in-evaluation measures shall be considered when performing an evaluation of students suspected of being gifted:

(1) No one test or type of test may be used as the sole criterion for determining that a student is or is not gifted.

(2) Intelligence tests yielding an IQ score may not be used as the only measure of aptitude for students of limited English proficiency, or for students of racial-, linguistic- or ethnic-minority background.

(3) Tests and similar evaluation materials used in the determination of giftedness shall be:

(i) Selected and administered in a manner that is free from racial and cultural bias and bias based on disability.

(ii) Selected and administered so that the test results accurately reflect the student's aptitude, achievement level or whatever other factor the test purports to measure.

(iii) Professionally validated for the specific purpose for which they are used.

(iv) Administered by certified school psychologists under instructions provided by the producer of the tests and sound professional practice.

(v) Selected and administered to assess specific areas of educational need and ability and not merely a single general IQ.

(h) The GMDT shall prepare a written report which brings together the information and findings from the evaluation or reevaluation concerning the student's educational needs and strengths. The report shall make recommendations as to whether the student is gifted and in need of specially designed instruction, shall indicate the bases for those recommendations, and shall indicate the names and positions of the members of the GMDT.

(i) To recommend that a student who has been evaluated is a gifted student, the GMDT shall conclude that the student needs specially designed education and meets the criteria for eligibility as defined in §§ 16.1 and 16.21 (relating to definitions; and general).

(j) The following timeline applies to the completion of gifted multidisciplinary evaluations:

(1) Each district shall establish and implement procedures to complete a gifted multidisciplinary evaluation for a student referred for evaluation within 45 school days after receiving parental permission for an initial evaluation, after notifying the parents of a reevaluation or after receiving an order of a court or hearing officer to conduct a multidisciplinary evaluation.

(2) An evaluation report shall be completed within 10 school days after completion of the gifted multidisciplinary evaluation.

(3) Within 5 school days after its completion, a copy of the evaluation report shall be delivered to the parents of the student.

§ 16.23. Gifted multidisciplinary reevaluation.

(a) Gifted students shall be reevaluated before a change in educational placement is recommended for the student and when the conditions under § 16.22(b)(1) or (3) (relating to gifted multidisciplinary evaluations) are met. In addition, gifted students may be reevaluated at any time under recommendation by the GIEP team.

(b) Reevaluations shall be developed in accordance with all the requirements concerning evaluation in this chapter.

(c) Reevaluations shall include a review of the student's GIEP, a determination of which instructional activities have been successful, and recommendations for the revision of the GIEP.

GIEP

§ 16.31. General.

(a) A GIEP is a written plan describing the education to be provided to a gifted student. The initial GIEP shall be based on and be responsive to the results of the evaluation and shall be developed and implemented in accordance with this chapter.

(b) If a gifted student moves from one school district in this Commonwealth to another, the new district shall implement the existing GIEP to the extent possible or shall provide the services and programs specified in an interim GIEP agreed to by the parents until a new GIEP is developed and implemented in accordance with this section and §§ 16.32 and 16.33 (relating to GIEP; and

support services) or until the completion of due process proceedings under §§ 16.61—16.65 (relating to procedural safeguards).

(c) Every student receiving gifted education provided for in an IEP developed prior to December 9, 2000, shall continue to receive the gifted education under that IEP until the student's GIEP is developed. For a student also eligible under Chapters 14 and 342 (relating to special education services and programs), the student will continue to receive gifted education under that IEP until revised.

(d) Every student receiving gifted education prior to December 9, 2000, shall continue to receive gifted education until the student one of the following conditions exists:

- (1) The student graduates from high school.
- (2) The student is no longer of school age.
- (3) A GIEP team determines that the student no longer needs gifted education.

§ 16.32. GIEP.

(a) Each school district shall establish and implement procedures to appoint a GIEP team to review the recommendations of the GMDT and, if the GIEP team determines a student is gifted, to develop a GIEP for the student. The GIEP shall be developed at a GIEP meeting and based on data and information presented at that meeting.

(b) The GIEP team, in accordance with the requirements of this chapter shall, based upon the evaluation report, develop an initial GIEP for a student it determines to be a gifted student, and arrive at a determination of educational placement. Revisions to GIEPs, changes in educational placement, or continuation of educational placement for a student determined to be a gifted student shall be made by the GIEP team based upon a review of the student's GIEP and instructional activities, as well as on information in the most recent evaluation.

(c) Each GIEP team shall include persons who meet the following qualifications:

- (1) One or both of the student's parents.
- (2) The student if the parents choose to have the student participate.
- (3) A representative of the district, who will serve as the chairperson of the GIEP team, who is knowledgeable about the availability of resources of the district, and who is authorized by the district to commit those resources.
- (4) One or more of the student's current teachers.
- (5) Other individuals at the discretion of either the parents or the district.

(d) The school district shall establish and implement procedures designed to ensure that the parents of the gifted student are offered the opportunity to be present at each GIEP team meeting. These procedures shall include any one or a combination of the following: documented phone calls, letters and certified letters with return receipts. Agencies shall maintain documentation of their efforts to encourage parents to attend. By including them in the invitation, the following shall be considered reasonable efforts to ensure parent participation in the GIEP meeting:

- (1) The purpose, time and location of the meeting.
- (2) The names of the persons expected to attend.

(3) The procedural rights available to protect the student and parent, in language which is clear and fully explains all rights.

(4) That a determination will be made at the meeting as to whether or not the student is gifted.

(5) That if the student is determined to be gifted, a GIEP will be developed.

(6) Notifying the parent and other persons who will be attending at least 10 calendar days in advance to ensure that the parent will have an opportunity to attend.

(e) The GIEP of each gifted student shall be based on the GMDT's recommendations and shall contain the following:

- (1) A statement of the student's present levels of educational performance.
- (2) A statement of annual goals and short-term learning outcomes which are responsive to the learning needs identified in the evaluation report.
- (3) A statement of the specially designed instruction and support services to be provided to the student.
- (4) Projected dates for initiation and anticipated duration of gifted education.
- (5) Appropriate objective criteria, assessment procedures and timelines for determining, on at least an annual basis, whether the goals and learning outcomes are being achieved.
- (6) The names and positions of GIEP team participants and the date of the meeting.
- (f) A copy of the GIEP shall be provided to the parents, along with a notice of parental rights under §§ 16.61—16.65 (relating to procedural safeguards).

(g) The following timeline governs the preparation and implementation of GIEPs:

- (1) A GIEP shall be developed within 30 calendar days after issuance of a GMDT's written report.
- (2) The GIEP of each student shall be implemented no more than 10 school days after it is signed or at the start of the following school year if completed less than 30 days before the last day of scheduled classes in accordance with § 16.62(5) (relating to consent).
- (3) GIEP team meetings shall be convened at least annually, or more frequently if conditions warrant, as well as following an evaluation or reevaluation. A GIEP team meeting shall also be convened at the request of a GIEP team member, the parent, the student or the school district.

§ 16.33. Support services.

(a) The GIEP team, during the development, review or revision of a GIEP, shall determine whether the gifted student needs one or more support services.

(b) The GIEP team shall conclude that transportation to and from school psychological services, parent counseling and education, or another service is a support service if the GIEP team determines that one of the following criteria has been met:

- (1) The service is an integral part of an educational objective of the student's GIEP, without which the GIEP cannot be implemented.
- (2) The service is needed to ensure the student benefits from or gains access to a gifted education program.

EDUCATIONAL PLACEMENT**§ 16.41. General.**

(a) The GIEP team shall base educational placement decisions on the gifted student's needs.

(b) Districts may use administrative and instructional strategies and techniques in the provision of gifted education for gifted students which do not require, but which may include, categorical grouping of students. The placement shall:

(1) Enable the provision of appropriate specially designed instruction based on the student's need and ability.

(2) Ensure that the student is able to benefit meaningfully from the rate, level and manner of instruction.

(3) Provide opportunities to participate in acceleration or enrichment, or both, as appropriate for the student's needs. These opportunities shall go beyond the program that the student would receive as part of a general education.

(c) Districts shall adopt board policies relating to caseloads and class sizes for gifted students which:

(1) Ensure the ability of assigned staff to provide the services required in each gifted student's GIEP.

(2) Address all the educational placements for gifted students used by the district.

(3) Limit the total number of gifted students which can be on an individual gifted teacher's caseload to a maximum of 75 students.

(4) Limit the total number of gifted students which can be on an individual gifted teacher's class roster to a maximum of 20 students.

(d) Caseload and class size maximums may be waived by the Secretary upon written request by the district for extenuating circumstances.

(e) Gifted educational placement may not be based on one or more of the following:

- (1) Lack of availability of placement alternatives.
- (2) Lack of availability or efforts to make educational or support services available.
- (3) Lack of staff qualified to provide the services set forth in the GIEP.
- (4) Lack of availability of space or of a specific facility.
- (5) Administrative convenience.

§ 16.42. Parental placement in private schools.

(a) This chapter does not limit the right of parents to have their gifted children educated at private schools completely at private expense.

(b) The home education program of a gifted child shall be governed by sections 1327 and 1327.1 of the School Code (24 P. S. §§ 13-1327 and 13-1327.1).

PROCEDURAL SAFEGUARDS**§ 16.61. Notice.**

(a) A school district shall document the provision of written notice to the parents of a gifted student at least 10 school days prior to one or more of the following events:

(1) The school district proposes to conduct a gifted multidisciplinary evaluation or reevaluation of the student.

(2) The school district proposes or refuses to initiate or change the identification, evaluation or educational placement of the student, or proposes or refuses to make any significant changes in the GIEP.

(b) A change in the identification, evaluation, educational placement or GIEP of a gifted student may not be made during the pendency of an administrative or judicial proceeding unless agreed to by the parties to the proceeding.

(c) The content of notices to the parents shall be written in language understandable to the general public. If necessary, the content of notices shall be communicated orally in the native language or directly so that the parents understand the content of the notices.

(d) The notice shall include:

(1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action and a description of options the district considered and the reasons why those options were rejected.

(2) A description of each evaluation procedure, type of test, record or report used as a basis for the action.

(3) A description of other factors relevant to the district's action.

(4) A full explanation of the procedural safeguards, including the right to an impartial hearing available to the student or the parents under this chapter.

(e) The notice shall inform the parents of the following:

(1) The addresses and telephone numbers of various organizations which are available to assist in connection with the hearing.

(2) The timelines involved in conducting an evaluation, developing a GIEP, and initiating a hearing.

(3) An outside evaluation submitted by the parents shall be considered.

(4) The information in § 16.63 (relating to impartial due process hearing).

§ 16.62. Consent.

The district shall document that written parental consent is obtained prior to:

- (1) Conducting an initial multidisciplinary evaluation.
- (2) Initially placing a gifted student in a gifted program.
- (3) Disclosing to unauthorized persons information identifiable to a gifted student.

(4) When completed, the GIEP provided for in § 16.32 (relating to GIEP) shall be presented to the parents, along with a notice of recommended assignment signed by the school district superintendent provided for in § 16.61 (relating to notice) and a notice of parental right to an impartial due process hearing under § 16.63 (relating to impartial due process hearing). The notice shall be presented to the parents in person at the conclusion of the GIEP conference or by certified mail within 5-calendar days after the completion of the GIEP conference.

(5) The parents shall have 10-calendar days to respond to a notice of recommended assignment sent by mail or 5 calendar days to respond to a notice presented in person at the conclusion of a GIEP conference. If the parents receive the notice in person and approve the recommended assignment within 5-calendar days, the school district may not implement the GIEP for at least

5-calendar days, to give the parents an opportunity to notify the district within the 5-day period of a decision to revoke the previous approval of the recommended assignment.

§ 16.63. Impartial due process hearing.

(a) Parents may request in writing an impartial due process hearing concerning the identification, evaluation or educational placement of, or the provision of a gifted education to, a student who is gifted or who is thought to be gifted if the parents disagree with the school district's identification, evaluation or placement of, or the provision of a gifted education to the student.

(b) A school district may request in writing a hearing to proceed with an initial evaluation or an initial educational placement when the district has not been able to obtain consent from the parents or in regard to a matter under subsection (a).

(c) The hearing shall be conducted by and held in the local school district at a place reasonably convenient to the parents. At the request of the parents, the hearing may be held in the evening. These options shall be set forth in the form provided for requesting a hearing.

(d) The hearing shall be an oral, personal hearing and shall be open to the public unless the parents request a closed hearing 5 days in advance of the hearing. If the hearing is open, the decision issued in the case, and only the decision, shall be available to the public. If the hearing is closed, the decision shall be treated as a record of the student and may not be available to the public.

(e) The decision of the hearing officer shall include findings of fact, a discussion and conclusions of law. Although technical rules of evidence will not be followed, the decision shall be based solely upon the substantial evidence presented during the course of the hearing.

(f) The hearing officer shall have the authority to order that additional evidence be presented.

(g) A written transcript of the hearing shall, upon request, be made and provided to parents at no cost.

(h) Parents may be represented by legal counsel and accompanied and advised by individuals with special knowledge or training with respect to students who are gifted.

(i) A parent or a parent's representative shall be given access to educational records, including any tests or reports upon which the proposed action is based.

(j) A party may prohibit the introduction of evidence at the hearing that has not been disclosed to that party at least 5-calendar days before the hearing.

(k) A party has the right to present evidence and testimony, including expert medical, psychological or educational testimony.

(l) The decision of the impartial hearing officer may be appealed to a panel of three appellate hearing officers. The panel's decision may be appealed further to a court of competent jurisdiction. In notifying the parties of its decision, the panel shall indicate the courts to which an appeal may be taken.

(m) The following applies to coordination services for hearings and to hearing officers:

(1) The Secretary may contract for coordination services in support of hearings conducted by local school districts. The coordination services shall be provided on behalf of school districts and may include arrangements for stenographic services, arrangements for hearing officer services, scheduling of hearings and other functions in support of procedural consistency and the rights of the parties to hearings.

(2) If a school district chooses not to utilize the coordination services under paragraph (1), it may conduct hearings independent of the services if its procedures similarly provide for procedural consistency and ensure the rights of the parties. In the absence of its own procedures, a school district which receives a request for an impartial due process hearing shall forward the request to the agency providing coordination services under paragraph (1) without delay.

(3) A hearing officer may not be an employe or agent of a school district in which the parents or student resides, or of an agency which is responsible for the education or care of the student. A hearing officer shall promptly inform the parties of a personal or professional relationship the officer has or has had with any of the parties.

(n) The following timeline applies to due process hearings:

(1) A hearing shall be held within 30-calendar days after a parent's or school district's initial request for a hearing.

(2) The hearing officer's decision shall be issued within 45-calendar days after the parent's or school district's request for a hearing.

(o) Each school district shall keep a list of the persons who serve as hearing officers. The list shall include the qualifications of each hearing officer. School districts shall provide parents with information as to the availability of the list and shall make copies of it available upon request.

§ 16.64. Mediation.

(a) Mediation is a process in which parents and agencies involved in a special education for gifted students dispute may obtain the assistance of an impartial mediator in attempting to reach a mutually agreeable settlement.

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

Joint session—A stage of the mediation conference when the mediator meets with the parties and participants together and each party is given a reasonable uninterrupted opportunity to present the issues and concerns.

Mediation agreement—A written record of agreement reached by the parties.

Mediation conference—A structured, but informal meeting of the parties and participants with a mediator. The purpose of the conference is to develop a mutually acceptable, written agreement that is binding on the parties.

Mediator—An impartial, neutral person who helps parties involved in a conflict to develop their own solutions to the dispute. The term does not include a person who makes decisions about the conflict for the parties.

Participants—Other persons appearing at the mediation conference on behalf of either party, such as other family members and specialists.

Parties—The parents and designated agency personnel involved in the conflict.

Private session (caucus)—A private meeting between the mediator and only one of the parties to further clarify that party's position and to explore possible solutions to the conflict. The mediator may not share information from the private session without consent of the party.

(c) If a dispute is resolved through mediation, a written agreement shall be prepared and placed in the child's education record. The agreement shall also be incorporated into the GIEP.

(d) During a mediation conference, the mediator shall meet with the parties together in a joint session and individually in private sessions.

(e) Discussions occurring during the mediation session shall be confidential, and no part of the mediation conference shall be recorded.

(f) The mediator may not be called as a witness in future proceedings.

(g) The designated agency involved in the dispute shall send a representative who has the authority to commit resources to the resolution agreed upon by the parties.

(h) The written mediation agreement is not a confidential document and shall be incorporated into the student's GIEP and is binding on the parties.

(i) The mediation agreement shall be enforceable by the Department.

(j) A GIEP team shall be convened, within 10 school days following the mediation agreement, to incorporate the mediation agreement into the GIEP.

(k) When the mediation conference results in a resolution of the dispute, each party shall receive an executed copy of the agreement at the conclusion of the mediation conference.

(l) Mediation may not be used to deny or delay a party's right to a due process hearing.

§ 16.65. Confidentiality.

Each agency shall protect the confidentiality of personally identifiable information regarding a gifted student or a student thought to be gifted in accordance with section 13(a) of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. § 1232g), 34 CFR Part 99 (relating to family educational rights and privacy), Chapter 12 (relating to students) and other applicable law.

PART XVI. STANDARDS

CHAPTER 342. SPECIAL EDUCATION SERVICES AND PROGRAMS

§ 342.1. Definitions.

(a) *Applicability of § 14.1.* Unless otherwise noted, definitions stated in § 14.1 (relating to definitions) apply to terms used in this chapter.

(b) *Additional definitions.* The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

Autism/pervasive developmental disorder—A developmental disability characterized by qualitative distortions in the development of cognitive, language, social or motor skills. Determination of autism/pervasive developmental

disorder shall include full assessment and comprehensive report of diagnosis by a physician qualified to render a diagnosis and by a public school psychologist specifying the nature and degree of the disorder. Eligibility for special education services and programs for a student may not be limited solely because of the failure of a neurological examination by a physician to identify the child as having autism. Symptoms are typically manifested before 3 years of age, are not usual for any stage of child development and shall include two or more of the following:

(i) Impairment in reciprocal social interaction.

(ii) Impairment in communication and imaginative activity including verbal and nonverbal skills.

(iii) Markedly restricted repertoire of activities and interests, often involving resistance to change and motor or verbal stereotypes.

(iv) Abnormal or inconsistent responses to sensory stimuli in one or more of the following areas: sight, hearing, touch, pain, balance, smell, taste, posture and motor behavior.

Blindness or visual impairment—A visual impairment which adversely affects the educational performance of the person. Determination of visual impairment shall include a full assessment and comprehensive report by an eye specialist specifying the nature and degree of the impairment.

Deafness or hearing impairment—A hearing loss which interferes with the development of the communication process and results in failure to achieve educational potential. Determination of the hearing impairment shall include a report by an audiologist or otologist, or both, specifying the nature and degree of the impairment.

Department—The Department of Education of the Commonwealth.

Developmental delay—

(i) This term is limited to early intervention services and programs under §§ 342.51—342.56 (relating to early intervention).

(ii) A child is considered to have a developmental delay when one of the following exists:

(A) The child's score, on a developmental assessment device, on an assessment instrument which yields a score in months, indicates that the child is delayed by 25% of the child's chronological age in one or more developmental areas: cognitive, language/speech, physical, social/emotional and self-help, and by reason thereof needs early intervention services as defined in this chapter, Chapter 14 (relating to special education) and the Early Intervention Services System Act (11 P. S. §§ 875-101—875-503).

(B) The child is delayed in one or more of the following developmental areas: cognitive, language/speech, physical, social/emotional and self-help, as documented by test performance of 1.5 standard deviations below the mean on standardized tests, and by reason thereof needs early intervention services as defined in this chapter, Chapter 14 and the Early Intervention Services System Act.

(iii) Determination of developmental shall specify the nature and degree of the delay and shall include a full assessment and comprehensive report by one or more of the following: a certified public school psychologist, speech correctionist, a pediatrician or a psychiatrist, and shall specify the nature and degree of the delay.

Mental retardation—Impaired mental development which adversely affects the educational performance of a person. The term includes a person who exhibits significantly impaired adaptive behavior in learning, maturation or social adjustment as a result of subaverage intellectual functioning. The term does not include persons with IQ scores of 80 or higher. Determination of mental retardation shall include a full assessment and comprehensive report by a public school psychologist certified by the Department specifying the nature of the impairment and the level of functioning.

* * * * *

(c) *Eligible young child*. The classification of eligible young child includes all of the classifications listed in this section.

* * * * *

SCREENING AND EVALUATION PROCESS

§ 342.25. Multidisciplinary evaluation.

(a) Referral for multidisciplinary evaluation shall be made when special education referral criteria have been met and are in accordance with § 14.25 (relating to multidisciplinary evaluation). Referral for multidisciplinary evaluation is indicated when the student is suspected of being exceptional and one or more of the following exist:

(1) The instructional assessment of the student experiencing academic difficulty indicates a performance level which is not sufficient to demonstrate success in the regular class without the addition of supplementary aids or services, or both.

(2) The life skills screening of the student who has not been able to benefit from an academic program indicates a performance level which is not sufficient to demonstrate success in the regular class without the addition of supplementary aids or services, or both, beyond those available in the regular class.

* * * * *

IEP

§ 342.38. Planned courses.

(a) Curricula for exceptional students shall be designed to:

(1) Meet the needs of exceptional students and shall be adapted, if possible, from regular curricula in Chapter 5 (Reserved).

(2) Coincide with regular education curricula and allow for and lead to the maximum amount of interaction of exceptional students with students who are not exceptional.

(3) Stress general life skills to maximize independence for exceptional students who differ to such an extent that their needs dictate curricular offerings different from those in regular education.

(4) Provide for the acquisition of specific competencies in all areas of development, including: cognitive, language, social, motor, self-help and vocational, in accordance with the IEP of the student.

(b) Curricula for exceptional students is subject to a review at least every 2 years and to revision as required.

(c) Exceptional students who require special instructional materials, supplies and equipment, including assistive technology, shall be provided with these items in accordance with the IEP. The instructional materials, equipment and supplies provided for exceptional students shall be equivalent to those provided for students in regular education and of comparable age, grade and interest levels, with the modifications necessary to meet the individual needs of the exceptional student, and may be subject to review and approval by the Department.

(d) Furniture shall be suited to the age, size, physical status and individual needs of exceptional students and may be subject to review and approval by the Department.

EDUCATIONAL PLACEMENT

§ 342.42. Educational placement.

* * * * *

(h) School districts may establish classes for exceptional students in the following categories:

(1) *Learning support class*. A class for exceptional students whose primary identified need is academic learning.

* * * * *

(j) Class sizes and class loads for assignments for special education services and programs shall conform to the following table:

Caseload and Class Size for Special Education

This chart presents the caseload allowed on a single teacher's rolls; the number in parenthesis is the maximum number of exceptional students in the room with the teacher at any one time.

Type of Service	Itinerant	Resource	Part-time	Full-time
<i>Academic Support Class:</i>				
Learning Support	15-50(6)	15-20(8)*	10-15(8)*E 15-18(9)*S	6-12(12)*E 8-15(15)*S
Life Skills Support	10-20(4)*	10-20(6)*	10-15(8)*E 15-18(9)*S	8-12(12)*E 8-15(15)*S
Emotional Support	15-50(4)	15-20(6)*	10-15(10)*	6-12(12)*
<i>Sensory and Communication Support Class:</i>				
Deaf or Hearing Impaired Support	15-50(4)	6-15(6)*	6-10(6)*	5-8(8)*
Blind or Visually Impaired Support	15-50(4)	6-15(6)*	8-15(8)*	5-12(12)*

<i>Type of Service</i>	<i>Itinerant</i>	<i>Resource</i>	<i>Part-time</i>	<i>Full-time</i>
Speech and Language Support	20-90(4)**			5-8(8)*
Physical Support	15-50(4)*	6-15(6)*	6-12(6)*	6-12(12)*
Autistic Support	8-12(4)*	6-8(6)*	4-8(6)*	4-8(8)*
Multihandicapped Support	8-12(4)*	6-8(6)*	4-8(6)*	4-8(8)*

*Paraprofessional assistance available.

**With no more than 90 sessions per week.

[Pa.B. Doc. No. 00-2124. Filed for public inspection December 8, 2000, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL AFFAIRS

STATE ARCHITECTS LICENSURE BOARD

[49 PA. CODE CH. 9]

Fees

The State Architects Licensure Board (Board) amends § 9.3 (relating to fees) by revising certain application fees as set forth in Annex A.

The final-form rulemaking amends application and certification fees and creates verification and registration/modification of firms practice fees to reflect the Board's actual cost of providing the services.

Notice of proposed rulemaking was published at 29 Pa.B. 4170 (August 7, 1999). Publication was followed by a 30-day public comment period during which the Board received no public comments. Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

The following is a response to the comments.

Certification and Verification Fee

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

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

As noted in proposed rulemaking the difference between the verification and certification fees is the amount

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

Administrative Overhead

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

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

In computing overhead charges, the boards and the Bureau include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly

attributable to a specific board. Once determined, the Bureau's total administrative charge is apportioned to each board based upon that board's share of the total active licensee population. In turn, the board's administrative charge is divided by the number of active licensees to calculate a "per application" charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the regulatory review, the method was approved by the Senate and House Standing Committees and IRRC as reasonable and consistent with the legislative intent of statutory provisions which require the Board to establish fees which meet or exceed expenses.

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

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

For these reasons, the boards have not made changes in the method by which they allocate administrative expenditures and the resulting fees will remain as proposed.

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

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

Fiscal Impact and Paperwork Requirements

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

Statutory Authority

The amendment is authorized under section 11 of the Architects Licensure Law (63 P. S. § 34.11).

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 4170, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act, this final-form regulation was approved by the HPLC on October 3, 2000 and deemed approved by the SCP/PLC on October 10, 2000. IRRC met on October 19, 2000, and approved the regulation in accordance with section 5.1(e) of the Regulatory Review Act.

Contact Person

Further information may be obtained by contacting Dorna Thorpe, Administrative Assistant, State Architects Licensure Board, at P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3397.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This amendment does not enlarge the purpose of the proposed rulemaking published at 29 Pa.B. 4170.

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

Order

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

(1) The regulations of the Board, 49 Pa. Code Chapter 9, are amended by amending § 9.3 to read as set forth in Annex A.

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

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

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

FRANK M. ADAMS,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 5807 (November 4, 2000).)

Fiscal Note: Fiscal Note 16A-414 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 9. STATE ARCHITECTS LICENSURE BOARD

FEES

§ 9.3. Fees.

(a) The cost of the ARE is \$980. The fee for each portion is:

Table with 2 columns: Fee description and Amount. Includes items like Predesign (\$92), Site Planning (\$129), Building Planning (\$155), Building Technology (\$145), General Structures (\$108), Lateral Forces (\$79), Mechanical and Electrical (\$83), Material and Methods (\$90), Construction Documents and Services (\$99), Initial license (\$40), Reciprocal license with NCARB Certification (\$30), Reciprocal license without NCARB Certification (\$50), Certification of licensure, registration or scores (\$25), Biennial renewal of license (\$50).

Table with 2 columns: Fee description and Amount. Includes items like (f) Reactivation of lapsed or expired license (\$30), (g) Firm practice registration or modification (\$50), (h) License or registration verification (\$15).

[Pa.B. Doc. No. 00-2125. Filed for public inspection December 8, 2000, 9:00 a.m.]

STATE BOARD OF ACCOUNTANCY
[49 PA. CODE CH. 11]
Fees

The State Board of Accountancy (Board), by this order amends §§ 11.4, 11.5 and 11.17 (relating to fees; temporary practice in this Commonwealth; and submission of application and examination fees) to read as set forth in Annex A.

The amendments raise Board fees for certification and initial licensure of certified public accountant, temporary practice permit, certification of examination scores, and verification of certification, registration or licensure status; add a new fee for reinstatement of expired or inactive license; relocate all existing fees to a single section; and make editorial changes to the description of certain fees.

Summary of Comments and Responses to Proposed Rulemaking

The Board published a notice of proposed rulemaking at 30 Pa.B. 2376 (May 13, 2000), following which the Board entertained public comments for 30 days. The Board did not receive any public comments.

The Board received comments from the Independent Regulatory Review Commission (IRRC) on July 13, 2000, as part of its review of the amendments in proposed form under the Regulatory Review Act. The Board did not receive comments from the Senate Committee on Consumer Protection and Professional Licensure (Senate Committee) and the House Professional Licensure Committee (House Committee), which also reviewed the amendments in proposed form under the Regulatory Review Act.

IRRC's comments involved the relocation of the temporary practice fee from § 11.5 and the examination fees from § 11.17 to § 11.4, where all other Board fees are listed. The proposed version of the amendments would have added the temporary permit fee and examination fees to § 11.4 but would not have deleted them from §§ 11.5 and 11.17. As stated in the notice of proposed rulemaking, the Board intended to revise §§ 11.5 and 11.17 as part of a separate rulemaking initiative relating to general revisions (#16A-559).

IRRC recommended that the fees be deleted from §§ 11.5 and 11.17 in this rulemaking. IRRC noted that retaining the examination fees in § 11.17 would create an unnecessary, if temporary, redundancy, while retaining the existing \$20 temporary permit fee in § 11.5 would create a conflict with the revised § 11.4, which sets forth the increased \$25 temporary permit fee. The Board agrees with IRRC that amending §§ 11.5 and 11.17 at this time would eliminate duplication as well as the potential for confusion. Accordingly, the Board has revised the amendments to delete the fees from §§ 11.5 and 11.17.

Statutory Authority

Section 3(6) of the CPA Law (63 P. S. § 9.3(6)), gives the Board general authority to collect fees for its operations. Section 9.2(d)(2) of the CPA Law (63 P. S. § 9.9b(d)(2)), specifically references the Board's authority to collect a fee for reinstatement of an inactive or expired license. Section 6 of the CPA Law (63 P. S. § 9.6), requires the Board to establish fees by regulation and to

ensure that revenues derived from fees are adequate to cover the Board's expenditures over a biennial period.

Fiscal Impact

The Board projects that the amendments will generate additional fee revenues totaling approximately \$36,875 during each fiscal biennium. The additional biennial revenues are broken down as follows:

<i>Service</i>	<i>Estimated Fee-Payers</i>		<i>Fee Increase</i>		<i>Additional Revenues</i>
Certification and Initial Licensure of Certified Public Accountant	1,000	×	\$20	=	\$20,000
Temporary Practice Permit	75	×	\$5	=	\$ 375
Reinstatement of Inactive or Expired License	200	×	\$35	=	\$ 7,000
Certification of Examination Scores	900	×	\$10	=	\$ 9,000
Verification of Certification, Registration or Licensure Status	100	×	\$5	=	\$ 500
				Total	\$36,875

Paperwork Requirements

The amendments will require the Board to change certain forms to reflect the revised schedule of fees. The amendments will not create additional paperwork requirements for the regulated community.

Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (relating to regulatory review and promulgation), the Board, in drafting and promulgating the amendments, considered the least restricted alternative to regulatory costs for services requested by individual licensees and applicants.

Regulatory Review

On May 3, 2000, as required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted copies of the notice of proposed rulemaking, published at 30 Pa.B. 2376 to IRRC and the House and Senate Committees for review and comment.

In adopting final-form regulations, the Board considered comments from IRRC. The Board did not receive comments from either the House and Senate Committees or the general public.

On October 2, 2000, the Board submitted final-form amendments to IRRC and the House and Senate Committees. Under authority of section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), the amendments were approved by the House Committee on October 11, 2000, and deemed approved by the Senate Committee on October 23, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 2, 2000 and approved the final-form regulations.

Additional Information

Individuals who desire additional information about the amendments are invited to submit inquiries to Dorna Thorpe, Administrator, State Board of Accountancy, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1404.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend 49 Pa. Code Chapter 11, by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments adopted by this order are necessary and appropriate for the administration of the CPA Law.

Order

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

(1) The regulations of the Board, 49 Pa. Code Chapter 11, are amended by amending §§ 11.4, 11.5 and 11.17 to read as set forth in Annex A.

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

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

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

THOMAS J. BAUMGARTNER, CPA,
Chairperson

(Editor's Note: The amendment of §§ 11.5 and 11.17 was not included in the proposal at 30 Pa.B. 2378 (May 13, 2000). For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 6020 (November 18, 2000).)

Fiscal Note: Fiscal Note 16A-558 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 AFFAIRSCHAPTER 11. STATE BOARD OF ACCOUNTANCY
GENERAL PROVISIONS

§ 11.4. Fees.

Following is the schedule of fees charged by the Board:

Complete CPA examination (Four parts).....	\$135
Three parts	\$112.50
Two parts	\$90
One part	\$67.50
AICPA examination administration to candi- dates of other state boards	\$100
Certification and initial licensure of certified public accountant	\$65
Initial licensure of public accounting firm	\$45
Temporary practice permit	\$25
Biennial renewal of license of certified public accountant, public accountant or public account- ing firm	\$45
Reinstatement of inactive or expired license	\$35
Certification of scores.....	\$25
Verification of certification, registration or licensure	\$15

§ 11.5. Temporary practice in this Commonwealth.

(a) *Requirements for temporary practice.* A certified public accountant, or partnership or corporation composed of certified public accountants, of another state or other jurisdiction of the United States may temporarily practice public accountancy in this Commonwealth, if the certified public accountant, or partnership or corporation:

(1) Holds a valid license or registration to practice public accountancy in the other state or jurisdiction.

(2) Concurrently practices public accountancy in the other state or jurisdiction.

(3) Does not maintain an office in this Commonwealth.

(4) Obtains from the Board a temporary practice permit prior to performing the temporary work.

(b) *Temporary practice permit.* The temporary practice permit:

(1) Allows a certified public accountant, or partnership or corporation, who meets the requirements of subsection (a) to work for not more than 500 hours in this Commonwealth during a 12-month period, except that this 500 hour limitation does not apply if the holder of a temporary practice permit is working only on a single, nonrecurring engagement.

(2) Is valid for not more than 12 months.

(3) Is renewable if the permit was not granted for a single, nonrecurring engagement in excess of 500 hours.

(c) *Failure to meet requirements for temporary practice.* A person, partnership or corporation, of another state or other jurisdiction who wishes to practice public accountancy in this Commonwealth but does not meet the

requirements of subsection (a) is subject to the full licensing requirements of section 8.2 of the act (63 P. S. § 9.8b).

(d) *Exemption from requirement of temporary practice permit.* The requirement of a temporary practice permit does not apply to a person, partnership or corporation, who renders bookkeeping and similar technical services, prepares income tax returns, or prepares financial statements, but does not issue a report that expresses an opinion or assurance on the statements.

EXAMINATIONS

§ 11.17. Submission of application and examination fees.

An applicant for admission to the Uniform Certified Public Accountant Examination shall submit to the designee of the Board the application for examination required by § 11.11 (relating to application for examination), together with a fee to cover the costs associated with the preparation and administration of the examination.

[Pa.B. Doc. No. 00-2126. Filed for public inspection December 8, 2000, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 62]

[L-00000147]

Reporting Requirements for Quality of Service
Benchmarks and Standards

The Pennsylvania Public Utility Commission (Commission) on June 8, 2000, adopted a final rulemaking order establishing uniform measures and standard data reporting requirements for natural gas distribution companies (NGDCs). The contract persons are M.J. (Holly) Frymoyer, Bureau of Consumer Services (technical) (717) 783-1628, and Rhonda Daviston, Law Bureau (legal) (717) 787-6166.

Executive Summary

On June 22, 1999, Governor Tom Ridge signed into law 66 Pa.C.S. Chapter 22 (relating to Natural Gas Choice and Competition Act) (act). Section 2206(a) of the act (relating to consumer protections and customer service) requires that customer services shall, at a minimum, be maintained at the same level of quality under retail competition as in existence on June 22, 1999. The purpose of this rulemaking is to establish uniform measures and reporting requirements to allow the Commission to monitor the level of the NGDCs' customer service performance. Using the statistics collected under this rulemaking, the Commission will annually prepare a summary report on the customer service performance of the covered NGDCs. The reports will be public information.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 3, 2000, the Department submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 893 (February 19, 2000), to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing these final-form regulations, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on October 23, 2000, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 2, 2000, and approved the final-form regulations.

Public Meeting held
June 8, 2000

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

Final Rulemaking Order

By the Commission:

At public meeting of January 12, 2000, the Commission issued an order adopting and directing publication of proposed regulations to establish a means by which the Commission can develop uniform measurement and reporting requirements to assure that the customer services of the NGDCs are maintained, at a minimum, at the same level of quality under retail competition.

Background

On June 22, 1999, Governor Tom Ridge signed into law the act. The act revised the Public Utility Code, 66 Pa.C.S. § 101 et seq. by inter alia, adding Chapter 22 (relating to restructuring of the natural gas utility industry). Section 2206(a) of the act (relating to consumer protections and customer service) is clear that customer service for retail gas customers is, at a minimum, to be maintained at the same level of quality under retail competition as in existence on June 22, 1999.

Based on its experience with collecting quality of service data from the electric distribution companies in accordance with §§ 54.151—54.156 (relating to reporting requirements for quality of service benchmarks and standards), the Commission instituted a rulemaking proceeding to establish a means by which the Commission can ensure that the quality of each NGDC's customer service performance is being maintained. The proposed regulations set forth uniform measures and standard data reporting requirements for various components of an NGDC's customer service performance and established effective dates for the reporting requirements.

The proposed regulations were published at 30 Pa.B. 893 (February 19, 2000) and a 30-day comment period set. The 30-day comment period for public comments ended March 20, 2000. The proposed rulemaking was served on all jurisdictional gas companies, the Office of Consumer Advocate (OCA), the Office of Small Business Advocate and all parties to this proceeding. The Commission order was also posted on the Commission's Internet website.

We received comments from The Pennsylvania Gas Association (PGA) on behalf of its member companies; the OCA; Columbia Gas of Pennsylvania of Pennsylvania, Inc. (Columbia); Statoil Energy Services, Inc. and TXU Energy Services (Statoil and TXU); and IRRC. We have considered all these comments. We appreciate and thank the commentators for their suggestions on developing final-form regulations.

This order presents a summary of comments and our response. Comments not directed toward any specific section are included after the section-by-section summary. The final-form regulations, as revised pursuant to the discussion in this order, appear in Annex A.

§ 62.31. Purpose.

IRRC suggested that to improve clarity, we should specify that this regulation applies to two classes of NGDCs which are required to file restructuring plans under the Act: large NGDCs serving more than 100,000 residential customers and small NGDCs serving less than 100,000 residential customers.

We also received comments that generally apply to this section from Statoil and TXU. These companies point out that the regulations fail to address NGDC services to third party suppliers. Statoil and TXU recommend that the Commission expand its analysis of NGDC performance to include service to sales and transportation customers. They suggest that the NGDCs be held accountable for customer service to these entities through similar benchmarks and reporting requirements. Statoil and TXU also suggest that the Commission may want to measure an NGDC's performance in opening up its system to competition by looking at migration and enrollment trends. They recommended that the Commission may want to require data regarding data error, average time from order to ordinary installation and conformance of payment transmission to contractual standards.

Response: We do not agree with the recommendation of Statoil and TXU to expand the coverage of the regulation to include NGDC services to third-party suppliers. Although we acknowledge the importance of a cooperative relationship between an NGDC and a supplier, the purpose of this rulemaking is to gather data on existing measures of customer service to existing end use customers. Further, we believe that the transaction survey will help the Commission monitor and uncover poor performance, if any, on the part of NGDCs that might be associated with competition and their lack of cooperation with natural gas suppliers. Thus, we decline to make the requested change at this time.

In regard to IRRC's comments, we agree and have revised the language of this section accordingly. The revised section reads:

This subchapter establishes a means by which the Commission can develop uniform measurement and reporting to assure that the customer services of the natural gas distribution companies (NGDCs) that are required to file restructuring plans under the Natural Gas Choice and Competition Act are maintained, at a minimum, at the same level of quality under retail competition. This subchapter sets forth uniform measurements and reporting requirements for monitoring the level of the customer service performance of two separate classes of these NGDCs: NGDCs serving more than 100,000 residential customers and those serving less than 100,000 residential customers. This subchapter also establishes the effective dates of the reporting requirements.

§ 62.32. Definitions.

Call abandonment rate. Columbia reiterates a suggestion it made to the proposed rulemaking regarding Reporting Requirements for Quality of Service Benchmarks and Standards for electric distribution companies (EDCs). Columbia suggests that an abandoned call should be calculated as abandoned only if the call is abandoned after 45 seconds of waiting.

IRRC recommended that we delete the phrase "...at the NGDC's telephone call center or business office" that appeared at the end of the definition of Call abandonment rate.

Response: We did not agree with Columbia's suggestion and did not revise the definition of call abandonment rate to accommodate this recommendation. We believe that 45 seconds is a long period of time and that frustrated customers may disconnect their calls long before 45 seconds is up. We plan to establish a working group that will consist of representatives of the subject NGDCs and the Commission's Bureau of Consumer Services (BCS). One purpose of this working group will be to discuss the calculations and measurement of call abandonment rate and the other access measures. The object of this group's discussion will be to make certain that all the NGDCs will report this and the other statistics uniformly.

We agree with IRRC's recommendation and have deleted that phrase from the definition of Call Abandonment Rate.

Justified payment arrangement request and justified informal consumer complaint. IRRC pointed out that the definitions of justified payment arrangement request and justified informal consumer complaint contain references to the Commission's "negotiation procedures or regulations." IRRC believed that this phrase is vague and recommends that we specify the procedures and regulations.

Response: The BCS has met with representatives of the six largest NGDCs on numerous occasions both individually and collaboratively to explain its rules for determining whether or not a consumer complaint or payment arrangement request is justified in coming to the BCS. In addition, the BCS has shared written explanations of its rules and annually updates and distributes its payment arrangement guidelines that are based on the Federal poverty guidelines. The NGDCs are all aware of these rules, guidelines and the regulations that apply to them in their dealings with residential gas customers. The BCS sends quarterly reports containing this information to the individual NGDCs. Further, the Commission has annually published justified rates in its annual report, Utilities Activities Report and Evaluation (UCARE). The report is available to the public in hard copy and more recently is available on the Commission Internet website.

For these reasons, we conclude that the affected parties are well aware of how the BCS determines whether or not it considers a case justified in coming to us. However, because the "justified" rules are fluid and may change based on many factors, including changes in Commission policy, we prefer not to include language in the regulation that would limit the procedures and policies to those in effect at this point in time. We want to point out that if BCS makes changes, it announces them to the companies well before they take effect. If requested, the BCS will meet with companies again to go over its rules for determining "justified" cases.

Infraction rate, justified informal consumer complaint rate and justified payment arrangement request rate. IRRC suggested that to improve clarity, we should add the phrase "as determined by BCS" to the definitions of infraction rate, justified informal consumer complaint rate and justified payment arrangement request rate.

Response: We accept this suggestion and have added the clarifying language to each definition:

Transaction survey. IRRC recommended that subparagraph (ii) in the definition of "transaction survey" be deleted.

The PGA pointed out that the list of interactions to be captured in transaction surveys that appears in the definitions is inconsistent with the list that appears in proposed § 62.34(3) under interaction categories.

Response: We agree with IRRC's recommendation and have deleted this list from the definition of transaction survey. The change also addresses PGA's concern.

Promptness and Timeliness: In its comments to §§ 62.34(1) and 62.35(3)(iv), IRRC recommends that we add two terms to the definitions that appear in these sections: "promptness" and "timeliness."

Response: Based on this recommendation, we added these terms and their definitions to § 62.32. The added definitions read:

Promptness—The state or condition of acting or responding with speed or readiness to a customer's question, complaint, dispute or request. An example of promptness might be the NGDC responding to a customer's request for a premise visit with an appointment in five days rather than in five weeks.

Timeliness—The state or condition of acting at the appropriate or correct time as previously determined or promised when responding to a customer's question, complaint, dispute or request. An example of timeliness might be an NGDC representative arriving at the customer's residence on the date and at the time previously agreed upon by the NGDC and the customer.

§ 62.33. Reporting Requirements.

Subsection (b) Recordkeeping.

IRRC commented that this section contained unnecessary language and that the phrase "take measures necessary and keep sufficient records to" is not necessary.

The OCA recommended that in addition to the measures included in the proposed rulemaking, the Commission should also require the NGDCs to track and report its dispute ratio by key categories.

Both IRRC and the OCA ask the Commission to consider adding an additional measure to the data an NGDC must report. They propose that we add the amount of time it takes for an NGDC to respond to emergency calls. The OCA suggested that the Commission require NGDCs to track and report the number of minutes between the logging of a customer's request for a premise visit due to gas safety concerns and the arrival of a company representative at the affected premise.

Response: With respect to IRRC's comment regarding the unnecessary language in this section, we concur with this comment and have deleted the phrase from the section as suggested by IRRC.

With respect to OCA's suggestion regarding the addition of dispute ratios by key categories, we agree that this information would be of value. However, our experience with the electric distribution companies in this Commonwealth indicated that this information was not available. The companies were not logging in calls in this manner. We are assuming that the NGDCs would likewise not have this information available. To require that the NGDCs report this would require new data collection processes on the part of most of the NGDCs and would

likely add to their expenses. Therefore, we decline to add this additional measure to the list of data that NGDCs are required to report.

However, we would like to point out that the Commission will be able to rely on two sources for this type of data. First, the BCS annually produces statistics from its own call center that captures this information to some degree. The Commission's annual report UCARE includes a table that shows a breakdown of each major NGDC's complaints to the BCS into more than a dozen different categories. We have found that these categories reflect the types and percentages of complaints consumers have made directly to an NGDC since in most cases, the BCS requires that a consumer attempt to solve a complaint with the company prior to appealing to the Commission. Second, the Commission will be able to rely on transaction survey results since the findings are to be reported by category of interaction, such as credit and collection, billing, reliability and safety, etc. as specified in § 62.34(2) of Annex A.

With respect to IRRC's and OCA's suggestion, we agree that NGDC response to safety calls is extremely important and needs to be monitored by the Commission. As a result of these suggestions, we initiated several rounds of discussion within the Commission to explore revising the proposed regulations to include this response statistic in a way that would be of value to the Commission. The Commission's Bureau of Transportation and Safety is already collecting and reviewing this information from all the NGDCs. The companies report gas safety response times monthly. However, at the present time the reporting is not required by Commission regulation.

The major consideration of our discussions on this matter centered around the fact that the instant rulemaking pertains only to the NGDCs that are required to file restructuring plans. (See revised § 62.31 Purpose.) It is vital that the Commission receive emergency response data from all NGDCs, not just those covered by the Act. In fact, the need for emergency response data from smaller gas utilities is just as critical, if not more so in some instances. However, natural gas utilities that are not covered by the Act were not placed on notice in the proposed rulemaking about potential reporting requirements they would need to fulfill. Therefore, it is the position of the Commission's Law Bureau that an expansion of the proposed rulemaking to include these gas utilities would appear to violate both the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), known as the Commonwealth Documents Law and general principles of due process.

We acknowledge that we could incorporate this requirement into the instant rulemaking and receive data from only the covered NGDCs. However, we concluded that this would not be in the best interest of the Commission since we would then need to institute another rulemaking to collect the information from the smaller NGDCs. Therefore, we have decided to defer this reporting to a separate, future rulemaking proceeding that will apply to all NGDCs. The Commission expects to institute a rulemaking requiring NGDCs to report response to gas safety calls before the end of 2000. Thus, we will not include gas safety reporting with the requirements in the instant rulemaking.

§ 62.33. Reporting Requirements, Subsection (3) Meter reading.

The comments of both IRRC and Columbia asked us to consider the variations in number of inside meters among

NGDCs as would relate to this section. Columbia argued that it has a high percentage of inside meters and is often unable to gain access to these meters to obtain a reading.

Response: For the most part, we formulated the quality of service reporting requirements on established regulation—primarily Chapter 56 (relating to standards and billing practices for residential utility standards). We acknowledge that there are differences among the NGDCs concerning the percentage of inside residential gas meters. However, we argue that the companies have been under the Chapter 56 for more than 20 years and thus have had a more than adequate amount of time to adjust to the Chapter 56 meter reading provisions. Some utilities have taken steps to reduce the number of inside meters over the years to increase their ability to obtain readings. We also believe that the Chapter 56 provide the utilities with an extended period of time in which to obtain an actual or customer supplied reading (6 months) and an actual reading (12 months). Further, Chapter 56 addresses the issue of a utility's inability to gain access to read a meter by providing utilities with procedures such as the threat of termination and actual termination of service for failure to provide access. We believe that the NGDCs should have resolved this problem by now and should be able to obtain readings as required by the meter reading sections of Chapter 56.

During its 20 plus years of investigating consumer complaints, the BCS has learned that the failure of companies to read meters regularly produces numerous complaints to both companies and to the BCS. Regular meter reading is important to produce accurate bills for customers who expect to receive bills based on the amount of energy they have used. We are concerned that regular meter reading may be one of the customer service areas where, under competition, the NGDCs may reduce service resulting in more bills being estimated. We appreciate that from time to time companies may need to estimate customer meter readings, but we also have seen the effects of too many estimates. We believe that even if a customer has a meter located inside the premises, the NGDCs should strive to meet the minimum meter reading requirements as outlined in Chapter 56.

§ 62.34. Customer Surveys

Paragraph (1) Purpose.

IRRC recommended that for clarity, the Commission should define "promptness" and "timeliness," two qualities to be used to assess the customer's perception of the most recent transaction with the NGDC, in the definitions. As discussed under the definition section, we agree with IRRC's recommendation and added these two attributes to the list of definitions.

Columbia cautioned that the Commission should recognize that the expanded availability of customer choice increases the likelihood of customer contacts with third-party suppliers. As a result, Columbia pointed out, customer survey results may well reflect experiences the customers have had with those parties, rather than with the NGDC.

Response: We believe that a well-developed questionnaire will allow the majority of consumers to discern that the survey questions pertain to a specific NGDC and not a third-party entity. We recommend that the introduction to the survey specifically name the NGDC as the company about which the survey is being conducted. We also believe that Columbia's concern will be at least partially addressed by the requirement of a uniform survey instrument. If consumer confusion about NGDC/third-party

entity does prove to be a problem, we would expect that it would affect all NGDCs equally, especially if all NGDC surveys ask the same questions of the customer.

In the proposed rulemaking order, we proposed the formation of a transaction survey working group to work out the details of the survey. We specifically designed the survey timetable to allow enough time for the group to complete its tasks. We hope to use the EDC working group as a model. That group already "invented the wheel"; it laid the groundwork for a uniform customer survey. The Commission, represented by the BCS and the NGDCs, will collaborate to work out the details of the survey for the major gas companies.

We believe that the issue raised by Columbia is an appropriate item of discussion for the working group. We are confident that the group can find a solution to this issue that will work for the benefit of all the NGDCs.

Paragraph (2) Questions.

The PGA raised a concern that the requirements would require NGDCs to survey recipients of dunning calls. The PGA notes that it sees no value to adding these calls to the transaction survey.

Response: We agree with the PGA, however, we believe that this issue is best left to the discussions of the transaction survey working group. The EDC working group decided to survey only those customers whose contact with the company was customer-initiated. The Commission approved this decision. The NGDC working group may come to a similar agreement.

Paragraph (3) Uniform data.

Columbia commented that the Commission should not mandate the use of a uniform survey for all NGDCs. Columbia argued that many NGDCs already conduct customer satisfaction surveys.

Similarly, the PGA in its commented notes that many NGDCs already conduct customer satisfaction surveys as a matter of sound business practice and argues that allowing them to continue these current surveys would be considerably less costly than forcing them to develop new ones.

IRRC recommended that we should clarify what "instruments and procedures" are to be used by the NGDCs in providing the Commission with uniform survey data.

Response: An overall primary objective of the Commission for this rulemaking is to have the NGDCs gather and report uniform quality of service data that can be compared among the Pennsylvania NGDCs. We believe that it is of paramount importance that the survey questionnaire, sampling procedures, method of conducting the survey, analysis of results and reporting format be sufficiently uniform to support the Commission's overall primary objective. As stated earlier, the establishment of benchmarks will necessitate a separate proceeding, however, we do not want to automatically preclude the establishment of standards that could be set for all NGDCs. Without the prescribed uniformity, the Commission will not have a valid way of comparing the customer service performance of the NGDCs in many important areas. The uniformity factor will aid the Commission by allowing it to compare "apples with apples" rather than producing findings that may be biased by a variety of factors. For example, survey language and response choices can strongly influence survey results. A question to measure employee courtesy may elicit one response from a customer if worded one way and a different response from the same customer if worded another way.

This is why we are so adamant that all companies use the same survey questionnaire.

Our experience with the EDCs proves that the customer survey can be conducted without great expense to a company. Most of the EDCs, through collaboration with the Pennsylvania Electric Association, jointly hired a single research firm to administer the survey for all the companies at a very economical price. We have chosen to give the NGDCs the option of who should conduct their surveys but we believe that it will not be as costly as the NGDCs fear.

As we stated when we prepared the final rulemaking for the EDC reporting requirements for quality of service benchmarks and standards, our original intention in collecting customer service data from companies was to request records from the companies on number of appointments kept, response time to installation of service and repair requests, and speed of posting customer payments. Experts in quality of service measurement commonly accept all these measures as measures of customer service performance. However, EDC representatives convinced us that to require this information would be unduly burdensome on the EDCs. As a result, we decided to use the customer transaction survey to monitor performance. We believe that the NGDCs would also argue that to require this information would be burdensome and costly to measure and report to the Commission. Thus, we have decided to use the transaction customer survey for the NGDCs in order to allow the Commission the ability to track customer service performance in these areas.

As indicated earlier, the NGDCs and the BCS will form a working group to work out the details of carrying out the transaction survey. Together the group will develop a survey questionnaire, a sampling methodology, a method of conducting the survey, as well as a method of reporting survey results to the Commission. The charge of the working group will be to develop the details of the transaction survey process that the working group, including the BCS, agrees will result in standard, comparable information being reported to the Commission.

We accepted IRRC's recommendation to clarify this section and revised the language of this section:

The NGDCs shall carry out the transaction survey process using survey questionnaires, sample selection procedures, methods of conducting the surveys and any other procedures associated with the survey, including provision of survey results, that they and the Commission agree will provide the Commission with uniform data that can be used to directly compare customer service performance among Pennsylvania NGDCs.

Paragraph (6) Commission approval.

IRRC posed several questions about this provision. First, they ask when the review and approval will occur. Second, IRRC asks if the approval is done through a formal proceeding and, if not, what type of proceeding will be used.

Response: We plan for Commission final review and approval no later than December 1, 2001. Our goal, however, is to have preliminary agreement on various aspects of the survey plan prior to that date. This will enable the NGDCs to begin implementation of their processes so they can start conducting the surveys in January 2002.

The Commission plans to use a collaborative working group process involving representatives from the NGDCs

and the Commission's BCS. The objective of the working group will be to obtain consensus on the questionnaire and procedures that the working group members think would result in uniform data being collected and reported to the Commission to accurately reflect NGDC customer service performance. If the working group model is successful in obtaining the stated objective, the BCS will grant, in writing, Commission approval of the document containing the written procedures. If the working group is not successful in obtaining its stated objectives and consensus is not reached, a more formal process will be used by the Commission to determine the questionnaire content and procedures.

We have revised this paragraph as follows:

(6) *Commission Approval.* On or before December 1, 2001, the Commission will approve the survey questionnaire, as well as procedures for case selection, sampling, conducting the survey, analyzing results and reporting to the Commission.

§ 62.35. *NGDCs with fewer than 100,000 residential accounts.*

Although we received no comments regarding a clarity issue here, we revised the language of this section because we believe that the revision increases clarity and consistency. We added the word "residential" before the word "accounts" in order to make this section consistent with its title:

Beginning September 1, 2002, each NGDC with less than 100,000 residential accounts shall report to the Commission the following information in lieu of §§ 62.33 and 62.34 (relating to reporting requirements; and customer surveys):

§ 62.35.

Paragraph (1).

IRRC commented that this section requires an NGDC with fewer than 100,000 residential accounts to report to the Commission the results of a mail survey of a sample of the NGDC customers who have had interactions with the NGDC. IRRC noted that the regulation does not specify the required sample size and notes that for clarity, the Commission should include the required sample size in the final-form regulations. In a discussion with IRRC, we indicated that we intended to ask each small NGDC to survey every 10th customer that contacts the company. IRRC recommends that we include this quota in the regulation. IRRC also suggested that the phrase "one or more representatives of" is unnecessary and should be deleted.

Response: We agree with IRRC's suggestion to specify a sampling plan for the smaller NGDCs and have revised the language of this section accordingly. We also agree with IRRC's suggestion regarding the unnecessary phrase and have deleted it from the final regulation. Thus, the revised paragraph is as follows:

(1) The results of a mail survey of a sample of the NGDC customers who have had interactions with a representative of the NGDC. The survey sample shall consist of every 10th consumer who has contacted the company.

Paragraph (3).

IRRC requested that we address the approval process that the Commission will use to approve the mail survey questionnaire.

Response: The BCS will approve the mail survey through an informal process. We expect that we will

follow the same procedure as we did in the electric industry when the small EDCs petitioned the Commission for permission to conduct a mail survey rather than a telephone survey. The BCS modified the telephone survey agreed to by larger EDCs into a draft mail format. The BCS circulated the draft mail survey to the smallest EDCs who made suggestions for revisions. The BCS incorporated the suggested revisions and produced the final mail survey questionnaire. The BCS sent it to the EDCs who added their company names and/or logos to the form. The companies began using the questionnaire to survey their customers shortly thereafter.

We expect that a similar process will take place with the gas industry. However, we have modified the language of the regulation slightly to indicate that the BCS will "develop" the survey questionnaire that all the smaller NGDCs will use, based on the telephone questionnaire that the larger NGDCs will use. This should reduce the burden that the smaller NGDCs may be anticipating regarding the development of the survey. Thus, this paragraph is as follows:

(3) Each NGDC shall use the same mail survey questionnaire which shall be developed by the BCS, with advice from the relevant NGDCs. The mail survey questions shall measure customer perceptions regarding:

§ 62.36. *Informal complaints to the BCS.*

(a) *Residential informal consumer complaints and payment arrangement requests.*

IRRC notes a discrepancy in the proposed regulation between the term "justified consumer complaint rate" here and "justified informal consumer complaint rate" in the definition section.

Response: With respect to IRRC's suggestion, we revised this section to use the term as it appears in the definitions.

(b) *Informally verified infractions.*

IRRC points out that in this section the term infraction rate appears in quotation marks and thus may not be the same infraction rate that is defined in § 62.32.

Response: The infraction rate in § 62.36(b) is the same as the infraction rate that appears in § 62.32 Definitions and should not appear in quotation marks. The BCS accepted IRRC's recommendation and removed the quotation marks from the final-form regulations.

Other Issues.

Various parties made the following comments to the proposed rulemaking. These comments did not pertain to a specific section. The comments and our responses appear in the paragraphs that follow:

IRRC asks us to consider adding a section that cross-references the requirements for petitioning for a waiver of the requirements of this regulation. The preamble to the proposed regulation references § 5.43 (relating to petition for issuance, amendment waiver or repeal of regulations).

Response: It is the position of the Commission's Law Bureau that the regulations in § 5.43 adequately provide any affected party the right to petition the Commission for the amendment or waiver of a regulation. Therefore it is the Law Bureau's position that it is not necessary to add a specific waiver section to the instant regulation. As a result, we did not add a section that cross-references the requirements for petitioning for a waiver in § 5.43.

The PGA argues that the proposed reporting requirements may not be necessary since competitive forces are sufficient in themselves to ensure high quality customer service. It describes natural gas as an elective service and largely a matter of customer choice.

Response: We do not agree that for most customers gas service is a matter of choice. Although theoretically, the opportunity for choosing an alternative fuel is an option for Pennsylvania gas customers who are dissatisfied with the service an NGDC provides, in reality, the costs associated with such a choice make it financially unlikely.

The homeowner confronted with the price tag associated with switching to an alternative fuel for heating that would include a new furnace would likely not find this option fiscally feasible. Likewise, a renter faced with moving to a different rental property with an alternative cooking, heating or water heating fuel because he or she is dissatisfied with his or her gas service may be hard pressed to view this as a viable option. We believe that inexpensive ways of choosing alternative sources of energy are not available to consumers and that the Commission has the responsibility of assuring that the quality of gas service to customers is maintained under gas competition. Therefore we fail to see the validity of the PGA's argument and will not withdraw the instant rulemaking.

Both the PGA and Columbia present arguments in their comments that the gas choice legislation does not call for NGDCs to be measured against each other but rather against itself and its previous performance. Further, the PGA contends that it is not appropriate for the Commission to establish performance benchmarks and standards for the NGDCs using the measures in this rulemaking.

The OCA recommends that the Commission should promptly create a database of the service quality data that each utility has gathered for the past 3—5 years and make this information available to the public. Further, the OCA recommends that the NGDC should be required to analyze and compare, to the extent possible, its historical performance with the performance it submits in its first report in compliance with the reporting requirements.

Response: Within the next several months, the Commission has plans to request data from each major NGDC on its historical performance in the measures included in this rulemaking. We are proposing that the Commission request this information within the next several months through a Secretarial letter to the NGDCs. However, we are not certain that the NGDCs were collecting all of this data in the past. Further, if they have been, we cannot be certain that they have been collecting it in a uniform way. The purpose of these reporting requirements is to allow the Commission to gather uniform information about important measures of customer service quality. Again, this uniformity will allow the Commission to compare "apples with apples" rather than using the various means that individual NGDCs have used in the past to measure performance.

We expect that this proposal will satisfy the OCA who suggests in its comments that the Commission should create a database of the service quality data that each NGDC has gathered in the recent past. Further, the instant regulations in § 62.33(c) require that the NGDC's report to the Commission contain an analysis and comparison of the data in the report with its earlier performance in each of the measurements. At this point we cannot agree with the OCA's recommendation that the

NGDC historical information should be made available to the public. We will first request the data and review the information before we make a determination as to whether it should be available to the public. However, as in the past, the UCARE will be available to the public. This report will show each NGDC's performance in justified informal consumer complaint rate, justified payment request rate and infraction rate.

With respect to the PGA's expressed concern regarding the setting of benchmarks and standards, the Commission does plan to establish benchmarks and standards at a later date. However, that is not the purpose of the instant rulemaking. The Commission will institute a separate proceeding to propose standards or bands of acceptable performance only after it has been able to analyze the statistics reported in compliance with this rulemaking. The PGA and all interested parties will have the opportunity to comment and make recommendations on the Commission's proposal at that time. For that reason, we do not think it is appropriate or of any value to discuss benchmarks and standards in the instant order.

The OCA submits that the Commission should set forth the timelines for establishing performance standards and benchmarks, as well as enforcement mechanisms in this rulemaking. The OCA justifies its recommendation with the example of other states who have experienced deterioration in utility service quality because they have failed to establish performance areas, baseline performance standards and clear enforcement mechanisms. It proposes that the final rule require that the NGDCs submit their recommendations for baseline performance standards with their 2001 annual report.

Response: We appreciate the OCA's concern that Pennsylvania may suffer significant deterioration in service quality as has occurred in other states. However, we do not believe that it is appropriate to establish a timeline for establishing benchmarks and standards at this time. We believe that we need to establish a pattern of receiving and reviewing this information before we can decide when it is appropriate to move forward with a rulemaking proceeding to establish standards and what these standards will be. We respect the OCA's suggestion that the NGDCs should submit their recommendations for baseline performance standards and will keep that suggestion in mind when we commence the future rulemaking proceeding.

We also decline to set forth a timeline for establishing enforcement mechanisms. At this point in time, the Commission has not taken a position as to whether it is prepared to set forth enforcement mechanisms or penalties. However, we would like to assure the OCA that the Commission will carefully keep watch over the performance of the NGDCs until such time as standards and benchmarks are set. The Commission will review the statistics that the NGDCs report as well as information from contacts to the BCS and will promptly investigate any possible deterioration in service quality. We have undertaken a similar strategy with the EDCs when we identified any deterioration in service performance.

Finally, the PGA recommended that the final rulemaking should expressly acknowledge that the costs that the NGDCs incur to comply with these requirements are

recoverable under the natural gas choice and competition act. The PGA specifically suggested that the call center requirements could be viewed as consumer education expenses and therefore subject to nonbypassable recovery mechanisms. Further, it recommends that the Commission should recognize that all the compliance costs imposed through this docket are eligible for deferred recovery, with capitalization and amortization, as provided in 66 Pa.C.S. § 2211(b).

Response: We disagree with the PGA's recommendation that we include an acknowledgment of the costs associated with compliance with these reporting requirements. The proposed rulemaking reflects careful financial considerations and we do not believe it necessary to detail methods of cost recovery in the final regulation. To keep NGDC costs to a minimum, we purposefully selected measures from Chapter 56 that have been in effect for more than two decades. Concerning the call center statistics, we fail to see how any large NGDC that operates a call center would not have these statistics available to them. The successful operation of a call center frequently involves a daily, weekly and monthly review of the statistics that are required in the instant regulations. We believe that the NGDC call center managers are familiar with the required call center measures and may already have them available. We believe that we will be able to show the NGDCs how to administer the required transaction survey at minimal cost. Again, we believe that the survey results will be of value to the managers of the NGDCs as well as to the Commission.

Conclusion

In finalizing these regulations, we believe we have met the intent of section 2206(a) of the act to ensure that the level of quality regarding customer service will not deteriorate under retail gas competition in this Commonwealth. Accordingly, under section 501 of the Public Utility Code, and the Commonwealth Documents Law and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we propose to amend our regulations by adding §§ 62.31—62.37. The Commission hereby adopts final-form regulations as noted and as set forth in Annex A; *Therefore,*

It Is Ordered that:

1. The regulations of the Commission, 52 Pa. Code Chapter 62, are amended by adding §§ 62.31—62.37 to read as set forth in Annex A.
2. The Secretary shall submit a copy of this order and Annex A to the Office of the Attorney General for review as to legality.
3. The Secretary shall submit a copy of this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both houses of the General Assembly, and for review and approval by IRRC.
5. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. A copy of this order and Annex A shall be served upon all jurisdictional NGDCs, and all parties that submitted comments in this rulemaking proceeding.
7. A copy of this order shall be posted on the Commission's website and shall be made available, upon request, to all interested parties.

8. The regulations adopted with this order are effective upon publication in the *Pennsylvania Bulletin*.

By the Commission,

JAMES J. MCNULTY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 6020 (November 18, 2000).)

Fiscal Note: Fiscal Note 57-213 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE

Subchapter B. REPORTING REQUIREMENTS FOR QUALITY OF SERVICE BENCHMARKS AND STANDARDS

See.	
62.31.	Purpose.
62.32.	Definitions.
62.33.	Reporting requirements.
62.34.	Customer surveys.
62.35.	NGDCs with fewer than 100,000 residential accounts.
62.36.	Informal complaints to the BCS.
62.37.	Public information.

§ 62.31. Purpose.

(a) This subchapter establishes a means by which the Commission can develop uniform measurement and reporting to assure that the customer services of the NGDCs that are required to file restructuring plans under the act are maintained, at a minimum, at the same level of quality under retail competition.

(b) This subchapter sets forth uniform measurements and reporting requirements for monitoring the level of the customer service performance of two separate classes of these NGDCs:

- (1) NGDCs serving more than 100,000 residential customers.
- (2) Those NGDCs serving less than 100,000 residential customers.

(c) This subchapter also establishes the effective dates of the reporting requirements.

§ 62.32. Definitions.

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

Act—Chapter 22 of 66 Pa.C.S. (relating to the natural gas choice and competition act).

BCS—Bureau of Consumer Services of the Commission.

Busy-out rate—The number of calls to an NGDC's call center or business office that received a busy signal divided by the number of calls that were received.

Call center—A centralized facility established by a utility for transactions concerning installation and repair of service, billing and other inquiries between residential and small commercial customers and NGDCs representatives, but not including special purpose call centers established to respond to service emergencies and operating for a temporary period of time.

Call abandonment rate—The number of calls to an NGDC's call center or business office that were abandoned divided by the total number of calls received.

Customer—A retail gas customer as defined in section 2202 of the act (relating to definitions).

Informal consumer complaint—An appeal by a consumer to the BCS about a utility's proposed resolution of a dispute related to billing, service delivery, repairs and all other issues not related to requests for payment arrangements.

Informally verified infraction—An apparent misapplication of Commission regulations as determined by the BCS through its examination of information obtained as part of its review of informal consumer complaints and payment arrangement requests.

(i) The informal verification process implemented by the BCS notifies a utility of the information which forms the basis of an alleged infraction, affords the utility the opportunity to affirm or deny the accuracy of the information and concludes with a BCS determination regarding the alleged infraction.

(ii) An informally verified infraction is not equivalent to a formal violation under 66 Pa.C.S. § 3301 (relating to civil penalties for violations) unless otherwise determined through applicable Commission procedures.

Infraction—A misapplication of a Commission regulation, particularly the standards and billing practices for residential service.

Infraction rate—The number of informally verified infractions, as determined by the BCS, per 1,000 residential customers.

Justified informal consumer complaint—A complaint where the BCS has determined that an NGDC did not follow Commission procedures or regulations.

Justified informal consumer complaint rate—The number of justified informal, residential consumer complaints, as determined by the BCS, per 1,000 residential customers.

Justified payment arrangement request—A payment arrangement request where an NGDC did not follow Commission negotiation procedures or regulations.

Justified payment arrangement request rate—The number of justified payment arrangement requests, as determined by the BCS, from residential customers per 1,000 residential customers.

NGDC—Natural gas distribution company.

Payment arrangement request—A customer request for payment terms to the BCS.

Promptness—The state or condition of acting or responding with speed or readiness to a customer's question, complaint, dispute or request. An example of promptness might be the NGDC responding to a customer's request for a premise visit with an appointment in 5 days rather than in 5 weeks.

Small business customer—A person, sole proprietorship, partnership, corporation, association or other business whose annual gas consumption does not exceed 300 Mcf.

Timeliness—The state or condition of acting at the appropriate or correct time as previously determined or promised when responding to a customer's question, complaint, dispute or request. An example of timeliness might be an NGDC representative arriving at the custom-

er's residence on the date and at the time previously agreed upon by the NGDC and the customer.

Transaction survey—A survey targeted toward individuals that have had a recent interaction with an NGDC.

§ 62.33. Reporting requirements.

(a) Report deadlines.

(1) Unless otherwise specified in this subchapter, each covered NGDC shall file its first report with the Commission on or before August 1, 2001. The August report shall contain data, reported by month, from the first 6 months of the calendar year, as well as a 6-month cumulative average.

(2) Each NGDC shall file its second report on or before February 1, 2002. The February report shall contain data, reported by month, from the second 6 months of the year as well as a 6-month cumulative average and a 12-month cumulative average for the preceding calendar year.

(3) Thereafter, the NGDCs shall file reports annually with the Secretary of the Commission on or before February 1.

(4) Each report shall contain data, reported by month, as well as a 12-month cumulative average for the preceding calendar year.

(5) Each report shall include the name and telephone number of the utility contact person responsible for the report.

(b) *Recordkeeping.* Each NGDC shall report the following data to the Commission:

(1) Telephone access.

(i) The percentage of calls answered at each NGDC's call center within 30 seconds with the NGDC representative ready to render assistance and to accept information necessary to process the call. An acknowledgment that the customer or applicant is waiting on the line does not constitute an answer.

(ii) The average busy-out rate for each call center. If the NGDC reports data for more than one call center, the NGDC should also provide the combined busy-out rate for the NGDC as a whole.

(iii) The call abandonment rate for each call center. If the NGDC reports data for more than one call center, the NGDC should also provide the combined call abandonment rate for the NGDC as a whole.

(2) Billing.

(i) The number and percent of residential bills that the NGDC failed to render once every billing period to residential ratepayers under § 56.11 (relating to billing frequency).

(ii) The number and percent of bills that the NGDC failed to render once every billing period to small business customers.

(3) Meter reading.

(i) The number and percent of residential meters for which the company has failed to obtain an actual or ratepayer supplied reading within the past 6 months to verify the accuracy of estimated readings under § 56.12(4)(ii) (relating to meter reading; estimated billing; or ratepayer readings).

(ii) The number and percent of residential meters for which the company has failed to obtain an actual meter

reading within the past 12 months to verify the accuracy of the readings, either estimated or ratepayer read under § 56.12(4)(iii).

(iii) The number and percent of residential remote meters for which it has failed to obtain an actual meter reading at least once every 5 years to verify the accuracy of the remote reading device under § 56.12(5)(i).

(4) *Response to disputes.* The actual number of disputes as described in Chapter 56, Subchapter F (relating to disputes; termination disputes; informal and formal complaints) for which the company did not provide a response to the complaining party within 30 days of the initiation of the dispute under § 56.151(5) (relating to general rule).

(c) *Comparison.* Each NGDC report to the Commission shall contain an analysis and comparison of the quality of service data in each performance area during the most recent report period with its previous service quality in these areas.

§ 62.34. Customer surveys.

Each NGDC shall report to the Commission the results of telephone transaction surveys of customers who have had interactions with the NGDC.

(1) *Purpose.* The purpose of the transaction surveys shall be to assess the customer perception regarding the most recent interaction with the NGDC. Survey questions shall measure access to the utility, employe courtesy, employe knowledge, promptness of NGDC response or visit, timeliness of the NGDC response or visit and satisfaction with the handling of the interaction.

(2) *Questions.* The transaction survey questions shall specifically address the circumstances that generated the most recent transaction. Interaction categories shall include the following:

- (i) Credit/collection.
- (ii) Billing.
- (iii) Reliability and safety.
- (iv) Service installation and application.
- (v) Service disconnection.
- (vi) Other similar interactions.

(3) *Uniform data.* The NGDCs shall carry out the transaction survey process using survey questionnaires, sample selection procedures, methods of conducting the surveys and any other procedures associated with the survey to provide the Commission with uniform data that can be used to directly compare customer service performance among NGDCs in this Commonwealth.

(4) *Timely response.* A customer or consumer being surveyed shall be contacted within 30 days of the date that the interaction with the NGDC took place.

(5) *Sampling plan.* The sampling plan shall be designed so that the results are statistically valid within plus or minus 5 percentage points.

(6) *Commission approval.* On or before December 1, 2001, the Commission will approve the survey questionnaire, as well as procedures for case selection, sampling, conducting the survey, analyzing results and reporting to the Commission.

(7) *Timetable.*

(i) The first report on survey results shall be submitted to the Commission on or before October 1, 2002. The October report shall contain survey results, reported by month, from the first 6 months of the calendar year.

(ii) The second report shall be submitted on or before April 1, 2003. The April report shall contain results, reported by month, from the second 6 months of the previous year as well as cumulative 12-month results.

(iii) Thereafter, the NGDC shall submit survey results annually, on or before April 1.

(iv) Each annual report shall contain results reported by month as well as cumulative 12-month results.

§ 62.35. NGDCs with fewer than 100,000 residential accounts.

Beginning September 1, 2002, each NGDC with less than 100,000 residential accounts shall report to the Commission the following information in lieu of §§ 62.33 and 62.34 (relating to reporting requirements; and customer surveys):

(1) The results of a mail survey of a sample of the NGDC customers who have had interactions with a representative of the NGDC. The survey sample shall consist of every 10th consumer who has contacted the company.

(2) The mail survey shall address the circumstances that generated the customer/company transaction

(3) Each NGDC shall use the same mail survey questionnaire which shall be developed by the BCS with advice from the relevant NGDCs. The mail survey questions shall measure customer perceptions regarding:

- (i) Access to the utility.
- (ii) Employe courtesy.
- (iii) Employe knowledge.
- (iv) Promptness and timeliness of the utility representative response.
- (v) Satisfaction with the NGDC representative's handling of the interaction.

(4) The mail survey questionnaire shall be mailed to a customer within 30 days of the date that the transaction took place.

(5) The first report on survey results shall be submitted to the Commission on or before September 1, 2002. The September report shall contain survey results from the first 6 months of the calendar year.

(6) The second report shall be submitted on or before March 1, 2003, and shall contain survey results from the second 6 months of the calendar year.

(7) Thereafter, the NGDC shall submit survey results annually, on or before March 1.

§ 62.36. Informal complaints to the BCS.

(a) The BCS will review and analyze residential informal consumer complaints and payment arrangement requests filed with the Commission and will report the justified informal consumer complaint rate and the justified payment arrangement request rate for each NGDC with more than 100,00 residential accounts to the Commission on an annual basis.

(b) The BCS will report to the Commission the number of informally verified infractions of applicable statutes and regulations relating to the treatment of residential accounts by each NGDC with more than 100,000 residential accounts. The BCS will calculate and report to the Commission an infraction rate for each NGDC with more than 100,000 residential accounts.

§ 62.37. Public information.

The Commission will annually produce a summary report on the customer service performance of each covered NGDC using the statistics collected as a result of these reporting requirements. The reports will be public information. The Commission will provide the reports to any interested party and post the reports on the Commission's World Wide Website.

[Pa.B. Doc. No. 00-2127. Filed for public inspection December 8, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 143]
Fee for Return Postage

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its October 12, 2000, meeting, proposed to add § 143.10 (relating to fee for return postage) to require the payment of \$1.50 at the time of application for a general hunting or furtaker license by mail order, fax or over the Internet.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposal was made public at the October 12, 2000, meeting of the Commission, and comments on this proposal can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until January 5, 2001.

1. Introduction

To more effectively issue hunting and furtaking licenses, the Commission at its October 12, 2000, meeting proposed adding § 143.10. This addition is being proposed under section 2722(g)(2) of the code (relating to authorized license-issuing agents).

2. Purpose and Authority

The Commission has issued hunting and furtaking licenses by mail for some time. Now those licenses are being offered at the Commission's website. Each time a license is purchased by mail, facsimile or on the Internet a package must be sent to the licensee. The current cost of postage alone to send a license package is \$1.43. This figure does not include package materials and preparation. To defray these costs, the Commission is proposing to charge a \$1.50 fee for each general or furtaker license issued by mail order, fax or over the Internet.

Section 2722(g)(2) of the code authorizes the Commission to adopt regulations for the administration, control and performance of license issuance activities. This provision supplies the authority for the proposal.

3. Regulatory Requirements

The proposal will require the payment of \$1.50 at the time of application for a general hunting or furtaker license by mail order, fax or over the Internet.

4. Persons Affected

All individuals wishing to take advantage of license issuance by mail, fax or Internet will be required to pay the additional fee.

5. Cost and Paperwork Requirements

There will be no additional paperwork resulting from this proposal. There will be an additional fee of \$1.50 to defray the cost of mailing the license package.

6. Effective Date

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

7. Contact Person

For further information on the change contact David E. Overcash, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Secretary

Fiscal Note: 48-126. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter A. GENERAL

§ 143.10. Fee for return postage.

An additional fee of \$1.50 shall be remitted by an applicant who applies for a general hunting or furtaker license by mail order, fax or over the Internet. For this fee, licenses will be returned to applicants by standard first-class mail.

[Pa.B. Doc. No. 00-2128. Filed for public inspection December 8, 2000, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-00001351]

Maintaining Safety and Reliability for Natural Gas Supply and Distribution Service

The Pennsylvania Public Utility Commission (Commission) on October 25, 2000, adopted a final policy statement order setting forth procedures the Commission intends to follow in executing its responsibilities under the Natural Gas Choice and Competition Act (act) 66 Pa.C.S. §§ 2201—2212, related to safety and reliability for natural gas supply and distribution service. The contact persons are William Hall, Bureau of Conservation, Economics and Energy Planning (717) 783-1547 and David Screven, Law Bureau (717) 787-2126.

Public Meeting held
October 25, 2000

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

Order

By the Commission:

Introduction

By order entered April 28, 2000, the Commission adopted a proposed policy statement setting forth safety and reliability guidelines for the supply and distribution of natural gas. The Commission proposed to incorporate the guidelines into §§ 69.11—69.19. The Commission further directed that the proposed policy statement be published in the *Pennsylvania Bulletin* for comment by interested parties. This order addresses the comments received by the Pennsylvania Office of Consumer Advocate (OCA) and the Pennsylvania Gas Association (PGA) and adopts a final policy statement.

Background

On June 22, 1999, Governor Tom Ridge signed into law the act. The act revised the Public Utility Code, 66 Pa.C.S., by, *inter alia*, adding Chapter 22 (relating to restructuring of the natural gas utility industry). The Commission is the agency charged with implementing the act. The act sets forth various responsibilities for the Commission to fulfill in restructuring the natural gas industry.

(1) The Commission shall enforce standards as necessary to ensure continuation of the safety and reliability of the natural gas supply and distribution service to all retail customers. In adopting the standards the Commission shall consider the absence of any applicable industry standards and practices or adopt standards in conformity with industry standards and practices meeting the standards of this chapter. The application of such standards shall be in such a manner that incorporates the operational requirements of the different natural gas distribution companies.

66 Pa.C.S. § 2203(1).

Further, the Act provides that:

(12) The Commission shall make its determinations pursuant to this chapter and shall adopt such orders or regulations as necessary and appropriate to ensure that natural gas suppliers meet their supply and reliability obligations, including but not limited to, establishing penalties for failure to deliver natural gas and revoking licenses. Any affected entity may at any time petition the Commission to amend or rescind any such order or regulation issued or promulgated under this chapter.

66 Pa.C.S. § 2203(12).

The Commission established a collaborative working group as the appropriate vehicle to proceed with the implementation of the responsibilities set forth in section 2203(1) and (12) of the act. The working group agreed that the act, at section 2203(1), recognizes the different operational characteristics of natural gas distribution companies (NGDCs) and that this allows certain issues to be addressed in tariffs. The working group determined that regulations or policies containing detailed uniform rules for all companies might be inappropriate and unworkable.

A subgroup drafted the suggested safety and reliability guidelines, which were delivered to the whole working group and considered at the meeting on September 21, 1999. The working group agreed that the generic guidelines should be presented to the Commission for consideration as interim safety and reliability guidelines.

By order entered October 20, 1999, the Commission approved the initial work product of the working group and adopted them as *Interim Safety and Reliability Guidelines* (Interim Guidelines) at Docket No. L-00990144. The Commission stated:

“After a review of the suggested interim safety and reliability guidelines, we agree that they appropriately address those issues that can be determined to be generic guidelines applicable to all NGDC systems in Pennsylvania and is [sic] consistent with the reliability provisions of the Act. We believe that the proposed guidelines are appropriate to ensure that safety and reliability are maintained, while recognizing that the details of these requirements need to be further developed in each NGDC’s restructuring proceeding. We also believe that these requirements fairly balance the obligations of NGDCs, NGSs, and end-users in the process of ensuring system reliability.”

October 20, 1999 Order at 2.

The Interim Guidelines addressed a number of matters that are critical to reliability, including: (1) delivery standards for natural gas suppliers; (2) the definition, use, and verification of “comparable capacity” for supplying firm service; (3) the distinctions between firm and interruptible service; (4) the roles of the supplier of last resort and the NGDC’s role as system operator; (5) requirements to ensure that sufficient firm capacity remains committed to NGDC firm service customers; (6)

appropriate guidelines for the establishment of penalties; (7) critical day procedures necessary to maintain system safety and reliability; (8) the establishment of communication protocols on all matters which may affect system reliability; and (9) the establishment of Operational and Capacity Councils to meet the requirements of section 2204(f) of the act. The Interim Guidelines provided a strong framework for addressing these issues in more detail in the context of each utility's tariff and operational procedures. Further, in its October 20, 1999, order, the Commission directed that an additional docket be opened so as to incorporate the Interim Guidelines into Chapter 69 (relating to general orders, policy statements and guidelines on fixed utilities).

The Commission opened this docket for the purpose of incorporating the principles set forth in the Interim Guidelines into a policy statement. By order entered April 28, 2000, the Commission adopted the Interim Guidelines as a proposed policy statement, and amended Chapter 69 to include §§ 69.11—69.19, which incorporated the guidelines for maintaining safety and reliability for natural gas supply and distribution service. The Commission further directed that the proposed policy statement be published in the *Pennsylvania Bulletin* for comment by interested parties. Under Ordering Paragraph No. 4 of the Commission's April 28, 2000, order, the OCA and the PGA filed comments in response to the proposed policy statement. This order addresses the comments received by the OCA and the PGA and sets forth the final form policy statement.

Comments

Pennsylvania Office of Consumer Advocate

The OCA filed comments in response to the proposed policy statement. In its comments, the OCA agrees that the safety and reliability guidelines, which were incorporated into the proposed policy statement, provide "a strong framework" for addressing issues related to continued safety and reliability for natural gas supply and distribution service within individual NCDG tariffs and operational procedures. Nevertheless, the OCA was concerned with wording changes appearing within the proposed policy statement. The OCA expressed that the Commission's approach in such a critical area as safety and reliability in the newly restructured gas industry must be mandatory and regulatory. The OCA noted that such mandatory words as "shall" and "must," which appeared in the Interim Safety and Reliability Guidelines, which were approved by the Commission by order entered October 20, 1999, were replaced by more discretionary words such as "should" and "may" in the proposed policy statement. OCA believes that such "discretionary" wording in this critical area weakens the proposed policy statement and may "convey an incorrect message regarding the importance of the requirements of each safety and reliability provisions." OCA Comments at 3.

Additionally, the OCA seeks clarification of proposed § 69.12(c) (relating to delivery standards for NGSs). The OCA notes that the parallel provision within the Interim Guidelines included a reference to "any residential customer" as well as essential human needs customer. The OCA requests clarification on why the reference to "any residential customer" was deleted from § 69.12(c) in the proposed policy statement.

Pennsylvania Gas Association

In its comments, the PGA suggests amending the definition of "interruptible gas service" as set forth in the proposed policy statement in § 69.11 (relating to definitions) so as to conform with the definition of "interruptible service" appearing in the Commission's *Glossary of Gas Terms for the Consumer* which was subsequently released after adoption of the proposed policy statement. The PGA noted that there is a great deal of overlap between the parties who participated in developing the *Glossary* and those who participated in developing the proposed policy statement. The PGA is of the opinion that this change to the definition in the proposed policy statement would "maintain consistency and cohesion across the various dockets implementing the Natural Gas Choice and Competition Act." Further, the PGA stated that "definitional consistency" would result in the reduction of compliance costs for everyone.

Discussion

To ensure the continued safety and reliability of natural gas service in Pennsylvania in the newly restructured gas industry, the Commission proposed to establish guidelines setting forth the obligations of all NGDCs and NGSs. By Order entered October 20, 1999, the Commission adopted Interim Guidelines drafted by a collaborative working group and directed that the Interim Guidelines be incorporated into a policy statement. By Order entered April 28, 2000, the Commission sought to add §§ 69.11—69.19, which incorporated the concepts established by the Interim Guidelines adopted in the October 20, 1999, order. The OCA strongly suggests that the proposed policy statement should fully conform to the original Interim Guidelines and include mandatory language.

We agree with the OCA regarding the importance of each safety and reliability provision. Nevertheless, we reject its proposal to include mandatory language in the final policy statement. By their very nature, policy statements are generally precatory rather than mandatory. The Commonwealth Court has commented in relevant part, as follows:

... a statement of policy does not have the force of law, and is merely interpretive in nature and is not binding upon a reviewing court. The value of a policy statement is only persuasive, so long as it represents an accurate interpretation of the relevant statute or other authorities from which it is derived.

Shenago Township Board of Supervisors v. Pa.PUC, (No. 1387 C.D., filed December 20, 1996). Where an agency's guidelines are intended to provide a general statement of policy, they are not treated as binding administrative rules or regulations. *Willman v. Children's Hospital of Pittsburgh*, 459 A.2d 855, 859 (1983) citing, *Pennsylvania Human Relations Commission v. Norristown Area School District*, 473 Pa. 334, 374 A.2d 671 (1977).

Although we will not include mandatory language in the final policy statement regarding the specific manner in which safe and reliable service must be provided, we emphasize that all participants in the natural gas industry have a statutory obligation to provide safe and reliable service. Through compliance with the guidelines set forth in the final policy statement, an NGDC or NGS would be adhering to the Commission's approach for maintaining safe and reliable service. Departures from

the guidelines are likely to be viewed as actions inconsistent with their statutory duty to provide safe and reliable service in any future proceedings where those issues are raised.

Through the adoption of safety and reliability guidelines by policy statement rather than regulations, the Commission maintains greater flexibility to respond to changes in the industry. Also, NGDCs and NGSs are afforded some discretion to adjust their operations as necessary while still acting in a manner that optimizes the safety and reliability of their services. Our intent is not, however, to in any way minimize the importance of maintaining safe and reliable natural gas distribution and supply service.

As to the OCA's comment regarding the omission of a reference to "any residential customer" in § 69.12(c) of the proposed policy statement, we note that the definition of "essential human needs customer," in § 69.11, includes residential customers. No change is warranted.

With respect to the PGA's comment regarding the definition of "interruptible gas service," we agree that it should be amended to conform with the definition of "interruptible service" set forth in the *Glossary of Gas Terms for the Consumer*. As stated by the PGA, we believe that "definitional consistency" will result in the reduction of compliance costs for everyone.

Based upon the comments received and our consideration of the issues raised, we adopt this final policy statement as set forth in Annex A; *Therefore, It Is Ordered that:*

1. The regulations of the Commission, 52 Pa. Code Chapter 69, as amended by adding a statement of policy in §§ 69.12—69.19 to read as set forth at 30 Pa.B. 2911 and by adding § 69.11 to read as set forth in Annex A.

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

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

4. A copy of this order and Annex A shall be served upon the OCA, the Office of Small Business Advocate, the Office of Trial Staff, all jurisdictional Natural Gas Distribution Companies and all licensed Natural Gas Suppliers.

5. This Policy Statement shall be come effective upon publication in the *Pennsylvania Bulletin*.

6. Alternative formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, at (717) 772-4597.

JAMES J. MCNULTY,
Secretary

Fiscal Note: Fiscal Note 57-216 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

SAFETY AND RELIABILITY GUIDELINES

§ 69.11. Definitions.

The following words and terms, when used in this section and §§ 69.12—69.19, have the following meanings, unless the context clearly indicates otherwise:

Act—66 Pa.C.S. §§ 2201—2212 (relating to Natural Gas Competition Act).

Design day conditions—The extreme weather conditions that an NGDC uses to project customer requirements.

Essential human needs retail gas customer—Customers consuming gas service in buildings where persons normally dwell including apartment houses, dormitories, hotels, hospitals and nursing homes, as well as the use of natural gas by sewage plants. (See § 69.22 (relating to definitions).)

Firm capacity—Assigned capacity or comparable capacity that can be called upon to serve customer requirements on a reliable basis even under design day conditions.

Gas supply assets—Includes all sources and components associated with the acquisition and delivery of natural gas.

Interruptible gas service—Indicates natural gas service that can be interrupted under the terms and conditions specified by tariff or contract.

Interstate capacity—Services provided by a Federal Energy Regulatory Commission-regulated entity, including pipeline transportation, storage, peaking, balancing and no-notice services.

NGDC—Natural gas distribution company.

NGS—Natural gas supplier.

Operational flow order—An order issued by an NGDC to protect the safe and reliable operation of its gas system, either by restricting service or requiring affirmative action by shippers.

Reliability plan—A plan provided for in 66 Pa.C.S. § 1317(c) (relating to regulation of natural gas costs).

Residential retail gas customer—As defined in the tariff of each NGDC.

SOLR—Supplier of last resort.

[Pa.B. Doc. No. 00-2129. Filed for public inspection December 8, 2000, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Dog Control Facility Bill Reimbursement Grant Program

The Department of Agriculture (Department) gives notice of the guidelines and conditions under which it will award up to \$100,000 in grants under its Year 2001 Dog Control Facility Bill Reimbursement Program (Program). The Program will award bill reimbursement grants of up to \$7,500-per-recipient to humane societies or associations for the prevention of cruelty to animals that meet the guidelines and conditions of this Program. The Program will be funded from the Dog Law Restricted Account, from funds which are surplus funds for the limited purposes set forth in the Dog Law (3 P. S. § 459-1002(b)). The guidelines and conditions are substantively identical to those used in last year's dog control facility bill reimbursement grant program.

A proposed version of these guidelines and conditions was published at 30 Pa.B. 5544 (October 28, 2000). The Department invited public and legislative review of these proposed guidelines and conditions, in accordance with the regulation at 7 Pa. Code § 23.4 (relating to guidelines and conditions). A single comment was received. The Northampton Borough Animal Shelter (NBAS) described itself as a municipal-owned animal shelter. NBAS related that it is a volunteer effort supported primarily by fundraisers conducted in the community it serves. NBAS is not a humane society or association for the prevention of cruelty to animals, and would not qualify to participate in the Program under the proposed guidelines and conditions. NBAS sought some revision to the guidelines and conditions to make it eligible to participate.

The Department declines to revise the eligibility requirements for participation in the Program to include any entity other than a humane society or association for the prevention of cruelty to animals. In response to the comment, though, the Department has added language to Paragraph 2(a) of the guidelines and conditions. This language allows an entity such as NBAS to incorporate as a humane society or association for the prevention of cruelty to animals and receive credit for the time it was in operation as a "municipal-owned animal shelter" toward the 1-year-operation requirement imposed by that paragraph. The net effect of this revision is to spare a municipal-owned animal shelter—such as NBAS—from having to be in operation a full year as a humane society or association for the prevention of cruelty to animals before being eligible to participate in the Program.

The Department invites applications for grants under the Program, in accordance with the final guidelines and conditions that follow.

Guidelines and Conditions for the Year 2001 Dog Control Facility Bill Reimbursement Grant Program

1. Definitions.

The following words and terms, when used in these guidelines and conditions, have the following meanings:

Department—The Pennsylvania Department of Agriculture.

Dog control—The apprehending, holding and disposing of stray or unwanted dogs, or as otherwise defined in the Dog Law (3 P. S. § 459-102).

Eligible Bill—A document seeking payment for materials, services or utilities from a grant recipient, setting forth the following:

- i. The date the document is issued.
- ii. The name and address of the humane society or association for the prevention of cruelty to animals to which the bill is issued.
- iii. If for materials, a description of the materials and the date of delivery.
- iv. If for services, a description of the nature of the services and the dates upon which the services were rendered.
- v. If for utilities (such as electricity, water, sewer, waste disposal and similar purposes), a statement of the period for which the utility for which payment is sought was provided.
- vi. The name, address and telephone number of the entity issuing the document.

Humane society or association for the prevention of cruelty to animals—A nonprofit society or association duly incorporated under 15 Pa.C.S. Ch. 53 Subch. A (relating to incorporation generally) for the purpose of prevention of cruelty to animals, or as otherwise defined in the Dog Law.

Program—The Year 2001 Dog Control Facility Bill Reimbursement Program.

2. Eligibility.

A humane society or association for the prevention of cruelty to animals is eligible to apply to receive a grant under the Program if that humane society or association for the prevention of cruelty to animals:

- a. Has been in operation as a humane society or association for the prevention of cruelty to animals, or as a municipal-owned animal shelter, for at least 1 year immediately preceding the application date.
- b. Has performed dog control functions for at least 1 year immediately preceding the application date.
- c. Has, in the performance of its dog control functions, accepted at least 100 stray or unwanted dogs into its facility within the year immediately preceding the application date, with at least 100 of these dogs originating from locations other than the following:
 - i. A city of the first class.
 - ii. A city of the second class.
 - iii. A city of the second class A.
 - iv. A city of the third class that has adopted its own dog licensing ordinance and assumed responsibility enforcement under the Dog Law (at 3 P. S. § 459-1201).
- d. Is not a party to a contract with the Department pursuant to which the Department pays that humane society or association for the prevention of cruelty to animals for dog control activities performed in the year 2001.

e. Agrees—as a condition of receiving any grant money under the Program—to continue to perform dog control activities through the year 2001.

f. Has a total operating budget of \$150,000 or less for the 2001 calendar year or, if its budget is on a basis other than calendar year, has a total operating budget of \$150,000 or less for each fiscal year comprising any portion of calendar year 2001.

3. Use of Grant Funds.

The Department will allocate a specific maximum grant amount to a successful grant applicant through a written grant agreement. This maximum grant amount will be specified in the grant agreement, and will not exceed \$7,500 with respect to an application. The maximum grant amount will be retained by the Department and used to reimburse the grant recipient for eligible bills the grant recipient has paid with respect to materials, services or utilities provided to the grant recipient from January 1, 2001 through December 31, 2001. The total reimbursement the Department will pay a grant recipient will not exceed the maximum grant amount. Any money remaining in a grant allocation beyond the termination date of the grant agreement will lapse into the Dog Law Restricted Account. If a bill covers materials, services or utilities provided, in whole or in part, before January 1, 2001 or after December 31, 2001, that bill is not an eligible bill and will not be reimbursed by the Department under the Program.

4. Application Process.

a. *Application required.* A humane society or association for the prevention of cruelty to animals seeking a grant under the Program must complete a written application form and deliver it to the Department no later than January 8, 2001. Applications received by the Department beyond that date will not be considered.

b. *Obtaining an application form.* The Department will provide grant application forms upon request. Requests for application forms should be directed to Richard Hess, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408; telephone: (717) 787-4833, Fax: (717) 772-4352.

c. *Contents of grant application form.* A grant application form shall require the following information:

- i. The name and address of the applicant.
- ii. Information to verify that the applicant is a humane society or association for the prevention of cruelty to animals and otherwise meets the eligibility requirements set forth in paragraph 2, above.
- iii. The maximum grant amount sought by the applicant—not to exceed \$7,500.

iv. A description of the eligible bills for which the grant applicant intends to seek reimbursement, including a description (and copies, if available) of bills received by the applicant in 2000 for the same type of materials, services or utilities for which reimbursement will be sought under the grant agreement.

v. Such other information as the Department might reasonably require.

5. Review and approval of grant application.

a. *Review and notification.* The Department will review each timely grant application and provide the applicant written notification of whether the Department awards the grant, denies the grant or awards a grant in some amount less than the applicant sought. This written notification will be mailed no later than February 7, 2001, to the address provided by the applicant on the grant application form. If an application is incomplete or the

Department requires additional information or documentation in order to evaluate the grant request, it will so advise the applicant.

b. *Review criteria.* The Department will consider the following, among other factors, in determining whether to award a grant application:

- i. The number of applications received and the availability of funds for the grants sought.
- ii. The relative contribution of the applicant to dog control activities in the area it serves.
- iii. The relative contribution of the applicant to dog control as compared to the relative contribution of other applicants.
- iv. The relative importance of the grant to the continued operation of the applicant's dog control facility.
- v. The expense or logistical difficulty the Department would encounter if the applicant's dog control facility was no longer in operation.

6. Grant agreement.

a. *Grant agreement required.* A successful grant applicant must execute a grant agreement with the Department, setting forth the terms and conditions under which the grant money will be used by the Department to reimburse the grant recipient for payment of eligible bills.

b. *Reimbursement requests.* The grant agreement will set forth the exact procedure by which a grant recipient shall seek reimbursement from the Department for payment of eligible bills. The basic reimbursement request procedure will be as follows:

By May 15, 2001 the grant recipient will:

- (1) Deliver copies of the eligible bills it has paid between January 1 and April 30, 2001.
- (2) Verify that these bills have been paid and are eligible for reimbursement.
- (3) Provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By September 15, 2001 the grant recipient will:

- (1) Deliver copies of the eligible bills it has paid between May 1 and August 31, 2001.
- (2) Verify that these bills have been paid and are eligible for reimbursement.
- (3) Provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By January 15, 2002 the grant recipient will:

- (1) Deliver copies of the eligible bills it has paid between September 1 and December 31, 2001.
- (2) Verify that these bills have been paid and are eligible for reimbursement.
- (3) Provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

c. *Payment by the Department.* The Department will reimburse a grant recipient for eligible bills within 60 days of receiving a complete and timely reimbursement request.

d. *Termination.* The Department may terminate a grant agreement at any time by providing the grant

recipient written notice of termination at the address set forth on the grant application.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 00-2130. Filed for public inspection December 8, 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 November 28, 2000.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-27-00	Mifflinburg Bank and Trust Company Mifflinburg Union County	Buffalo Village Lutheran Village 211 Fairground Road Lewisburg Union County	Filed

SAVINGS INSTITUTION

No activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-17-00	White Rose Credit Union, York, and Stanreco Federal Credit Union, York Surviving Institution— White Rose Credit Union, York	York	Filed

JAMES B. KAUFFMAN, Jr.,
Acting Secretary

[Pa.B. Doc. No. 00-2131. Filed for public inspection December 8, 2000, 9:00 a.m.]

Election by Standard Bank, PaSB to Exercise Conditional Powers

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by Standard Bank, PaSB, authorized by section 513(b) of the Banking Code of 1965 (7 P. S. 513(b)), Standard Bank, PaSB is hereby granted the following conditional powers as described by sections 504(b)(xiii) and 506(a)(iv)(B) and (vi) of the Banking Code of 1965 (7 P. S. §§ 504(b)(xiii) and 506(a)(iv)(B) and (vi)), to be exercised only with the prior written approval of the Department of Banking.

JAMES B. KAUFFMAN, Jr.,
Acting Secretary

[Pa.B. Doc. No. 00-2132. Filed for public inspection December 8, 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 an application of lawful standard and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

PA 0056502. Industrial Waste, **Transit America, Inc.**, One Red Lion Road, Philadelphia, PA 19115.

This application is for renewal of an NPDES permit to discharge stormwater from the Transit America, Inc. facility, in the City of Philadelphia, **Philadelphia County**. These are existing discharges to an unnamed tributary to Huntingdon Valley Creek and Pennypack Creek.

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

The proposed effluent limits for Outfall 001, based on an average storm event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅		monitor/report
Suspended Solids		monitor/report
Oil and Grease		monitor/report
COD		monitor/report
pH		monitor/report
TKN		monitor/report
Phosphorus (as P)		monitor/report

The proposed effluent limits for Outfall 002, based on an average storm event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅		monitor/report
Suspended Solids		monitor/report
Oil and Grease		monitor/report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
COD		monitor/report
pH		monitor/report
TKN		monitor/report
Phosphorus (as P)		monitor/report
Iron		monitor/report
Dissolved PCBs		monitor/report

The proposed effluent limits for Outfall 003, based on an average storm event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅		monitor/report
Suspended Solids		monitor/report
Oil and Grease		monitor/report
COD		monitor/report
pH		monitor/report
TKN		monitor/report
Phosphorus (as P)		monitor/report
Iron		monitor/report
Dissolved PCBs		monitor/report

The proposed effluent limits for Outfall 004, based on an average storm event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅		monitor/report
Suspended Solids		monitor/report
Oil and Grease		monitor/report
COD		monitor/report
pH		monitor/report
TKN		monitor/report
Phosphorus (as P)		monitor/report

The proposed effluent limits for Outfall 005, based on an average storm event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅		monitor/report
Suspended Solids		monitor/report
Oil and Grease		monitor/report
COD		monitor/report
pH		monitor/report
TKN		monitor/report
Phosphorus (as P)		monitor/report

The EPA waiver is in effect.

PA 0058246. Sewage, **James Gorman**, 1426 Rose Glen Road, Gladwyne, PA 19035.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant in Lower Merion Township, **Montgomery County**. This is a new discharge to an unnamed tributary to Mill Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA 0026328. Sewage, **Township of Hopewell**, 1700 Clark Boulevard, Aliquippa, PA 15001.

This application is for renewal of an NPDES permit to discharge treated sewage from Raccoon Creek Water Pollution Control Plant in Hopewell Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Raccoon Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Midland Borough Municipal Authority on the Ohio River.

Outfall 011: existing discharge, design flow of 1.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	7.0	10.5		14.0
(11-1 to 4-30)	21.0	—		—
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			
Total Residual Chlorine	0.8			2.7
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the plant is expanded to a flow of 2.5 mgd.

Outfall 011: expanded discharge, design flow of 2.5 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	4.0	6.0		8.0
(11-1 to 4-30)	12.0	18.0		24.0
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			
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA 0042561. Sewage, **Upper Stonycreek Joint Municipal Authority**, P. O. Box 24, Hooversville, PA 15936.

This application is for renewal of an NPDES permit to discharge treated sewage from Upper Stonycreek Joint Municipal Authority STP in Quemahoning Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Stony Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Saltsburg Municipal Water Works on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.27 mgd., effective until the STP expansion is completed and operational.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	22.0	33.0		44.0
(11-1 to 4-30)	25.0	38.0		50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Outfall 001: proposed expanded discharge, design flow of 0.656 mgd., effective after the STP expansion is completed and operational.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	10.0	15.0		20.0
(11-1 to 4-30)	25.0	38.0		50.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

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

NPDES No.	Facility Name and Address	County and Municipality	Tributary Stream	New Permit Requirements
PA0070360	All American Plazas, Inc. Frystown Plaza P. O. Box 302 Bethel, PA 19507	Berks County Bethel Township	UNT Crosskill Creek	TRC
PA0086169	James W. & Sandra M. Adams 750 Hawk Mountain Road Albany, PA	Berks County Albany Township	Pine Creek	TRC
PA0080721	Frank Perano Cedar Manor Mobile Home Park Box 278 King of Prussia, PA 19406	Dauphin County Londonderry Township	UNT of Conewago Creek	TRC

**DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER
Applications under the Pennsylvania Clean Streams Law
(Part II Permits)**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number of the protester, 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 applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received for industrial waste and sewage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southcentral Regional Office: Water Management Program Manager; 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Individuals who wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.

A. 678040200-1. Sewage submitted by **Dillsburg Area Authority**, P. O. Box 370, 4 Barlo Circle, Suite E, Dillsburg, PA 17019 in Carroll Township, **York County** to upgrade the design flow of a wastewater treatment facility was received in the Southcentral Region on November 13, 2000.

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

A. 0200416. Sewerage, **Charles A. Warden**, c/o Mid Atlantic Capital Group, 5th fl. Times Building, Pittsburgh, PA 15222. Application for the construction and operation of a small flow sewage treatment plant to serve the Warden Residence located in Indiana Township, **Allegheny County**.

INDIVIDUAL PERMITS

(PAS)

NPDES Individual

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

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

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

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

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

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

NPDES Permit PAS10-G448. Stormwater. **Woodstone Development**, P. O. Box 638, Uwchlan, PA 19480, has applied to discharge stormwater from a construction activity located in West Brandywine Township, **Chester County**, to Culbertson Run (HQ-TSF-MF).

NPDES Permit PAS10-G449. Stormwater. **Texas Eastern**, 5400 Westhismr Court, Houston, TX 77056, has applied to discharge stormwater from a construction activity located in Upper Uwchlan, West Vincent, West Pikeland, Uwchlan, West Whiteland, East Whiteland, East Goshen and Willistown Townships, **Chester County** and Edgemont and Ridley Townships, Brookhaven, Ridley Park and Eddystone Boroughs in **Delaware County** to Tributary to Pickering Creek (HQ, TSF), Pine Creek (HQ, TSF), Tributary to Ridley Creek (HQ, TSF), Tributary to Hunters Run (HQ, TSF), Tributary to Chrome Run (TSF, MF), Crum Creek (WWF, MF) and Tributary to and Little Crum Creeks (WWF, MF).

NPDES Permit PAS10-G447. Stormwater. **Tredyffrin Township**, 1100 Portrait Road, Berwyn, PA 19312, has applied to discharge stormwater from a construction activity located in Tredyffrin Township, **Chester County**, to Valley Creek (EV).

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

Monroe County Conservation District, District Manager; 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES Permit PAS10S095. Stormwater. **Robert Latzanich**, 611 Belmont Ave., Mt. Pocono, PA 18344, has applied to discharge stormwater from a construction activity located in Coolbaugh Township, **Monroe County**, to Yankee Run, HQ-CWF and Red Run, HQ-CWF.

SAFE DRINKING WATER

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

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

5600509. Confluence Borough Municipal Authority, P. O. Box 6, Confluence, PA 15424. Water improvement project which includes construction of a water storage tank, addition of a water supply well with treatment, replacement of water meters, replacement of waterlines and repairing of an existing water storage tank serving Confluence Borough, **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 intend 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 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)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific 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, please 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:

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

Drug Emporium Plaza, City of Philadelphia, **Philadelphia County**. Mark R. Urbassik, KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, lead, heavy metals, solvents, BTEX, polycyclic aromatic hydrocarbons and benzidine and groundwater contaminated with lead, heavy metals solvents, BTEX, polycyclic aromatic hydrocarbons and benzidine. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on October 13, 2000.

Lehigh Valley Dairies, Inc., Upper Gwynedd and Towamencin Townships, **Montgomery County**. Karen J. Niebuhr, P.E., Applied Engineering & Science, Inc., 2661 Perimeter Park Drive, Atlanta, GA 30341, has submitted a Notice of Intent to Remediate site groundwater 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 *Reporter* on October 16, 2000.

Young Residence, West Fallowfield Township, **Chester County**. Thomas M. Hippensteal, P.G., Mid-Atlantic Associates, P.A., P. O. Box 1128, North Wales, PA 19477, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Herald* on October 25, 2000.

Former R. A. Munder Facility, Conshohocken Borough, **Montgomery County**. Richard P. Almquist, Jr., Oxford Engineers & Consultants, Inc., 2621 Van Buren Avenue, Suite 500, Norristown, PA 19403, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and site groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. 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 *Times Herald* on October 26, 2000.

27th & Girard Streets Property, City of Philadelphia, **Philadelphia County**. J. Anthony Sauder, P.E., P.G., 3001 Market Street, Suite 200, Philadelphia, PA 19104, has submitted a Notice of Intent to Remediate site

soil and groundwater contaminated with heavy metals, BTEX, solvents, and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health and site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on October 30, 2000.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Vitale Property, Coolbaugh Township, **Monroe County**. Brian Holtzhafer, Geologist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Notice of Intent to Remediate (on behalf of his client, Josephine Vitale, Prospect Street, Tobyhanna, PA 18466) concerning the remediation of site soils found or suspected to have been contaminated with kerosene. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Northampton County Farm Bureau Cooperative Association, Inc., Upper Nazareth Township, **Northampton County**. David A. Everitt, President, MEA, Inc., 201 Center Street, P. O. Box 370, Stockertown, PA 18083 has submitted a Notice of Intent to Remediate concerning the remediation of site soils and groundwater found or suspected to have been contaminated with BTEX (benzene, toluene, ethylbenzene, and xylene) compounds and/or petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

E. Arlene Smith Property, Plainfield Township, **Northampton County**. David A. Everitt, President, MEA, Inc., 201 Center Street, P. O. Box 370, Stockertown, PA 18083 has submitted a Notice of Intent to Remediate (on behalf of his client, E. Arlene Smith, E. Scenic Drive, Bath, PA 18014) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with BTEX (benzene, toluene, ethylbenzene, and xylene) compounds and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Background standard.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

An application to increase the average daily waste volume at the landfill was received from **Superior Greentree Landfill**, 635 Toby Road, Kersey, PA 15846, Permit No. 101397, located in Fox Township, **Elk County**. The applicant was accepted in the Regional Office on November 20, 2000.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

Notice is hereby given that 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 receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice, and must file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

10-062A: Slippery Rock University (Slippery Rock, PA 16057) for operation of a natural gas co-fired system in Slippery Rock, **Butler County**.

25-066C: AKW, LP (1015 East 12th Street, Suite 200, Erie, PA 16503) for operation of heat treat furnaces and quench tank in Erie, **Erie County**.

25-069E: Engelhard Corp. (1729 East Avenue, Erie, PA 16503) for operation of a stearic acid removal oven in Erie, **Erie County**.

25-070C: Gunite EMI Corp. (603 West 12th Street, Erie, PA 16501) for operation of an in-line roto-pour and holding furnace in Erie, **Erie County**.

42-176E: Temple Inland Forest Products Corp.—Mt. Jewett (Hutchins Road, Mt Jewett, PA 16740) for operation of a wood chip refiner start up cyclone in Sargeant Township, **McKean County**.

42-399-015A: Temple Inland Forest Products Corp.—Mt. Jewett (Hutchins Road, Mt Jewett, PA 16740) for operation of three wood particle dryers and oil heater in Sargeant Township, **McKean County**.

42-399-027B: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchis Road, Mt. Jewett, PA 16740) for operation of a wet ESP in Sargeant Township, **McKean County**.

10-00087: DU-CO. Ceramics Co. (155 South Rebecca Street, Saxonburg, PA 16056) for a Natural Minor Operating Permit for the manufacture of ceramic electrical components in Jefferson Township, **Butler County**.

PLAN APPROVALS

Applications Received and Intent to Issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

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

AQ-SE-0011: Construction Demolition Recycling, Inc. (450 Oakdale Avenue, Hatboro, PA 19040) for construction of a concrete crusher in Upper Moreland Township, **Montgomery County**.

46-320-035: Alcom Printing Group, Inc. (140 Christopher Lane, Harleysville, PA 19438) for installation of a Miller 6 Color Sheetfed Press in Lower Salford Township, **Montgomery County**.

46-0001: Moyer Packing Co. (741 Souder Road, Souderton, PA 18964) for modification of fryer oil in existing boilers in Franconia Township, **Montgomery County**.

46-317-005E: Moyer Packing Co. (741 Souder Road, Souderton, PA 18964) for modification of fryer oil in a process dryer in Franconia Township, **Montgomery County**.

46-0194A: Freedom Alloys, Inc. (155 Railroad Plaza, Royersford, PA 19468) for construction of a 4,000 Pound Inductotherm Furnace in Royersford Borough, **Montgomery County**.

09-0015C: Rohm & Haas Co. (Route 413 and State Road, Bristo, PA 19007) for installation of a thermal oxidizer in Bristol Township, **Bucks County**.

46-0020C: Superior Tube Co. (3900 Germantown Pike, Collegeville, PA 19426) for installation of an Acti-

vated Carbon Adsorption System in Lower Providence Township, **Montgomery County**.

46-0198D: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041) for modification of a Cocoa Bean Cleaning System in Upper Hanover Township, **Montgomery County**.

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

36-302-156A: Valley Proteins, Inc. (693 Wide Hollow Rd., East Earl, PA 17519) for authorization to use cooking oil as a backup fuel to their two existing boilers at the Terre Hill Facility in East Earl Township, **Lancaster County**.

67-309-070G: Global Stone PenRoc, Inc. (P. O. Box 1967, York, PA 17405-1967) for modifications to the West Filler Plant located in West Manchester Township, **York County**. Some of the modification work is subject to 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

67-05046: United Defense LP (P. O. Box 15512, York, PA 17405) to vent the existing shot blast operations controlled by a fabric filter to atmosphere in West Manchester Township, **York County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

42-192A: IA Construction Corp. (Route 59, Lafayette, PA 16701) for construction of a drum mix asphalt plant in Lafayette Township, **McKean County**.

33-140A: Dominion Transmission Corp. Punxsutawney Station (Kauchmar Road, Hamilton, PA 15744) for construction of a 5,000 HP natural gas-fired compressor in Perry Township, **Jefferson County**. This facility is a Title V facility.

Bureau of Air Quality, Division of Permits, P. O. Box 8468, 400 Market Street, Harrisburg, PA 17105, (717) 787-4325.

17-00001A: Reliant Energy Mid Atlantic Power Holding, LLC (1001 Broad Street, Johnstown, PA 15907) to authorize the transfer of certified sulfur oxides (SO_x) emissions reduction credits (ERCs), expressed as tons per year (tpy), from the following ERC-generating facilities to Shawville Electric Generating Station for use under 25 Pa. Code § 123 and 40 CFR Part 51 (relating to stack height provisions): Reliant Energy Mid Atlantic Power Holding, LLC, Front Street Station, **Erie County**, 9057 tpy; Reliant Energy Mid Atlantic Power Holding, LLC, Williamsburg Station, **Blair County**, 2801 tpy.

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 such 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 to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

40663013R3. Jeddo-Highland Coal Company (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 304.0 acres, receiving stream—none. Application received November 20, 2000.

40663027R3. Jeddo-Highland Coal Company (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in

Hazle Township, **Luzerne County** affecting 154.9 acres, receiving stream—none. Application received November 20, 2000.

40663031R3. Jeddo-Highland Coal Company (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Foster Township, **Luzerne County** affecting 536.0 acres, receiving stream—none. Application received November 20, 2000.

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

03990103. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application received to revise permit to change the postmining land use from forestland and unmanaged natural habitat to land occasionally cut for hay at a bituminous surface/auger mining site located in Cowanshannock Township, **Armstrong County**, affecting 59.5 acres. Receiving streams: unnamed tributaries to Cowanshannock Creek. Revision application received: November 8, 2000.

03960105. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application received for reclamation only of a bituminous surface/auger mining site located in Cowanshannock Township, **Armstrong County**, affecting 510.0 acres. Receiving streams: unnamed tributary to Huskins Run and Huskins Run. Application received November 13, 2000.

26000103. J. Construction Co. (R. R. 2, Box 626, Farmington, PA 15437). Permit application received for commencement, operation and reclamation of a bituminous surface mine located in Fairchance Borough and Georges Township, **Fayette County**, affecting 7 acres. Receiving streams: Muddy Run. Application received: November 13, 2000.

Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

07000101. Cooney Brothers Coal Company (P. O. Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous surface mine in Logan Township, **Blair County**, affecting 31.0 acres, receiving stream unnamed tributary to Kittanning Run and Kittanning Run, application received November 14, 2000.

Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

Industrial Minerals NPDES Permit Renewal Applications Received:

4275SM19. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0599204, Warriors Mark and Spruce Creek Townships, **Huntingdon County**, receiving streams the Little Juniata River, unnamed tributaries to the Little Juniata River, and Gensimore Run. NPDES Renewal application received November 20, 2000.

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

Noncoal Applications Received

65900403. Pioneer Mid-Atlantic, Inc. (400 Industrial Boulevard, P. O. Box 5P, New Kensington, PA 15068). Renewal application received for a noncoal surface and underground mine located in Unity Township, **Westmoreland County**, affecting 492.0 acres. Receiving streams: unnamed tributaries to Nine Mile Run. Renewal application received: November 13, 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.

E46-721. Encroachment. **Montgomery County Commissioners**, Montgomery County Courthouse, Norristown, PA 19494-0311. To reissue permit E46-721, which granted authorization to remove County Bridge 107 (a deteriorated three span I-beam bridge), and to construct and maintain a two span prestressed concrete box beam bridge in its place. The existing bridge, which is situated across Swamp Creek (TSF), is a 70-foot long, three span structure. The proposed bridge is a two span structure with each span measuring 30 feet wide and having an average underclearance of approximately 4.25 feet. The site is located along Swamp Creek Road (T-352) (Sassamansville, PA Quadrangle N: 13.9 inches; W: 15.1 inches) in Douglass Township, **Montgomery County**.

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

E45-403. Encroachment. **Dennis E. Slayton**, 112 Woods Way, Stroudsburg, PA 18360. To construct and maintain a private bridge having a single span of 30 feet and an underclearance of approximately 3.5 feet across Pocono Creek (HQ-CWF). The project is located southeast of Interchange 46—S. R. 0080, approximately 700 feet east of S. R. 0033 (Saylorburg, PA Quadrangle N: 21.4 inches; W: 2.4 inches), Hamilton Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E45-404. Encroachment. **Pocono Mountain School District**, Box 200, Swiftwater, PA 18370-0200. To modify

and maintain a pedestrian bridge having a single span of 67 feet and an underclearance of 9.5 feet across Pocono Creek (HQ-CWF) which includes replacement of the super structure. The project is located at the Tannersville Learning Center southwest of the intersection of S. R. 0611 and S. R. 0715, (Mount Pocono, PA Quadrangle N: 7.8 inches; W: 8.3 inches), Pocono Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E54-280. Encroachment. **Edward Faust**, South Manheim Township, 3089 Fair Road, Auburn, PA 17922. To remove the existing road crossing and to construct and maintain a 7.5-foot by 20.0-foot concrete box culvert in a tributary to Bear Creek (CWF). This project is located along Township Road T-701 approximately 100 feet east of the intersection of Township Roads T-701 and T-662, (Freidensburg, PA Quadrangle N: 15.0 inches; W: 0.6 inch), South Manheim Township, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

E54-281. Encroachment. **Wesley J. Levan, II**, 145 N. Tulpehocken Street, Pine Grove, PA 17963. To construct and maintain an approximate 30-foot by 26-foot wooden deck attached to an existing residential dwelling within the floodway of Swatara Creek (CWF). The project is located along Tulpehocken Street approximately 500 feet southeast of the intersection of Tulpehocken Street and Outwood Road, (Pine Grove, PA Quadrangle N: 10.6 inches; W: 2.6 inches), Pine Grove Borough, **Schuylkill County** (Baltimore District, U. S. Army Corps of Engineers).

E58-237. Encroachment. **Department of Transportation, District 4-0**, Attention: Robert T. Doble, P.E., P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 20.0-foot by 8.0-foot precast reinforced concrete box culvert depressed 1.0-foot along a tributary to the North Branch Wyalusing Creek (CWF). The project is located along S. R. 0858 approximately 250 feet south of the intersection of S. R. 0858 and Township Road T-630 (Lawton, PA Quadrangle N: 14.5 inches; W: 14.0 inches), Middletown Township, **Susquehanna County** (Baltimore District, U. S. Army Corps of Engineers).

Southwest Regional Office: Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1327. Encroachment. **Bennington Woods, Incorporated**, 650 Smithfield Street, Suite 775, Pittsburgh, PA 15222. To place and maintain fill in 0.05 acre of wetlands (PEM) located within the Little Pine Creek watershed (TSF) for the purpose of constructing a single residential home. The project is located within the Bennington Woods development on the south side of Bennington Drive approximately 4,000 feet west of its intersection with Pressley Court (Glenshaw, PA Quadrangle N: 10.3 inches; W: 16.7 inches) in McCandless Township, **Allegheny County**. A prior encroachment impacted 0.06 acre of wetlands, with this encroachment the total wetland impact will be 0.11 acre. The applicants propose to meet the wetland replacement requirements by making a payment to the wetland replacement fund.

E04-253. Encroachment. **Empire Terminal, Incorporated**, 731—733 Washington Road, Suite 100, Pittsburgh, PA 15228-0999. To amend Permit E04-253 which authorized the modification of the existing barge dock by constructing and maintaining a 195 foot long embedded barge along the left bank of the Ohio River (WWF) near River Mile 23.7 (Beaver, PA Quadrangle N: 11.1 inches; W: 1.7 inches) in Monaca Borough, **Beaver County**. This

permit amendment is to construct and maintain an addition of a 176 foot long embedded barge on the upstream end of the existing embedded barge and to construct and maintain a new access road to the dock. Note site was originally permitted under E04-079.

Southwest Regional Office: Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E04-258 (Amendment). Encroachment. **Colona Terminal Services, Inc.**, 200 Neville Road, Neville Island, PA 15225. To amend permit E04-258 which authorized the operation and maintenance of an existing barge docking facility along the left bank of the Ohio River (WWF) near River Mile 23.6 (Beaver, PA Quadrangle N: 10.8 inches; W: 1.5 inches) in Monaca Borough, **Beaver County**. The permit amendment is to construct and maintain a barge dock unloading facility consisting of a 200 foot long embedded barge located approximately 1,000 feet upstream of the existing facility.

E56-300. Encroachment. **Municipal Authority of the Borough of Somerset**, 340 West Union Street, Somerset, PA 15501. To dredge and maintain the existing Laurel Hill Creek Reservoir in and along Laurel Hill Creek (HQ-CWF) for the purpose of increasing the storage capacity of the reservoir during drought conditions. The work will include the removal of a portion of an island located in the reservoir and the construction and maintenance of three temporary roadway crossings in Laurel Hill Creek (HQ-CWF) and two of its tributaries (HQ-CWF). The project is located at the end of Beck Road (Bakersville, PA Quadrangle N: 8.0 inches; W: 10.95 inches) in Jefferson Township, **Somerset County**.

E65-769. Encroachment. **Donegal Township**, HC6-3 Box 38, Jones Mills, PA 15646. To remove the existing structure and to construct and maintain a bridge having a clear span of 38.5 feet and an underclearance of 7 feet across Indian Creek (HQ-CWF) on T-916 (Hunter's Lane Road) located at a point approximately 600 feet west of the intersection of SR 381 and T-916 (Seven Springs, PA Quadrangle N: 19.4 inches; W: 10.25 inches) in Donegal Township, **Westmoreland County**.

E04-274. Encroachment. **Bet Tech International**, 3468 Brodhead Road, Monaca, PA 15061. To construct and maintain a barge docking facility consisting of a 1,125 foot sheet pile wall along the left bank of the Ohio River (WWF) for an existing slag/gravel/aggregates mining parcel. The project is located near River Mile 21.0 (Baden, PA Quadrangle N: 4.4 inches; W: 16.3 inches) in Hopewell Township, **Beaver County**.

E63-475 A1. Encroachment. **Missionary Partners, Ltd.**, 859 Missionary Drive, Pittsburgh, PA 15236. To amend Permit No. E63-475 to include the operation and maintenance of the existing 54 inch diameter stream enclosure in an unnamed tributary to Peters Creek (TSF) and to maintain the fill in approximately 0.25 acre of wetlands (PSS) and in the floodway of said stream for the purpose of correcting a slope stability problem located on the west side of S. R. 88 approximately 4,200 feet north from the intersection of S. R. 88 and Airport Road (Hackett, PA Quadrangle N: 22.1 inches; W: 0.4 inch) in Union Township, **Washington County**.

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

E25-624. Encroachment. **PA Department of Transportation**, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. To remove the existing bridge and to construct and maintain a precast reinforced concrete box

culvert having a 12-foot wide by 5-foot high waterway opening in Brandy Run on S. R. 0098, Section 01M, Segment 0230, Offset 0835 approximately 0.25 mile north of I-90 (Swanville, PA Quadrangle N: 1.49 inches; W: 15.85 inches) in and to fill a de minimis amount of wetland (0.049 acre) at five locations in the vicinity of the crossing associated with widening of the roadway in Fairview Township, **Erie County**.

E27-061. Encroachment. **Forest County Commissioners**, Forest County Courthouse, Elm Street, Tionesta, PA 16353. To remove the existing bridge and to install and maintain a precast concrete box culvert having a 22-foot wide by 7-foot high waterway opening (8-foot high box with 1-foot depressed invert) in McCauley Run (EV) on T-316 (Hemlock Road) approximately 3 miles south of S. R. 3001 near the Clarion and Forest County boundary (Tionesta, PA Quadrangle N: 2.4 inches; W: 10.6 inches) in Tionesta Township, **Forest County**.

DAM SAFETY

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.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D15-382. Dam. **Gerard McKown** (59 South Third Street, Oxford, PA 19363). To modify, operate and maintain the Brook Crossing Detention Dam across a tributary to Dennis Run (WWF, MF), indirectly impacting 1.4 acres of wetlands (PEM/PSS/PFO) and 540 feet of stream, for the purpose of increasing the storage capacity of the basin. Work includes enlarging the basin, raising the emergency spillway, raising the dam to the original design height, and replacing the riser pipes. (Coatesville, PA Quadrangle N: 14.7 inches; W: 12.6 inches) in East Fallowfield Township, **Chester County**.

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.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. 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. 1500203. Industrial Waste. **Sunoco, Inc. (R & M)**, 4041 Market Street, Aston, PA 19014. Applicant is granted approval for construction and operation of an industrial wastewater treatment plant to treat contaminated groundwater at Sun Pipeline located in West Brandywine Township, **Chester County**.

WQM Permit No. 1500424. Sewage. **Robert E. Assini**, 20 Rima Court, Danville, CA 94526. Applicant is granted approval for the construction and operation of single residence STP located at 1109 Daniel Davis Lane in Birmingham Township, **Chester County**.

WQM Permit No. 0900403. Sewerage. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. Applicant is granted approval for the expansion and upgrade of the Green Street Sewage Treatment plant located in Doylestown Borough, **Bucks County**.

WQM Permit No. 4600421. Sewage. **Montgomery County S.P.C.A.**, P. O. Box 19, East Ridge Pike, Conshohocken, PA 19428. Applicant is granted approval for the construction and operation of a sewage treatment facility with spray irrigation of treated effluent to serve the Montgomery County S.P.C.A. located in Upper Frederick Township, **Montgomery County**.

WQM Permit No. 0900415. Sewage. **Daniel Rufe**, Box 57, Ottsville, PA 18942. Applicant is granted approval for the construction and operation of strip mall known as Harrow Station located in Nockamixon Township, **Bucks County**.

NPDES Permit No. PA0026701. Sewage. **The Municipal Authority of the Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067. Is authorized to discharge from a facility located in Morrisville Borough, **Bucks County** into Delaware River Estuary Zone 2.

NPDES Permit No. PA0058157. Sewage. **Robert E. Assini**, 20 Rima Court, CA 94526. Is authorized to discharge from facility located in Birmingham Township, **Chester County** into Radley Run.

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

NPDES Permit No. PA-0055255-A1. Sewerage, **Eric Leiser**, 6558 St. Peters Road, Macungie, PA 18062 is authorized to discharge from a facility located in Upper Milford Township, **Lehigh County** to an unnamed tributary to Indian Creek.

NPDES Permit No. PA-0063401-A1. Sewerage, **Monteforte Enterprises, Inc.**, R. R. 2, Box 34A, New

Milford, PA 18834 is authorized to discharge from a facility located in New Milford Township, **Susquehanna County** to an unnamed tributary to Nine Partners Creek.

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

Permit No. PA0032051. Sewerage. **Granville Township** (Granville Township STP), 100 Helen Street, Lewistown, PA 17044 is authorized to discharge from a facility located in Granville Township, **Mifflin County** to the receiving waters named Juniata River in Watershed 12-A (Kishacoquillas-Jacks Creeks).

Permit No. PA0007625 Amendment No. 1. Sewerage. **Hedstrom Corporation**, Sunnyside Road, P. O. Box 432, Bedford, PA 15522-0432 is authorized to discharge from a facility located in Bedford Township, **Bedford County** to the receiving waters named Raystown Branch Juniata River (Outfall 001) and Dunning Creek (Outfall 002).

Permit No. PA0084034. Sewerage. **West Perry School District**, Carroll Elementary, R. R. 1, Box 7A, Elliotsburg, PA 17024 is authorized to discharge from a facility located in Carroll Township, **Perry County** to the receiving waters of an unnamed tributary of Sherman Creek in Watershed 7-A (Sherman Creek).

Permit No. PA0080730. Sewerage. **West Perry School District**, Blain Elementary, R. R. 1, Box 7A, Elliotsburg, PA 17024 is authorized to discharge from a facility located in Blain Borough, **Perry County** to the receiving waters of an unnamed tributary to Sherman Creek in Watershed 7-A (Sherman Creek).

Permit No. 4400401. Sewage. **Granville Township**, 100 Helen Street, Lewistown, PA 17044. This permit approves the construction of Sewage Treatment Facilities in Granville Township, **Mifflin County**.

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

NPDES Permit No. PA0046906. Sewage. **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108-4307 is authorized to discharge from a facility located at Flaugherty Run Sewage Treatment Plant, Moon Township, **Allegheny County** to receiving waters named Flaugherty Run.

NPDES Permit No. PA0218456. Sewage. **Dale and Elaine Wright**, 432 Lakeview Drive, New Brighton, PA 15066 is authorized to discharge from a facility located at Wright Single Residence Sewage Treatment Plant, New Sewickley Township, **Beaver County** to receiving waters named Brush Creek.

Permit No. 0200402, Amendment No. 1. Sewerage. **Sanitary Authority of Elizabeth Township**, 522 Rock Run Road, Buena Vista, PA 15018. Construction of Sewer Line Extension located in Elizabeth Township, **Allegheny County** to serve Phase III of Arrowhead Lakes Project—Arrowhead Lakes Area.

Permit No. 0400403. Sewage. **Elaine Wright**, 432 Lakeview Drive, New Brighton, PA 15066. Construction of Single Residence Sewage Treatment Plant located in New Sewickley Township, **Beaver County** to serve Wright Single Family Home.

Permit No. 0400405. Sewerage. **Russell W. Smith andolan Smith**, 101 Spruce Hill Lane, Fombell, PA 16123. Construction and operation of a single residence

sewage treatment facility located in Marion Township, **Beaver County** to serve the Smith's SRSTP.

Public Notice of Permit Issuance

Permit for National Pollutant Discharge Elimination System (NPDES) to discharge to State waters.

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

Final Notice is hereby given that the Department of Environmental Protection, after public notice, has on November 17, 2000, issued a National Pollutant Discharge Elimination System Permit to Permit No. **PAG 123503**, Permittee: **George Christianson** (Mountain View #1 Farm), 411 Chestnut Street, Lebanon, PA 17042.

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G421	Ambassador Homes, Inc. 977 East Schuylkill Road Pottstown, PA 19465	North Coventry Township Chester County	Schuylkill River (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q211	Allentown Commercial Industrial Devel. Auth. & Allentown Economic Devel. Corp. P. O. Box 1400 711 Hamilton St. Allentown, PA 18105	Lehigh County City of Allentown	Little Lehigh Creek HQ-CWF

INDIVIDUAL PERMITS

(PAR)

Notice of Intent (NOI)

For 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 From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant

*List of NPDES and/or
other General Permit Type*

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>
Concord and Chadds Ford Townships Delaware County	PAR10-J195	Rocco Absessinio 8100 Delaware Avenue Wilmington, DE 19801	West Branch Chester Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Concord Township Delaware County	PAR10-J191	Summit Properties 267 East Livingston Avenue Columbus, OH 43215	Unnamed Tributary Beaver Creek (WWF, MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Hatfield Township Montgomery County	PAR10-T640	TH Properties, Inc. 345 Main Street Harleysville, PA 19438	Unnamed Tributary Towamencin Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Perkiomen Township Montgomery County	PAR10-T653	Sparango Construction Company, Inc. 506 Bethlehem Pike Ft. Washington, PA	Perkiomen Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Pottsgrove Township Montgomery County	PAR10-T674	Action Sports 1533 Harvey Lane, Pottstown, PA 19464	Schuylkill River (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Franconia Township Montgomery County	PAR10-T665	Hopewell Christian Fellowship 31 South Main Street Telford, PA 18969	Indian Creek (WWF)	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>
Skippack Township Montgomery County	PAR10-T667	Westrum Development Company 370 Commerce Drive Ft. Washington, PA	Perkiomen Creek (WWF, MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Providence Township Montgomery County	PAR10-T657	Lower Providence Township 100 Parklane Drive Eagleville, PA 19408	Mine Run (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

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>
Indiana County Homer City	PAR116122	FMC Corporation Packing & Materials Division 57 Cooper Ave. Homer City, PA 15748-1306	Two Lick Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9

<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>
Somerset County Somerset Township	PAG096108	Pile's Concrete Products Co. Inc. 115 Pickett Lane Friedens, PA 15541		Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

**Plan Revision Approval Granted November 15, 2000
under the Pennsylvania Sewage Facilities Act (35
P. S. §§ 750.1—750.20).**

*Regional Office: Water Management Program Manager,
Southcentral Region, 909 Elmerton Avenue, Harrisburg,
PA 17110-8200.*

Location: Nina Righenour Single Residence STP.
On Smoky Ridge Road. Juniata Township, **Bedford
County.**

Project Description: Approval of a revision to the Official Sewage Plan of Juniata Township, Bedford County. Project involves construction of a small flow sewage treatment facility to serve a proposed dwelling located on Smoky Ridge Road. Treated effluent is to be discharged to an intermittent surface water body known as Kegg's Run.

The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

SAFE DRINKING WATER

**Permit issued for Operation Permit 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. 1498505. The Department issued a Temporary Operation Permit (#3) to **College Township Water Authority**, 1481 East College Avenue, State College, PA 16801, College Township, **Centre County**. This permit authorizes operation of Spring Creek Park Well, a disinfection system, a sequestration system and a pump station.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a 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.

Levitz Furniture Facility, Middletown Township, **Bucks County**. Jeffrey Stein, ATC Associates, 8989 Herrmann Drive, Suite 300, Columbia, MD 21045, has submitted a combined Remedial Investigation/Final Report concerning remediation of groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet Statewide health and site-specific standards.

Dahle Residence, Lower Merion Township, **Montgomery County**. Marco Droese, P.G., Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Glenmoore, PA 19343, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Vitale Property, Coolbaugh Township, **Monroe County**. Brian Holtzhafer, Geologist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has

submitted a Final Report (on behalf of his client, Josephine Vitale, Prospect Street, Tobyhanna, PA 18466) concerning the remediation of site soils found or suspected to have been contaminated with kerosene. The report was submitted to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Northampton County Farm Bureau Cooperative Association, Inc., Upper Nazareth Township, **Northampton County**. David A. Everitt, President, MEA, Inc., 201 Center Street, P. O. Box 370, Stockertown, PA 18083 has submitted a Final Report concerning the remediation of site soils and groundwater found or suspected to have been contaminated with BTEX (benzene, toluene, ethylbenzene, and xylene) compounds and/or petroleum hydrocarbons. The report was submitted to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards act (act). Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site 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, please contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a plan or 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:

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Vitale Property, Coolbaugh Township, Monroe County. Brian Holtzhafer, Geologist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, submitted a Final Report (on behalf of his client, Josephine Vitale, Prospect Street, Tobyhanna, PA 18466) concerning the remediation of site soils found or suspected to have been contaminated with kerosene. The report documented attainment of the Statewide health standard and was approved on November 28, 2000.

SOLID AND HAZARDOUS WASTE

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

Permit No. PAD000429589. Waste Management Disposal Services of PA, Inc., 1121 Bordentown Road, Morrisville, PA 19067. The RCRA post-closure permit for the GROWS Landfill, located in Falls Township, **Bucks County**, has been modified to resolve the EHB Docket No. 2000-063-MG appeal of the Department's February 9, 2000, permit action. Language in sections I.E., III.D, III.F, III.G. and III.H has been revised to more clearly reference or reflect applicable State and Federal regulations. Permit was issued by the Southeast Regional Office on November 21, 2000.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

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

Permit ID No. 101652. Pitt Mining Company, 423 Wise Road, Shelocta, PA 15774 for operation of a Municipal Waste Processing Facility in Young Township, **Indiana County**. Permit modification for increase in daily intake tonnage to 440 tons/day was issued in the Regional Office on November 17, 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 25 Pa. Code Chapter 127 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.

AQ-SE-0011: Construction Demolition Recycling, Inc. (450 Oakdale Avenue, Hatboro, PA 19040) on November 22, 2000 for a Concrete Crusher in Upper Moreland Township, **Montgomery County**.

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

06-03123: Haines & Kibblehouse, Inc. (P.O. Box 196, Skippack, PA 19474) authorized use of a general permit for construction/operation of a nonmetallic mineral crushing plant at the Conestoga Landfill in New Morgan Borough, **Berks County**.

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

03-00208: Pioneer Mid-Atlantic, Inc. (400 Industrial Boulevard, New Kensington, PA 15068) on November 22, 2000, for construction and operation of one Portable Nonmetallic Mineral Processing Plant at the Pioneer Mid-Atlantic Tarrtown Facility in East Franklin Township, **Armstrong County**.

Administrative Operating Permit Amendments Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450 (relating to administrative operating permit amendments).

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

46-0035: SmithKline Beecham Pharmaceuticals (709 Swedeland Road, King of Prussia, PA 19406) on November 21, 2000, for Building No. 11 Acid Gas Scrubber in Upper Merion Township, **Montgomery County**.

46-313-093A: SmithKline Beecham Research Co. (1250 South Collegeville Road, Collegeville, PA 19426) on November 22, 2000, for three centrifuges and one filter dryer in Upper Providence Township, **Montgomery County**.

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

41-322-001: Lycoming County Resource Management Services (P.O. Box 187, Montgomery, PA 17752) on November 16, 2000, to incorporate conditions established in Plan Approval 41-322-001A for a woodwaste tub grinder and associated 660 horsepower diesel engine at the Lycoming County Landfill in Brady Township, **Lycoming County**.

17-314-001B: Invensys Energy Metering (P.O. Box 528, Dubois, PA 15801) on November 20, 2000, to incorporate conditions established in Plan Approval 17-314-001E for three rubber curing ovens, an associated cool down chamber and associated air cleaning devices (a venturi scrubber and a packed bed scrubber operating in series) in the City of Dubois, **Clearfield County**.

Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements).

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

28-03028: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on November 21, 2000, for a Natural Minor Operating Permit at the Dry Run Quarry in Fannett Township, **Franklin County**.

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

08-00002: E. I. DuPont de Nemours & Co., Inc. (R. D. 1, Box 15, Patterson Boulevard, Towanda, PA 18848) issued a Title V Operating Permit on November 7, 2000, for their medical, electronics, and printing/publishing products facility that includes seven surface coating operations, solvent preparation/cleanup operations, and four natural gas/oil-fired boilers in North Towanda Township, **Bradford County**.

14-00001: Corning Asahi Video Products Co. (3500 East College Avenue, State College, PA 16801) issued a Title V Operating Permit on October 30, 2000, for the glass manufacturing facility that includes glass melting furnaces, chrome plating operations, glass forming and finishing operations and small combustion units in College Township, **Centre County**.

47-00001: PPL Montour, LLC (2 North Ninth Street, Allentown, PA 18101) issued a Title V Operating Permit on November 16, 2000, for the electric generating facility that includes coal fired boilers, three diesel generators and coal and ash handling and storage equipment in Derry Township, **Montour County**.

55-00001: Sunbury Generation, LLC (1088 Springhurst Drive, Green Bay, WI 54304) issued a Title V Operating Permit on November 17, 2000, for the electric generating facility that includes multi-fuel fired boilers, two diesel generators, two combustion turbines and coal and ash handling and storage equipment in Shamokin Dam Borough, **Snyder County**.

PLAN APPROVALS

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

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

46-0013: Clemens Family Corp. (2700 Funks Road, Hatfield, PA 19440) on November 21, 2000, for operation of a scrubber in Hatfield Township, **Montgomery County**.

23-0040A: Laurel Pipe Line Co., LP (3398 Garnet Mine Road, Boothwyn, PA 19061) on November 21, 2000, for operation of a Petroleum Pipeline Breakout Tanks in Bethel Township, **Delaware County**.

23-0091: Union Packaging, LLC (6250 Baltimore Avenue, Yeadon, PA 19050) on November 21, 2000, for operation of a Rotogravure Printing Press #1 in Yeadon Borough, **Delaware County**.

46-0059: Handelok Bag Co. (701A West Fifth Street, Lansdale, PA 19446) on November 21, 2000, for operation of a Flexographic Printing Press in Lansdale Borough, **Montgomery County**.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

48-309-065A: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) on November 20, 2000, for modification of a primary crushing operation and associated air cleaning device at the Nazareth II Plant in Nazareth Borough, **Northampton County**.

54-310-020A: Lehigh Asphalt Paving & Construction Co. (Andreas Sand Plant, P. O. Box 549, Tamaqua, PA 18252) on November 21, 2000, for construction of a stone crushing plant and associated air cleaning device in West Penn Township, **Schuylkill County**.

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

65-235A: Alcoa, Inc. (100 Technical Drive, Alcoa Center, PA 15069) on November 21, 2000, for operation of a Pilot Tunnel Kiln at Alcoa Technical Center in Upper Burrell Township, **Westmoreland County**.

Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).

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

09-320-049: Fres-Co Systems USA, Inc. (3005 State Road, Telford, PA 18969) on November 21, 2000, for operation of a Flexographic Press in West Rockhill Township, **Bucks County**.

15-0019: PECO Energy Co. (Township Line and Cromby Road, Phoenixville, PA 19460) on November 21, 2000, for the operation of a Steam/Electric Power Generating in East Pikeland Township, **Chester County**.

23-313-041A: Sunoco, Inc. (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061) issued November 21, 2000, for operation of an Organic Chemical Production in Marcus Hook Borough, **Delaware County**.

09-0024A: Waste Management of PA, Inc. (200 Bordertown Road, Tullytown, PA 19007) on November 22, 2000, for operation of a Permitted Landfill in Tullytown Borough, **Bucks County**.

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

06-03041: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, PA 19512) on October 31, 2000, to authorize temporary operation of a municipal waste landfill controlled by an enclosed ground flare and turbine, covered under this Plan Approval until February 27, 2001, at the Rolling Hills Landfill in Earl Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills.

38-309-049: Carmeuse Pennsylvania, Inc. (P. O. Box 160, Annville, PA 17003) on October 29, 2000, to authorize temporary operation of a rotary lime kiln controlled by a fabric filter, covered under this Plan Approval until February 26, 2001, in North Londonderry Township, **Lebanon County**.

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

14-313-034B: Rutgers Organics Corp. (201 Struble Road, State College, PA 16801) on November 15, 2000, to extend the authorization to operate a chemical process (Product 4049) and associated air cleaning devices on a temporary basis until March 14, 2001, in College Township, **Centre County**.

08-316-014: Masonite Corp. (P. O. Box 311, Towanda, PA 18848-0311) on November 9, 2000, to extend the authorization to operate a hardboard press and resin blending facility and associated air cleaning devices on a temporary basis until March 8, 2001, in Wysox Township, **Bradford County**.

47-318-009: Aldan Industries, Inc. (115 Woodbine Lane, Danville, PA 17821) on November 15, 2000, to extend the authorization to operate a fabric coating and curing operation and associated air cleaning device (a thermal oxidizer) on a temporary basis until March 14, 2001, in Mahoning Township, **Montour County**.

17-305-042A: DTE River Hill, LLC (P. O. Box 8614, Ann Arbor, MI 48107), owner, and Covol Technologies, Inc. (3280 North Frontage Road, Lehi, UT 84043), operator, on November 22, 2000, to extend the authorization to operate a coal fines agglomerated pellet drying oven and associated air cleaning device (a fabric collector) as well as a coal crusher and associated air cleaning device (a fabric collector) on a temporary basis until March 22, 2001, in Karthaus Township, **Clearfield County**.

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

04-446B: AES BV Partners (394 Frankfort Road, Monaca, PA 15061) on November 15, 2000, for operation of three Cogeneration Units at Beaver Valley Cogeneration in Potter Township, **Beaver County**.

56-025C: New Enterprise Stone & Lime (P. O. Box 77, New Enterprise, PA 16664) on November 22, 2000, for operation of a New Screen Replacement Crusher at Bakersville Crushing Plant in Jefferson Township, **Somerset County**.

04-702A: United States Gypsum Co. (1 Woodlawn Road, Aliquippa, PA 15001) on November 22, 2000, for operation of Wallboard Manufacturing at Aliquippa Plant in Aliquippa, **Beaver County**.

03-026A: Eljer Plumbingware, Inc. (1301 Eljer Way, Ford City, PA 16226) on November 27, 2000, for operation of Tunnel Kiln #1 at Ford City Plant in Burrell Township, **Armstrong County**.

65-602A: Derry Construction Co. Inc. (R. D. 5, Box 34, Latrobe, PA 15650) on November 27, 2000, for operation of an Asphalt Batch Facility at Torrance Asphalt Facility in Derry Township, **Westmoreland County**.

04-468C: S. H. Bell Co. (644 Alpha Drive, P. O. Box 11495, Pittsburgh, PA 15238) on November 27, 2000, for operation of a Loadout Shed at East Liverpool Terminal in Ohioville Boro, **Beaver County**.

32-349A: I-22 Processing, Inc. (One Energy Place, Suite 2200, Latrobe, PA 15650) on November 27, 2000, for operation of a Coal Transloading Facility at I-22 Yard in Burrell Township, **Indiana County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

10-300B: Spang & Co., Magnetics Division (796 East Butler Road, P. O. Box 751, Butler, PA 16003) on November 30, 2000, for an automated paint line and integrated curing oven in East Butler Borough, **Butler County**.

37-307A: Hobel Brothers Co./Slippery Rock Salvage (214 Gardner Avenue, New Castle, PA 16107) on November 30, 2000, for an enclosed steel ingot cutting operation in New Castle, **Lawrence 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 such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Permits Issued

54001301. M & M Anthracite Coal Co. (245 Second Street, Joliet-Tremont, PA 17981), commencement, operation and restoration of an anthracite underground mine operation in Frailey Township, **Schuylkill County** affecting 3.0 acres, receiving stream—Middle Creek. Permit issued November 22, 2000.

54663021R3. Reading Anthracite Company (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in New Castle Township, **Schuylkill County** affecting 693.0 acres, receiving stream—Middle Creek. Renewal issued November 22, 2000.

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

03940101. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824). Permit revised to include a stream encroachment of an unnamed tributary to Holder Run at a bituminous surface mining site located in Bradys Bend Township, **Armstrong County**, affecting 129.2 acres. Receiving streams: unnamed tributary to Holder Run, to Holder Run, to Sugar Creek. Application received: September 18, 2000. Revision issued: November 17, 2000.

03950113. Seven Sisters Mining Co., Inc. (U. S. Route 22, Delmont, PA 15626). Permit reinstated as per the Environmental Hearing Board's March 7, 2000, adjudication (EHB Docket No. 98-034-R), and revised to eliminate mining within 300 feet of all dwellings without waivers, at a bituminous surface mining site located in Burrell and South Bend Townships, **Armstrong County**, affecting 93.0 acres. Receiving streams: unnamed tributary to Crooked Creek and Crooked Creek. Revision application received: August 7, 2000. Permit revision issued: November 20, 2000.

03940111. Canterbury Coal Company (R. D. 1, Box 119, Avonmore, PA 15618). Permit renewal issued for reclamation only of a bituminous surface/auger mine located in Kiskiminetas Township, **Armstrong County**, affecting 88.4 acres. Receiving streams: unnamed tributaries to Roaring Run and Roaring Run. Application received: September 27, 2000. Reclamation only renewal issued: November 20, 2000.

04000101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in Darlington Township, **Beaver County**, affecting 102.2 acres. Receiving streams: State Line Creek and unnamed tributary to the North Fork of Little Beaver Creek. Application received: June 12, 2000. Permit issued: November 21, 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 permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (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 on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certifications:

Southeast Regional Office: Program Manager, Water Management Program, Lee Park Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E46-863. Encroachment Permit. **Liberty Properties Limited Partnership**, 65 Valley Stream Parkway, Malvern, PA 19355. To perform the following activities associated with the construction of an office building at 2301 Renaissance Boulevard;

1. To relocate approximately 1,790 linear feet of an unnamed tributary to Matsunk Creek (WWF) and routing its flow through 380 linear feet of proposed stream channel, and to construct and maintain 349 linear feet of 30-inch PEP stream enclosure. The abandoned channel will be filled to facilitate the construction of an office building, parking facilities, utilities and stormwater facilities.

2. To excavate 190 linear feet of unnamed intermittent tributary to Matsunk Creek and portions of the assumed 100-year floodway to facilitate the construction of Stormwater Detention Basin No. 2.

3. To place fill in 0.13 acre of wetland (PEM) to facilitate the construction of Drive C.

This project proposes impact to a total of 0.18 acre of wetland, 0.08 acre of a body of water (POW) and approximately 1,790 feet of watercourse. The project is located immediately south of the intersection of Horizon Drive and Renaissance Boulevard (Norristown, PA Quadrangle N: 1.70 inches; W: 1.75) in Upper Merion Township, **Montgomery County**.

This authorization also includes an environmental assessment approval for work associated with the construction of nonjurisdictional dams, for Basin No. 1 and Basin No. 2 across an unnamed intermittent tributary of Matsunk Creek and adjacent wetlands.

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

E39-387. Encroachment. **Borough of Catasauqua**, 118 Bridge Street, Catasauqua, PA 18032-2598. To maintain the existing twin 72-inch-diameter RCP culverts in Catasauqua Creek, with work consisting of replacing the steel rail trash rack at the upstream end of the structure. The project is located at the intersection of Walnut Street and St. John Street (Catasauqua, PA Quadrangle N: 6.3 inches; W: 12.9 inches), in the Borough of Catasauqua, **Lehigh County**.

Southwest Regional Office: Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1317. Encroachment. **Ashley Hill Associates**, P. O. Box 11067, Pittsburgh, PA 15237. To place and maintain fill in a de minimis area of wetlands (PEM/PSS) adjacent to an unnamed tributary to Rinaman Run (CWF) for the purpose of developing Lots 110 and 111 on the Ashley Hill Plan of Lots located on the south side of Ashley Court, just south of the intersection of Ashley Hill Drive and Ashley Court (Emsworth, PA Quadrangle N: 19.1 inches; W: 6.7 inches) in McCandless Township, **Allegheny County**.

E63-493. Encroachment. **Hardy Enterprises, Inc.**, 6000 Waterdam Plaza, Suite 240, McMurray, PA 15317-5431. To place and maintain fill in the floodway and along both banks of an unnamed tributary to Chartiers Creek (WWF) and to place and maintain fill in a de minimis area of wetland (PEM) for the purpose of constructing a retail development (Old Oak Commons) located on the west side of S. R. 19, approximately 500 feet north from the intersection of S. R. 19 and Old Oak Road (Canonsburg, PA Quadrangle N: 4.7 inches; W: 0.2 inch) in Peters Township, **Washington County**.

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

E10-313. Encroachment. **South Pike Square, L. P.**, 100 Highland Avenue, Cheswick, PA 15024. To modify and

maintain the existing 815-foot long, 60-inch diameter reinforced concrete and corrugated metal pipe stream enclosure, including installation of a new outlet endwall with two 30-inch diameter stormwater outfall pipes through the wings and placement of additional fill over the enclosure beginning approximately 30 feet upstream of S. R. 356 and extending upstream in a tributary to Little Buffalo Creek for the South Pike Square commercial development west of S. R. 356 approximately 0.75 mile northwest of S. R. 28 (Freeport, PA Quadrangle N: 13.6 inches; W: 13.6 inches) in Buffalo Township, **Butler County**.

E25-606. Encroachment. Presque Isle Condominium Association, 558 West 6th Street, Erie, PA 16507. To construct and maintain an 80-foot long, 9-foot diameter corrugated metal pipe culvert with rock riprap in the stream invert extending 50 feet upstream and downstream of the culvert in a tributary to Presque Isle Bay, Lake Erie (Scott Run) for the stabilization of the ravine slope at the existing Presque Isle Condominiums approximately 1,800 feet north of West 6th Street east of Peninsula Drive (Swanville, PA Quadrangle N: 20.0 inches; W: 3.75 inches) in Millcreek Township, **Erie County**.

[Pa.B. Doc. No. 00-2133. Filed for public inspection December 8, 2000, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design, Construction and Testing Services; Request for Proposal

The Department of General Services is seeking interested firms to submit sealed proposals for consideration for the following project:

DGS 553-32DBC—Design, Construct and Test a New Emissions Control/Particulate Collection System for a Boiler Plant, Selinsgrove Center, Selinsgrove, Snyder County, PA. A brief description of the project is as follows: Design, construction and testing services necessary to complete modifications to the existing Boiler Plant to provide a particulate collection system. The modifications required under this RFP shall permit and accommodate firing with either anthracite or bituminous coal in each of the three existing boilers. The collection system must be approved by the Pennsylvania Department of Environmental Protection (PADEP) and demonstrate compliance with the allowable emissions criteria. The Design/Build Contractor will be the turnkey contractor for this project.

RFP PRICE—\$75 (Includes 6% PA Sales Tax) per RFP. Checks must be made payable to the Commonwealth of Pennsylvania. This price is nonrefundable. Requests for the RFP should be mailed to the Department of General Services, Bureau of Professional Selections and Administrative Services, Room 107, Headquarters Building, 18th & Herr Streets, Harrisburg, PA 17125. Contact Bidders Services at (717) 787-3923 or www.dgs.state.pa.us for the names of those who have secured the RFP.

Preproposal Conference

A preproposal conference will be held on Tuesday, December 19, 2000 at 10 a.m. at the Boiler Plant Building, Selinsgrove Center, Selinsgrove, Snyder County,

PA. Specific directions to the site may be obtained by contacting Fred Karns at (717) 772-2083.

All questions regarding the RFP or to clarify matters concerning the Proposers responsibilities must be submitted in writing to Norm Klinikowski, (717) 783-2593, Fax (717) 772-2036, by no later than 5 p.m., Thursday, January 4, 2001. Only firms requesting the RFP will receive a copy of all submitted questions and answers.

All proposals are due Thursday, January 18, 2001, no later than 2 p.m., in Room 107, Headquarters Building, 18th & Herr Streets, Harrisburg, PA 17125. Responses received after this due date and time will be returned unopened.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-2134. Filed for public inspection December 8, 2000, 9:00 a.m.]

Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following projects:

Project No. DGS 103-8—Linesville Spillway Improvements, Pymatuning State Park, Crawford County, PA. Construction Cost: \$2,012,000. The scope of work includes, but is not limited to, improvements to vehicular and pedestrian access/circulation; relocate utilities; new concession building; new flush comfort station; expand/improve parking/walkways; develop/stabilize shoreline and concrete repairs to the spillway.

Project No. DGS 170-11—Rehabilitation and Construction of a New Dam, Lyman Run State Park, Potter County, PA. Construction Cost: \$12,500,000. The scope of work includes, but is not limited to, demolition and removal of existing dam; salvage/stockpile usable materials; construct new dam; erosion/sedimentation control; diversion/care of water and necessary utilities for proper operation. Possible CM services (limited tasks) may be provided utilizing our existing Regional Construction Manager contract.

Project No. DGS 183-15—Recut the Channel in the Long Run Watershed, City of McKeesport, Allegheny County, PA. Construction Cost: \$1,878,330. The scope of work includes, but is not limited to, excavating approximately 2,000 linear feet of existing channel establishing uniform invert slope. Also included is, construction of a 1,525 foot concrete wall along Route 48 downstream of Ripple Road.

Project No. DGS 403-74—Demolition of Evangeline Rachel Hall Education Building and Water Tower, Cheyney University, Cheyney, Delaware County, PA. Construction Cost: \$1,667,000. The scope of work includes, but is not limited to, demolition and razing the existing 37,000 sq. ft. building and 120,000 gallon water storage tank and provide a landscaped park area with lighting/seating/walkways. Utility and water supply cross-connection are required.

Project No. DGS 414-64—Construction of School of Music, West Chester University, West Chester, Chester County, PA. Construction Cost: \$18,545,000. The scope of work includes, but is not limited to, construction of a 75,000 + sq. ft. School of Music and Performing Arts Center providing a high-tech teaching/learning facility.

Included are modern studios and teaching laboratories, practice and recital facilities, adequate support and storage space, professional recording studio, office space and classrooms. Possible CM services (limited tasks) may be provided utilizing our existing Regional Construction Manager contract.

Project No. DGS 515-24—Building No. 37, Installation of Central Air-Conditioning, Wernersville State Hospital, Wernersville, Berks County, PA. Construction Cost: \$1,725,000. The scope of work includes, but is not limited to, installation of central air-conditioning in the Basement, 1st, 2nd and 3rd floors. If necessary, and funding permits, other floors are to be added. Also included are window replacement, upgrade of HVAC and electric systems as required. Possible CM services (limited tasks) may be provided utilizing our existing Regional Construction Manager contract.

Project No. DGS 578-19—Reconstruction of Three Boilers, Installation of New Controls, Sate Correctional Institution, Dallas, Luzerne County, PA. Construction Cost: \$5,650,000. The scope of work includes, but is not limited to, reconstruction of three coal fired boilers and stokers with new boiler controls. Also included are repair/replacement of coal bunker, coal elevator and coal handling equipment.

Project No. DGS 800-269—Construct Library Addition and Classroom Building Addition, The Pennsylvania State University, York Campus, York, York County, PA. Construction Cost: \$9,917,000. The scope of work includes, but is not limited to, construction of an approximately 60,000 gross sq. ft. multi-story structure with three connected and integrated units: Library, Performing Arts Center with Classrooms and a Connecting Unit. The library will provide for increased shelving/stacking, seating and study rooms with a separate entrance and lobby. The Performing Arts Center/Theatre will be a multi-use facility seating 1,000 and include office/administrative areas, general classrooms and art classrooms/studios. Required Design Expertise: The Professional must have previous experience in design of a similar facility or must retain the services of a consultant that does have the expertise designing similar facilities for higher education. Possible CM services (limited tasks) may be provided utilizing our existing Regional Construction Manager contract.

Project No. DGS 1103-67 Phase 2 Part A—Hillman Library Renovation, University of Pittsburgh, Pittsburgh, Allegheny County, PA. Construction Cost: \$7,900,000. The scope of work includes, but is not limited to, design and cost estimating of the complete renovation of Hillman Library including roof, exterior plaza, exterior repairs, hazardous material abatement, upgrade of all building systems, which include telecommunications/data/video, interior space and replacement/upgrade of interior finishes. Required Design Expertise: The Professional Team must have considerable expertise in the planning/renovation of Libraries for teaching and research universities, where the presence of environmental contaminants is an issue. The following fields of expertise must be included as part of the Professional Team: Library design consultant, architectural, mechanical and building controls, electrical, fire protection, plumbing, structural, acoustics, telecommunications/data and environmental abatement consultant. Possible CM services (limited tasks) may be provided utilizing our existing Regional Construction Manager contract.

Project No. DGS 1570-7—Upgrade Electric Utility System, State Correctional Institution, Greensburg, Westmoreland County, PA. Construction Cost: \$2,600,000. The

scope of work includes, but is not limited to, replacement of existing distribution system in original construction, remove poles-overhead lines-transformers from inside security fence. Provide new service for modular buildings, visitor center and pole barn. Provide: second redundant service, additional emergency generator, upgrade emergency system, fuel oil storage, two parallel 600 KW diesel units and second electrical room and panelboards.

Requirements and Information

Note—Project Program

A Project Program, prepared by the Using Agency, is available for the following projects: DGS 103-8, DGS 170-11, DGS 183-15, DGS 403-74, DGS 414-64, DGS 515-24, DGS 578-19, DGS 800-269, DGS 1103-67 Phase 2 Part A and DGS 1570-7. Project Programs are available on the Internet by clicking on the project number in the advertisement which can be accessed through the Public Works section on the Department of General Services' Home Page at www.dgs.state.pa.us. Copies of the Project Programs may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468, or via e-mail by addressing a request to: pbianchistate.pa.us.

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department of General Services. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, Pennsylvania 17125, telephone: (717) 783-8468. The Form 150-ASP can be downloaded from the Professional Selections Web Site of the Department of General Services' Internet Home Page at <http://www.dgs.state.pa.us>. In addition, the Form 150-ASP can be obtained via e-mail by addressing a request to: pbianchistate.pa.us.

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in

Question 12, Pages 7 through 9 of the application (Form 150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location, and the name of the Professional of Record. Color photo copies are acceptable, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-ASP). The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resume(s) of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5:00 p.m.) Thursday, December 28, 2000, and addressed to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, Pennsylvania 17125. FAX applications are not acceptable.

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final pursuant to Act 57 of May 15, 1998.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-2135. Filed for public inspection December 8, 2000, 9:00 a.m.]

Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following project:

Project No. DGS 227-3—Construction of New Trevoze Station, Troop M, Trevoze Station, Bensalem, Bucks County, PA. Construction Cost: \$1,926,667. The scope of work includes, but is not limited to, construction of a 14,600 NSF State Police Station. The proposed two story building will house the Patrol Section, Drug Law Enforcement Unit and Crime/Investigation Unit. The project will include relocation of water and sewer service to adjacent state-owned facilities previously served through the Eastern State School and Hospital.

Requirements and Information

Note—Project Program

A Project Program, prepared by the Using Agency, is available for the following project: DGS 227-3. A Project Program is available on the Internet by clicking on the project number in the advertisement which can be accessed through the Public Works section on the Department of General Services' Home Page at www.dgs.state.pa.us. A copy of the Project Program may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468, or via e-mail by addressing a request to: pbianchi@state.pa.us.

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department of General Services. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468. The Form 150-ASP can be downloaded from the Professional Selections Web Site of the Department of General Services' Internet Home Page at <http://www.dgs.state.pa.us>. In addition, the Form 150-ASP can be obtained via e-mail by addressing a request to: pbianchi@state.pa.us.

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location, and the name of the Professional of Record. Color photo copies are acceptable, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-ASP). The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resume(s) of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. *Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.*

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Thursday, December 28, 2000, and addressed to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommen-

dations for selection. All recommendations for selection made by the Committee shall be final under Act 57 of May 15, 1998.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-2136. Filed for public inspection December 8, 2000, 9:00 a.m.]

Effective Date of Section 4 of Act 60 of 2000

Under Act 60 of 2000, this is to provide notice that the United States Department of Justice, Federal Bureau of Prisons expended funds in the amount of \$223,960 allocated for the construction of a maximum-security prison in Caanan Township, Wayne County, Pennsylvania on June 15, 2000.

GARY CROWELL,
Secretary

[Pa.B. Doc. No. 00-2137. Filed for public inspection December 8, 2000, 9:00 a.m.]

Risk Management and Insurance Broker Services for a Controlled Insurance Program

Project No. DGS 377-1

Construct 1,000 Cell Close Security Correctional Facility

SCI—Forest

Forest County, PA

The joint venture of O'Brien Kreitzberg and DMJM (OK/DMJM) will receive written proposals for technical qualifications for risk management and insurance broker services for a controlled insurance program (CIP) for the construction of the proposed Forest County State Correctional Institution. The facility is to be located 2 miles north of Marienville, Pennsylvania bordering the Allegheny National Forest.

Separate and sealed proposals will be received by the construction manager, OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222, until 2 p.m., prevailing time on December 28, 2000. Proposals will be opened privately and reviewed by the construction manager. At the construction manager's option, one or more of the proposers may be required to make an oral presentation at the offices of the construction manager. The presentation will be within 10 calendar days of the date established for receipt of written proposals.

Copies of the request for technical qualifications may be obtained at the office of OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222, attention Tom Dirkes, upon written request on or after November 27, 2000.

A preproposal conference will be held in Conference Room A, on the 1st Floor of Two Gateway Center, Pittsburgh, PA on Monday, December 18, 2000 at 2 p.m.

Proposals shall be submitted in the form described in the request for proposal and must include responses to all items described therein in order to be considered.

For purposes of clarification, we provide the following information:

Owner of the Project: Commonwealth of Pennsylvania
Department of General Services

Construction Manager: O'Brien Kreitzberg/DMJM

Design Professional: STV/H. F. Lenz Company

The CM reserves the right to accept or reject any or all proposals.

Onsite work performed on any contract awarded on this project is subject to the requirements of the "Pennsylvania Prevailing Wage Act."

OK/DMJM is an Equal Opportunity Employer and does not discriminate against any applicant for employment, any independent contractor, or any other person because of race, color, religion, creed, ancestry, national origin, age or sex.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-2138. Filed for public inspection December 8, 2000, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Jumbo Bucks 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 Jumbo Bucks.

2. *Price:* The price of a Pennsylvania Jumbo Bucks instant lottery game ticket is \$5.00.

3. *Play Symbols:* Each Pennsylvania Jumbo Bucks instant lottery game ticket will contain one play area featuring three "Winning Number" areas and a "Your Numbers" area. The play symbols and their captions located in the three "Winning Number" areas and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT) and 29 (TWYNIN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$7.⁰⁰ (SVN DOL), \$10.⁰⁰ (TEN DOL), \$12\$ (TWLV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$20,000 (TWY THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$7, \$10, \$12, \$15, \$20, \$50, \$100, \$500, \$1,000, \$20,000 and \$250,000. The player can win up to 11 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania Jumbo Bucks instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$250,000 (TWHNFYTH) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$20,000 (TWY THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$12\$ (TWLV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$10.⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$7.⁰⁰

(SVN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$6^{.00} (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$5^{.00} (FIV DOL) appears under the matching "Your Numbers"

play symbol, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Number" play symbols and a prize play symbol of \$2^{.00} (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

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>Win With Prizes Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$5	\$5	1:6	600,000
\$6	\$6	1:60	60,000
\$10	\$10	1:60	60,000
\$2 x 5	\$10	1:40	90,000
\$5 x 2	\$10	1:120	30,000
\$12	\$12	1:600	6,000
\$10 + \$2	\$12	1:600	6,000
\$5 x 2 + \$2	\$12	1:300	12,000
\$7 + \$5	\$12	1:600	6,000
\$15	\$15	1:200	18,000
\$5 x 3	\$15	1:600	6,000
\$10 + \$5	\$15	1:300	12,000
\$2 x 4 + \$7	\$15	1:150	24,000
\$15 + \$5	\$20	1:600	6,000
\$5 x 4	\$20	1:300	12,000
\$10 x 2	\$20	1:200	18,000
\$5 x 2 + \$10	\$20	1:200	18,000
\$20	\$20	1:600	6,000
\$50 x 2	\$100	1:600	6,000
\$5 x 10 + \$50	\$100	1:545.45	6,600
\$15 x 4 + \$10 x 4	\$100	1:545.45	6,600
\$20 x 3 + \$5 x 8	\$100	1:521.74	6,900
\$100	\$100	1:600	6,000
\$500	\$500	1:60,000	60
\$1,000	\$1,000	1:450,000	8
\$20,000	\$20,000	1:900,000	4
\$250,000	\$250,000	1:1,200,000	3

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Jumbo Bucks, prize money from winning Pennsylvania Jumbo Bucks 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 Jumbo Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Jumbo Bucks or through normal communications methods.

LARRY P. WILLIAMS,
Acting Secretary

[Pa.B. Doc. No. 00-2139. Filed for public inspection December 8, 2000, 9:00 a.m.]

Pennsylvania 3 for the Money 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 3 for the Money.

2. *Price:* The price of a Pennsylvania 3 for the Money instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania 3 for the Money instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE). Each Pennsylvania 3 for the Money instant lottery game ticket will also contain a "Tripler Bonus Box" area. The play symbols and their captions located in the "Tripler Bonus Box" area are: 1 (NO BONUS), 2 (NO BONUS), 3 (3XPRIZE), 4 (NO BONUS), 5 (NO BONUS), 6 (NO BONUS), 7 (NO BONUS), 8 (NO BONUS) and 9 (NO BONUS).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1.00 (ONE DOL), \$2.00 (TWO DOL), \$3.00 (THR DOL), \$4.00 (FOR DOL), \$5.00 (FIV DOL), \$6.00 (SIX DOL), \$9.00 (NIN DOL), \$12\$ (TWLV), \$15\$ (FIFTN), \$45\$ (FRY FIV), \$100 (ONE HUN), \$300 (THR HUN) and \$3,333 (TTHOTT).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$6, \$9, \$12, \$15, \$45, \$100, \$300 and \$3,333.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,480,000 tickets will be printed for the Pennsylvania 3 for the Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$3,333 (TTHOTT) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3,333.

(b) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3 (3XPRIZE) in the "Tripler Bonus Box" area and a prize play symbol of \$100 (ONE HUN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$300 (THR HUN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$100 (ONE HUN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3 (3XPRIZE) in the "Tripler Bonus Box" area and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$45.

(f) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$45\$ (FRY FIV) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$45.

(g) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3 (3XPRIZE) in the "Tripler Bonus Box" area and a prize play symbol of \$5.00 (FIV DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$15.

(h) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3 (3XPRIZE) in the "Tripler Bonus Box" area and a prize play symbol of \$4.00 (FOR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$12.

(j) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$12\$ (TWLV) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$12.

(k) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3 (3XPRIZE) in the "Tripler Bonus Box" area and a prize play symbol of \$3.00 (THR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$9.

(l) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$9.00 (NIN DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$9.

(m) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3 (3XPRIZE) in the "Tripler Bonus Box" area and a prize play symbol of \$2.00 (TWO DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$6.

(n) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$6.00 (SIX DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$6.

(o) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$5.00 (FIV DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$4.00 (FOR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3 (3XPRIZE) in the "Tripler Bonus Box" area and a prize play symbol of \$1.00 (ONE DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3.

(r) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$3.00 (THR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3.

(s) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$2⁰⁰ (TWO DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a

prize play symbol of \$1⁰⁰ (ONE DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get Three 3's In Any Row, Column Or Diagonal With Prizes Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,480,000 Tickets</i>
\$1	\$1	1:9.52	1,310,400
\$2	\$2	1:21.43	582,400
\$3	\$3	1:333.33	37,440
\$1 (TRIPLE)	\$3	1:27.03	461,760
\$4	\$4	1:500	24,960
\$5	\$5	1:750	16,640
\$6	\$6	1:1,000	12,480
\$2 (TRIPLE)	\$6	1:107.14	116,480
\$9	\$9	1:1,000	12,480
\$3 (TRIPLE)	\$9	1:111.11	112,320
\$12	\$12	1:3,000	4,160
\$4 (TRIPLE)	\$12	1:333.33	37,440
\$15	\$15	1:3,000	4,160
\$5 (TRIPLE)	\$15	1:750	16,640
\$45	\$45	1:4,800	2,600
\$15 (TRIPLE)	\$45	1:2,400	5,200
\$100	\$100	1:12,000	1,040
\$300	\$300	1:80,000	156
\$100 (TRIPLE)	\$300	1:34,286	364
\$3,333	\$3,333	1:780,000	16

(TRIPLE) = Triples Prize

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 3 for the Money instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 3 for the Money, prize money from winning Pennsylvania 3 for the Money 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 3 for the Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 3 for the Money or through normal communications methods.

LARRY P. WILLIAMS,
Acting Secretary

[Pa.B. Doc. No. 00-2140. Filed for public inspection December 8, 2000, 9:00 a.m.]

Rates of Tax on Aviation Gasoline and Jet Fuel for 2001; Oil Company Franchise Tax Rate for 2001

Aviation Gasoline and Jet Fuels

Under 74 Pa.C.S. § 6121(b), the Secretary of Revenue announces that for the calendar year 2001 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines will increase from the current rate of 3 7/10¢ per gallon to 4 3/10¢* per gallon or fractional part thereof.

Under 74 Pa.C.S. § 6131(b), the Secretary of Revenue announces that for the calendar year 2001 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines will increase from the current rate of 1 9/10¢ per gallon to 2¢ per gallon or fractional part thereof.

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985 and each January 1 thereafter. The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986 and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 1/10¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics, for the

*The rate of 4 3/10¢ per gallon consists of the 1 1/2¢ per gallon tax imposed by the Liquid Fuels and Fuels Tax Act, 75 Pa.C.S. § 9004(c)(2), and the 2 8/10¢ per gallon additional tax imposed by 74 Pa.C.S. § 6121(a). As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

most recent 12-month period available as of November 1, subject to a maximum rate of 6¢ per gallon for aviation gasoline and 2¢ per gallon for jet fuels. On November 1, 2000, the most recently available 12-month period was September 1999 to September 2000, as reported in Bureau of Labor Statistics, United States Department of Labor, Producer Price Indexes, September 2000, USDL 00-292, released October 13, 2000, for which the percentage change was +62.4%. Accordingly, the aviation gasoline tax rate increases by 6/10¢ per gallon; however, the jet fuel tax rate increases by only 1/10¢ per gallon due to the 2¢ per gallon maximum rate.

Oil Company Franchise Tax

The Secretary of Revenue announces that for the calendar year 2001 there is an increase in the current rate of the oil company franchise tax from 13.9¢ per gallon to 14.0¢ per gallon on all liquid fuels and from 18.8¢ per gallon to 18.9¢ per gallon on all fuels used or sold and delivered by distributors within this Commonwealth under 75 Pa.C.S. §§ 9004(b) and 9002, definition of "Cents per Gallon Equivalent Basis."

The rate of the oil company franchise tax imposed under Chapter 95 (Taxes for Highway Maintenance and Construction) of the Vehicle Code, 75 Pa.C.S. § 9502, and collected under Chapter 90 (Liquid Fuels and Fuels Tax), 75 Pa.C.S. § 9004(b), is determined annually by the Department of Revenue and announced by each December 15 for the following calendar year. The tax rate is determined on a "cents per gallon equivalent basis," which is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

"Average wholesale price" as used above is defined as:

The average wholesale price per gallon of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes, as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than 90¢ nor more than \$1.25 per gallon.

For the 12-month period ending September 30, 2000 the Department has determined that the average wholesale price of liquid fuels and fuels was 90.6¢ per gallon; accordingly, an average wholesale price of 90.6¢ per gallon is used to determine the rate for 2001.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 in terms of mills applicable to each gallon is:

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
Total Mills per Gallon:	153.5	208.5
Decimal Equivalent:	.1535	.2085
Multiply by Average Wholesale Price:	× 90.6¢	× 90.6¢
Product:	13.907¢	18.890¢
Oil Company Franchise Tax per Gallon (Rounded Up to Next Highest Tenth):	14.0¢	18.9¢

Act 3 of 1997 provides that the oil company franchise tax as computed above is collected at the same time as the liquid fuels and fuels tax of 12¢ per gallon; therefore, effective January 1, 2001 the combined rate of tax for liquid fuels (primarily gasoline) is 26.0¢ per gallon and for fuels (primarily diesel fuel) is 30.9¢ per gallon.

LARRY P. WILLIAMS,
Acting Secretary

[Pa.B. Doc. No. 00-2141. Filed for public inspection December 8, 2000, 9:00 a.m.]

Realty Transfer Tax; Revised 1999 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 1999. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from January 1, 2001 to June 30, 2001, except as indicated. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument 61 Pa. Code § 91.102 (relating to acceptance of documents).

<i>County</i>	<i>Adjusted Common Level Ratio Factor</i>
* Allegheny	1.00
** Beaver	2.73
* Carbon	2.00
* Cumberland	1.00
*** Northumberland	7.25
* Perry	1.00
* Venango	1.00

* Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 2001.

** Based on revised common level ratio issued by the State Tax Equalization Board effective July 1, 2000.

*** Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2001.

LARRY P. WILLIAMS,
Acting Secretary

[Pa.B. Doc. No. 00-2142. Filed for public inspection December 8, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

York County Project Reference No. 08430AG2646

The Department of Transportation will retain an engineering firm for a project agreement to provide a study to review the feasibility for new and modified interchanges in York County. Locations of the new or modified interchanges to be included in the feasibility study are as follows:

- A new interchange on Interstate 83 between the Maryland State Line and Exit 1 (Shrewsbury) at State Route 2078 (Windy Hill Road)
- Reconstruction of Exit 1 on Interstate 83 at State Route 0851
- A new interchange on Interstate 83 between Exits 11 (Emigsville) and 12 (Strinestown) at State Route 0921
- An interchange at Exit 9 (Arsenal Road) of Interstate 83 that will provide all desired movements to and from Interstate 0083 and State Route 0030
- Completion of the interchange of State Route 0030 and State Route 2005 (Memory Lane)

The required services will include preparation of a feasibility study addressing the impact of partial reconstruction, total reconstruction or new construction on the environment; traffic, both existing and projected to a twenty (20) year period beyond an anticipated open to traffic date; cultural and community values and resources; land use; economic development; the potential for state and federal threatened and endangered species; hydraulics and hydrology; public utilities; safety; right of way, including relocations; wetlands; and future facility maintenance.

Recommendations for projects will be developed, by the selected firm, for possible inclusion in the York County Metropolitan Planning Organization's Transportation Improvement Program and/or Long Range Plan. Preliminary and final design, utility, right of way and construction cost projections and a proposed schedule will be required for each recommended improvement.

- Engineering drawings, figures, details and other associated sketches or schematics will be developed using English units.
- Welcom's Open Plan software will be used by the Department for project management and tracking.
- A Quality Development Plan will be prepared for the study.
- Public and community involvement will be required.

The Department is seeking a multi-disciplined team with environmental, geotechnical, highway design, traffic analysis and structure design experience.

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

1. Specialized experience and technical competence with similar projects and their ability to provide innovative solutions to complex technical problems.

2. Project team management including sub-consultants and how the project manager will manage several disciplines and interact successfully with the District.

3. Past record with respect to cost control, work quality, and ability to meet schedules.

4. The project team is expected to visit the sites and provide an overview of their understanding of possible issues for the project based on their field observations.

5. Ability of the project team to communicate effectively in various mediums and provide strong public involvement management skills.

The selected firm and any sub-consultant firms working on this study for the selected firm will not be allowed to participate in any future projects associated with the recommendations of this study.

The goal for the Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contact price. Additional information concerning DBE participation in this Agreement is contained in the "General Requirements and Information" section after the advertised project(s).

Limit the letter of interest 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:

District Consultant Selection Committee
Mr. Barry G. Hoffman, P.E., District Engineer
Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
Attention: Mr. Larry E. Graeff

Clearly indicate on mailing package:

LETTER OF INTEREST ENCLOSED

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. Larry E. Graeff, Senior Project Manager, District 8-0, at (717) 783-5119.

Armstrong, Butler, Clarion, Indiana and Jefferson Counties Project Reference No. 08430AG2647

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 10-0, that is Armstrong, Butler, Clarion, Indiana, and Jefferson Counties. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of one million (\$1,000,000) dollars.

Department policy requires firms providing construction inspection services to have a Federal Acquisition Regulation (FAR) field overhead rate established. The Department's current policy (SOL-430-91-34) requires a firm to submit their proposed field and office cost allocation approach, before the beginning of the fiscal year where the separate overhead rates would apply. This approach must comply with the provisions set forth in Part 31 of the Federal Acquisition Regulations (48 CFR

Chapter 1) which governs the determination of the eligibility of costs making up the firm's Direct and Indirect Costs.

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. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- b. Past Performance.
- c. Understanding of Department's requirements, policies, and specifications.
- d. Number of available inspectors in each payroll classification.
- e. Number of NICET certified inspectors in each payroll classification.
- f. Ability to provide CPM scheduling.

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.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	9 (5)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	3 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	20 (12)
Technical Assistant—1 (TA-1) (NICET Highway Construction Level 1 or equivalent)	3 (0)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of High-

way Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
- 5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum hourly payroll rate for each Department Payroll Classification for calendar year 2000 shall be as shown:

<i>Payroll Classification</i>	<i>Maximum Straight Time Hourly Payroll Rate (Year 2000)</i>
(TCM-1)	\$23.22
(TCIS)	\$20.34
(TCI-Materials)	\$17.55
(TCI)	\$17.05
(TA-1)	\$13.80
(TA)	\$11.72

If applicable, the maximum straight time hourly payroll rate for subsequent calendar years will be established at the scope of work meeting.

The maximum hourly payroll rate is the maximum hourly rate paid to an employee in a specific Department Payroll classification. The Department reserves the right to negotiate hourly payroll rates of compensation of individuals based on knowledge, experience and education up to the payroll classification maximum hourly payroll rate.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; provide certified CDS operators, nuclear densometer gauge licensed operators, NECEPT certified field bituminous technicians; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected may be required to supply the following equipment to the Department:

<i>Quantity</i>	<i>Item</i>
5	Nuclear Densometer Gauges/License
5	Vehicle for Transporting Nuclear Gauge
4	Two-Way Radios
6	Cellular Phones (for Engineer's employees only)
3	Paint Inspection Medical Tests

The Department will directly reimburse the selected engineering firm for the above equipment, for use by the consultant inspection staff at their actual cost not to

exceed the maximum direct reimbursement shown below.

- Nuclear Denso-meter Gauge @ \$660.00 each Maximum/month
- Vehicle for Gauge @ \$650.00 each Maximum/month
- Two-way Radio @ \$ 25.00 each Maximum/month
- Cell Phone Usage* As per invoice
- Paint Inspection As per invoice
- Medical Tests

If the equipment is self-owned, reimbursement will be based on actual cost of ownership not to exceed the maximum allowable. If equipment is from an outside supplier, the engineer must secure a minimum of three written quotes. The Department reserves the right to request additional quotes.

*Cost of phone and activation fees are not eligible for direct reimbursement

The Department will reimburse for actual miles driven on the project as directed by the Department, and a maximum of \$32.50/day for either mileage to and from the work site or lodging. An inspector will not be reimbursed for a combination of the two during the same day. Mileage will be reimbursed for the most direct route from the inspector's residence or the Consultant's office, whichever is less, to the project site and return at the lesser of the maximum mileage rate established by the Commonwealth or the firm's current policy. The first 15 miles each day of an inspector's commute from and to his/her residence or the consultant's office to the work location is considered normal commuting travel and will not be eligible for mileage reimbursement. Lodging will be reimbursed at a maximum rate of \$32.50/day, in lieu of mileage, but receipts for all costs must be provided to the Department with the Engineer's invoice. Lodging will only be reimbursed for employees whose home or headquarters is more than 65 miles from the project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	11
TCI-M	4
TCI	24

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), including any transmittal sheets, plus an organizational chart (up to 11" x 17" size) and additional resumes, if applicable. Any number and/or page size beyond these maximums will not be reviewed by the Department. See the General Requirements and Information Section for additional Letter of Interest conditions.

The Letter of Interest submission shall be sent to:

Mr. Richard H. Hogg, P.E., District Engineer
Engineering District 10-0
2550 Oakland Avenue, P. O. Box 429
Indiana, PA 15701-0429
Attn: Michael P. Masisak

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 Michael P. Masisak, phone number (724)357-2869, fax number (724)357-5951.

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. 00-2143. Filed for public inspection December 8, 2000, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Sections 5(d) and 5(g) of the Regulatory Review Act (71 P. S. §§ 745.5(d) and 745.5(g)) provide that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committees' comment period. The Commission's Comments are based upon the criteria contained in subsection 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 regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
15-415	Department of Revenue Sales and Use Tax; Partial Refunds for Bad Debts	11/27/00	10/23/02

Department of Revenue Regulation No. 15-415 Sales and Use Tax; Partial Refunds for Bad Debts November 27, 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 Department of Revenue (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by October 23, 2002, the regulation will be deemed withdrawn.

1. Section 33.5(a). Definitions.—Clarity.

The definition of "discount amount" references "the amount of credit granted to a vendor by the Department under Section 227 of the TRC. . . ." Under this section of the Tax Reform Code, the "amount of credit" is 1% of the tax collected. This specific percentage should be included in the definition.

2. Section 33.5(b). Filing a petition for partial refund.—Fiscal Impact; Reasonableness; Need; Clarity.

Subsection (b)(2)

Subsection (b)(2) states that a vendor may assign the right to file a petition for refund to an affiliated entity. The example describes such an assignment by a retailer to an affiliated company that issues credit cards. However, the example does not indicate which company wrote off the bad debt on a Federal tax return. There are two concerns.

First, if the affiliated credit card company, not the retailer, has written off the bad debt, the regulation should clearly state whether the retailer may assign the right to file a refund petition to the affiliated credit card company.

Second, if bad debts on sales by a vendor are written off by an affiliated entity, is it the intent of the regulation that the vendor may still file the refund petition?

Subsection (b)(3)

This subsection contains minimum record retention requirements to establish the validity of a petition for refund of sales tax on a bad debt. There are three concerns.

First, subsection (b)(3)(i) contains two distinct record keeping requirements: name or account number and date of sale. For clarity, these requirements should be placed in separate subsections.

Second, subsections (b)(3)(i)-(ix) set forth several types of documentation that must be retained to substantiate the validity of a refund claim. However, it does not indicate how long the documentation should be retained. Do the existing retention rules at 61 Pa. Code § 34.2(e)(3) apply? If so, section 34.2(e)(3) should be referenced in section 33.5(b). If not, the regulation should include a time limit for record retention for the purposes of this section.

Third, subsections (b)(3)(vii) and (viii) both require documentation that the bad debt was deducted on a Federal income tax return. The only distinction is that subsection (b)(3)(vii) applies to returns filed in 1999 and refunds of one-third, and subsection (b)(3)(viii) applies to returns filed after January 1, 2000, and refunds of two-thirds. Subsection (b)(1) explains that bad debts deducted on returns filed in 1999 will only qualify for a refund of one-third of the sales tax. Therefore, there is no need to repeat this distinction with two repetitive subsections. Subsections (b)(3)(vii) and (viii) should be combined into one subsection.

3. Section 33.5(c). Examples for determining the partial refund amount, using as a basis a one-third refund.—Consistency with Statute; Clarity.

This subsection provides examples for calculating the amount of refund in different circumstances. There are two concerns.

First, the examples are based on situations in which the refund is one-third of the sales tax. These examples apply only to bad debts listed as deductions on Federal income tax returns filed in 1999. Starting on January 1, 2000, the refund is permanently increased to two-thirds of the sales tax on bad debts. The examples in the regulation would be more useful if they were based on refunds for two-thirds of the sales tax.

Second, the example in subsection (c)(1) includes the following statement: "Partial Refund, less one-third of any discount allowed by the Department." The only discount that applies to this regulation is set forth in section 227 of the Tax Reform Code (Act) (72 P.S. § 7227). If examples using the two-thirds refund are added to this regulation, this language should match the words in section 247(b) of the Act (72 P.S. § 7247.1(b)), as amended by Act 23 of 2000, which states: "... less two-thirds of any discount under Section 227 of this act."

4. Alternative methods for calculation and documentation.—Reasonableness; Clarity.

The proposed regulation states in section 33.5(b)(1) that a vendor may file a refund petition with the Board of Appeals (Board). The Pennsylvania Retailer's Association wrote that some retailers file petitions for refunds of the sales tax on thousands of transactions that occurred in 1 year. The Association claims that some retailers have already encountered problems with documenting large numbers of transactions, and suggests that the regulation address the use of alternate methods of documentation and calculation.

The Department in a private letter ruling (No. SUT-00-016), dated August 8, 2000, addressed situations in which the volume of uncollectible accounts makes documentation impractical. The ruling states that the Board "will determine the appropriateness of alternate methods." However, the proposed regulation is silent on this issue. The regulation should address whether alternative methods of calculation and documentation can be used for refund petitions.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-2144. Filed for public inspection December 8, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Merger

An application has been received requesting approval of the merger of Union Mutual Insurance Company of Westmoreland County with and into Farmers' and Mechanics' Mutual Insurance Company, both of which operate as mutual property insurance companies organized under the laws of the Commonwealth of Pennsylvania. The initial filing was received on November 29, 2000, and was made under requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. §§ 1921—1932 and 15 P.S. §§ 21205—21207. Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division,

Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; email cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-2145. Filed for public inspection December 8, 2000, 9:00 a.m.]

Benjamin Nelson, Jr.; Order to Show Cause; Doc. No. SC00-07-023

A prehearing telephone conference initiated by the administrative Hearings Office is scheduled for December 19, 2000, at 10 a.m. Each party shall supply to the Docket Clerk on or before December 12, 2000, a telephone number to be used for the conference. A hearing shall occur on January 17, 2001 at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and the Insurance Department's Special Rules of Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. If an attorney or representative for a party participating in the telephone conference does not have complete settlement authority relative to this matter, the party or persons with full settlement authority also shall be available by telephone during the conference. Pending hearing, parties shall exchange proposed exhibits, the names of witnesses, and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation. No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Except as established at the prehearing telephone conference, both parties shall appear at the scheduled hearing 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 evidence shall bring enough copies for the record and each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before January 3, 2001 with the Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before January 10, 2001. The Presiding Officer will consider a written request for continuance of the scheduled prehearing telephone conference or hearing, for good cause only. A party must contact the opposing party prior to requesting a continuance. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, please contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-2146. Filed for public inspection December 8, 2000, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Montgomery County, Wine & Spirits Shoppe # 4610, Collegeville Shopping Center, 222 East Main Street, Collegeville, PA 19426.

Lease Expiration Date: October 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 7,000 net useable square feet of new or existing retail commercial space located on Route 29 in Collegeville.

Proposals due: January 5, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert J. Jolly, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe # 9101, 5050 Umbria Street, Philadelphia, PA 19128

Lease Expiration Date: May 31, 2001

Lease warehouse space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 10,000 net useable square feet of new or existing warehouse space in a 1 mile radius of the intersection of Domino Lane and Umbria Street, Philadelphia.

Proposals due: January 5, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert J. Jolly, (215) 482-9670

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 00-2147. Filed for public inspection December 8, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 January 2, 2001, 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.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating as contract carrier for transportation of persons as described under each application.

A-00097169, Folder 2. Norman Ray Peachey, t/d/b/a K. V. Bus Lines (88 Shawnee Drive, Belleville, Mifflin County, PA 17007)—contract carrier—persons, for Juniata Valley Tri-County MH/MR Program, between points in Pennsylvania.

Service of Insurance Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Scott Hewitt, t/a Point Transfer; Doc. No. A-00114773C0001

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Scott Hewitt, t/a Point Transfer, respondent, maintains a principal place of business at 27 West 735 Sycamore Lane, West Chicago, IL 60185.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00114773.
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.
4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.
5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Scott Hewitt, t/a Point Transfer at Docket No. A-00114773, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,

George T. Mahan, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service of the complaint. The date of service is the date of issue of this publication. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265, Harrisburg, PA 17105-3265
Insurance Unit (717) 787-1227

B. If you fail to answer this complaint with twenty (20) days of the date of service as identified in Paragraph A above, the Bureau of Transportation and Safety will request the Secretary to revoke the certificate of public convenience; contract carrier permit; or brokerage license.

C. In lieu of an answer, you may elect not to contest this complaint by causing insurer to file proper evidence of current insurance (Form E for bodily injury and property damage liability or Form H for cargo insurance) in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed. *ACCORD certificates of insurance are unacceptable as evidence of insurance.*

D. If you fail to file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request the Secretary to sustain the complaint and cancel the certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to the Office of Administrative Law Judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-2148. Filed for public inspection December 8, 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

⑦

⑤ Location

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET 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

1250110 Envelopes. Motor Vehicle Registration Sticker Envelopes. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1056110 Scale, Truck, Steel Deck Motor, Dual Tandem Axle Capacity - 60,000 Lb. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Camp Hill, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

SRU - Bid # 025 SRU Bid #025 Blanket order for office envelopes for the State System of Higher Education of Pennsylvania. Slippery Rock University is accepting sealed bids for the purchase of printed office envelopes for the fourteen universities comprising the State System of Higher Education. Specifications may be obtained by contacting the Purchasing Office of Slippery Rock University at (724) 738-2079.

Department: State System of Higher Education
Location: State System of Higher Education Universities, Statewide
Duration: 01/01/01 - 12/05/01
Contact: Mark Combine, Director of Purchasing, (724) 738-2251

HERB2000 Herbicides, Insecticides for Ft. Indiantown Gap. Bid opening will be December 27, 2000 at 2:00 P.M. For a copy of a bid package you can fax your request to (717)861-2932.

Department: Military Affairs
Location: Dept. of Military and Veterans Affairs, Ft. Indiantown Gap, Annville, PA 17003-5002
Duration: FY00-01
Contact: Anita Sommer, (717) 861-2928

1247230 650H John Deere Crawler Dozer Standard Equipment Code No. 194QT. No Substitute. For a copy of bid package fax request to (717) 787-0725.

Department: Game Commission
Location: Waterford, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1253340 Grass Valley Group Analog Digital/Converters to include the following: Model 8960DEC NTSC to SDI Decoder with 8900FSS Frame Sync Sub Module. No Substitute. For a copy of bid package fax request to (717) 787-0725.

Department: PA Public TV Network
Location: Hershey, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

SERVICES

Agricultural Services—02

PGC-2671 Construct herbaceous openings (food plots) in six (6) locations, three in Lebanon County, State Game Lands #080, three in Dauphin County, State Game Lands #210, and #211. Contractor will be required to provide all equipment necessary to clear designated areas and will also be responsible for providing lime, fertilizer, Ladino Clover Seed, Clover Inoculant, Ryegrass Seed, straw mulch, and any other costs associated with this project. Exact locations, specifications, etc., will be included in bid package, available through the agency. Award will be made on a per project basis to the lowest responsible bidder.

Department: Game Commission
Location: Pennsylvania Game Commission, Automotive and Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: From award, through June 30, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

Computer Related Services & Equipment—08

084134 An undetermined quantity of Rebar to be delivered to the PA Dept. of Transportation.

Department: Transportation
Location: PA Dept. of Transportation, Stockpile #16, located at 246 Alum Rock Rd., Fawn Township, York County
Duration: Undetermined
Contact: Greg Lauer, (717) 848-6230

Construction & Construction Maintenance—09

DGS377-1ST1 PROJECT TITLE: Forest County SCI. BRIEF DESCRIPTION: All work necessary to furnish and install the Precast detention cells and the Precast guard tower(s) superstructure, including the cast-in-place security windows, embedments, and anchors as required for the cell furniture, fixtures and related building components. Scope of work also includes furnishing and installing all conduit and junction boxes as required for all electrical and security items, HVAC grilles, light fixtures and miscellaneous sleeves for related building components. ESTIMATED RANGE: \$12,500,000.00. Precast Concrete Cells. PLANS DEPOSIT: \$200.00 per set payable to OK/DMJM. Refundable upon return of plans and specifications in reusable condition (no marks allowed) 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 \$40.00 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, Thirteenth West, Pittsburgh, PA 15222. Attn: Tom Dirkes, Tel: 412/394-6888. Bid Date: WEDNESDAY, January 17, 2001 at 11:00 A.M. A Pre-Bid Conference has been scheduled for Friday, January 5, 2001 at 1:30 P.M. Contact: Tom Dirkes of OK/DMJM, Tel: 412/394-6888 for the location of the Pre-Bid Conference. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

Department: General Services
Location: Jenks Township, Forest County, PA
Duration: 333 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-48IN2 PROJECT TITLE: Seating. BRIEF DESCRIPTION: All work necessary to complete the furnishing and installation of fixed arena seating. ESTIMATED RANGE: \$1,500,000.00 to \$2,000,000.00. Seating Construction. PLANS DEPOSIT: \$200.00 per set. Payable to: Pitt-Center Partners. 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. Mail a separate check for \$50.00 or provide your express mail account number to the office listed below. Mail requests to: Nancy Vicheck, Pitt-Center Partners, 3803 University Drive, Pittsburgh, PA 15213. Tel: 412/621-4222. BID DATE: TUESDAY, DECEMBER 19, 2000 AT 11:00 A.M. A Pre-Bid Conference has been scheduled for Tuesday, December 5, 2000 AT 9:30 A.M. at the Pitt-Center Partners Field Office, University of Pittsburgh, Pittsburgh, PA. All contractors who have secured contract documents are invited and urged to attend this Pre-Bid Conference.

Department: General Services
Location: University Of Pittsburgh Campus, Pittsburgh, Allegheny County, PA
Duration: 239 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: CONTRACT & BIDDING UNIT, (717) 787-6556

462DFS The Department of Transportation is seeking bids for the service maintenance, repair, and technical support for the Statewide Roadway Information Systems (RWIS), and Fixed Automated Spray Systems (FAST). The RWIS & FAST systems purchased from the following: Surface Systems Inc., Nu-Metrics, and Boschung. PennDOT has 54 RWIS and 3 FAST operational systems located along Interstate highways and other State Routes throughout the Commonwealth. The Service Maintenance Contract will be for a period of two years.

Department: Transportation
Location: BOMO
Duration: Two Years
Contact: Doug Schmitt, (717) 783 5075

2001-10 Mansfield University is seeking qualified contractors for work associated with the renovation of Laurel Manor Lobby - Project consist of renovation of main lobby, recreation, and kitchen/snack bar areas including general, HVAC, plumbing and electrical construction. Bid packages are available for a non-refundable fee of \$30 from Peg Chapel, Purchasing Department, Brooks Maintenance Building, Mansfield, Pa. 16933, phone (570) 662-4148. Bid packages are available from December 4, 2000 thru pre-bid. A prebid meeting has been scheduled for January 18, 2001 at 10AM in Brooks Maintenance Building. Bids will be opened on February 15, 2001 at 2PM in Purchasing Department in a public forum. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Mansfield University, Mansfield, Pa. 16933
Duration: 135 calendar days from Date of Notice to Proceed
Contact: Peg Chapel, (570) 662-4148

FDC-216-913 Rehabilitate existing Sewage Treatment Plant at Yellow Creek State Park in Indiana County. Work includes sandblasting and painting; remove and replace various pumps, motors, blowers, piping, meters and couplings; aluminum handrails and grating; remove and replace metal doors; chain link fencing and ventilators. NOTE: Requests for Bid Documents will be taken ON or AFTER December 11, 2000

Department: Conservation and Natural Resources
Location: Cherry Hill and Brush Valley Townships
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

DGS410-48 PROJECT TITLE: Renovation of Straughn Auditorium. BRIEF DESCRIPTION: Work consists of selected renovations to existing building, including site work, demolition, selected interior general construction, stage rigging equipment, HVAC, plumbing, electrical and related work. ESTIMATED RANGE: \$500,000.00 to \$1,000,000.00. General, HVAC, Plumbing and Electrical Construction. PLANS DEPOSIT: \$120.00 per set payable to Burkavage Design Associates, Inc. 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 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: Burkavage Design Associates, Inc., 200 Abington Executive Park, Clarks Summit, PA 18411-2260, Tel: 570/586-0719. Bid Date: WEDNESDAY, January 3, 2001 at 2:00 P.M. A Pre-Bid Conference has been scheduled for Tuesday, December 13, 2000 at 10:00 A.M. at Mansfield University, Straughn Auditorium, Mansfield, Tioga County, PA. Contact: Joe Marcellus, Tel: 570-586-0719/FAX 570-586-6549 or e-mail: jrm@burkavagedesign.com. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference

Department: General Services
Location: Mansfield University, Mansfield, Tioga County, PA
Duration: 200 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

00776022 THE CONTRACTOR SHALL PROVIDE ALL LABOR, DEMOLITION, MATERIALS, APPARATUS, TRUCKING, TOOLS, SUPERINTENDENCE AND SERVICE REQUIRED FOR COMPLETION OF A NEW BULK STORAGE FACILITY 36x24. BID PACKETS AND BLUEPRINTS CAN BE OBTAINED BY CONTACTING THE PURCHASING DEPARTMENT AT 610-740-3425.

Department: Public Welfare
Location: ALLENTOWN STATE HOSPITAL, 1600 HANOVER AVENUE, ALLENTOWN, PA 18109-2498
Duration: 02/01/01 TO 06/30/01
Contact: ROBERT MITCHELL, (610) 740-3425

Engineering Services & Consultation—14

08430AG2646 To provide a study to review the feasibility for new and modified interchanges in York County. Details concerning this project may be found under Department of Transportation - Retention of Engineering Firms in the Pennsylvania Bulletin, or www.statecontracts.com under via Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 8-0
Duration: Thirty-six (36) Months
Contact: N/A, N A

08430AG2647 Open-End Contract to provide supplementary construction inspection staff on various projects located in Engineering District 10-0, that is Armstrong, Butler, Clarion, Indiana and Jefferson 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 via Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 10-0
Duration: Sixty (60) Months
Contact: N/A, N A

Food—19

1077603 PROVIDE FOR A VENDING MACHINE SERVICE TO THE PATIENTS AND STAFF OF THE ALLENTOWN STATE HOSPITAL. SERVICES SHALL INCLUDE HOT DRINK MACHINES, CANNED SODA MACHINES, CANDY MACHINES, COLD BUFFET MACHINES, AND COIN MACHINES. A COPY OF THE BID PROPOSAL CAN BE OBTAINED BY CONTACTING THE PURCHASING DEPARTMENT AT 610-740-3425.

Department: Public Welfare
Location: ALLENTOWN STATE HOSPITAL, 1600 HANOVER AVENUE, ALLENTOWN, PA 18109-2498
Duration: 2/01/01 TO 06/30/05
Contact: ROBERT MITCHELL, (610) 740-3425

023 PROVIDE FOR A VENDING MACHINE SERVICE TO THE PATIENTS AND STAFF OF THE ALLENTOWN STATE HOSPITAL. SERVICES SHALL INCLUDE HOT DRINK MACHINES, CANNED SODA MACHINES, CANDY MACHINES, COLD BUFFET MACHINES, AND COIN MACHINES. A COPY OF THE BID PROPOSAL CAN BE OBTAINED BY CONTACTING THE PURCHASING DEPARTMENT AT 610-740-3425.

Department: Public Welfare
Location: ALLENTOWN STATE HOSPITAL, 1600 HANOVER AVENUE, ALLENTOWN, PA 18109-2498
Duration: 2/01/01 TO 06/30/05
Contact: ROBERT MITCHELL, (610) 740-3425

OLEO-01 Vendor to provide, as required, to the State Correctional Inst. Graterford OLEO, Type II, Style A, and any other related product. Item will be bid out on a monthly and/or quarterly basis. Amounts vary per product.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 1 year
Contact: Kelly Richardson, (610) 489-4151

FROZEN-01 Vendor to provide, as required, to the State Correctional Inst. Graterford FROZEN FOOD products. Items included meats, pizza, vegetables, breakfast products, fish and any other related product. Items will be bid out on a monthly and/or quarterly basis. Amounts vary per product.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 1 year
Contact: Kelly Richardson, (610) 489-4151

BREAD-00 Vendor to provide, as required, to the State Correctional Inst. Graterford BREAD/BAKERY products. Items included bread, rolls, bagels, danish and any other related product. Items will be bid out on a monthly and/or quarterly basis. Amounts vary per product.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 1 year
Contact: Kelly Richardson, (610) 489-4151

EGGS-00 Vendor to provide, as required, to the State Correctional Inst. Graterford EGG products. Items included fresh eggs, frozen eggs and any other related product. Items will be bid out on a monthly and/or quarterly basis. Amounts vary per product.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 1 year
Contact: Kelly Richardson, (610) 489-4151

Dairy-00 Vendor to provide, as required, to the State Correctional Inst. Graterford dairy products. Items included, but not limited to, milk, ice cream, cottage cheese, cheese, yogurt and any other related product. Items will be bid out on a monthly and/or quarterly basis. Amounts vary per product.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 1 year
Contact: Kelly Richardson, (610) 489-4151

Vegetable/Fruit Vendor to provide, as required, to the State Correctional Inst. Graterford fresh FRUIT AND VEGETABLES and any other related product. Item will be bid out on a monthly and/or quarterly basis. Amounts vary per product.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 1 year
Contact: Kelly Richardson, (610) 489-4151

Hazardous Material Services—21

SP-3821210002 Removal and disposal of various types of asbestos from two buildings at Black Moshannon State Park.

Department: Conservation and Natural Resources
Location: Black Moshannon State Park is located in Rush Township, Centre County.
Duration: All work shall be completed by May 30, 2001
Contact: Gene Strick, Regional Engineer, (814) 486-5622

HVAC Services—22

000036 Contractor is to furnish all labor and materials to replace the copper tubing buss lines that are located at the substation on the grounds of the Youth Development Center at New Castle. Minority and women business enterprises are invited to submit bids for this project. Call for specification package, 724-656-7310.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101
Duration: Undetermined
Contact: T. E. Mateja, PA, (724) 656-7310

080S59 On call and scheduled electrical repair services at Roadside Rest Areas and Welcome Centers in Engineering District 8-0

Department: Transportation
Location: Services will be required at Roadside Rest Areas in Cumberland and Dauphin Counties and at Welcome Centers in Franklin and York Counties.
Duration: One year with multiple renewals by mutual consent of the parties.
Contact: William H. Tyson, (717) 787-7600

Medical Services—29

RFP#01-2 The contractor shall provide consulting services to the Department of Corrections involving drug and alcohol treatment. The contractor will be available to consult on every aspect of drug and alcohol treatment with specific concentration on the following: Development and implementation of integrated, standardized, quality drug, alcohol treatment programs. Staff development of drug and alcohol treatment specialists, as well as development of program materials.

Department: Corrections
Location: Department of Corrections, Central Office, 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Approximately sixty days of time during a two-year period.
Contact: Linda Malinak, (717) 975-4931

RFP SWIF 11-A-00 WORKERS' COMPENSATION MEDICAL CASE MANAGEMENT SERVICES: PROVIDE EXPERT MEDICAL CASE MANAGEMENT SERVICES ON WORKERS' COMPENSATION CLAIMS AS DETERMINED BY SWIF IN THE FOLLOWING AREAS: PHILADELPHIA(ZONE 1); PITTSBURGH, JOHNSTOWN, AND ERIE(ZONE 2);AND/OR HARRISBURG, POTTSVILLE, SUNBURY, AND SCRANTON(ZONE 3). PLEASE NOTE THAT YOU MUST BE ABLE TO SERVICE THE ENTIRE ZONE OR ZONES FOR WHICH BIDS ARE SUBMITTED.

Department: Labor and Industry
Location: STATEWIDE BY GEOGRAPHICAL ZONES
Duration: TWO YEAR CONTRACTS WITH AN OPTION TO RENEW FOR AN ADDITIONAL ONE YEAR PERIOD AS DETERMINED BY STATE WORKERS' INS FUND.
Contact: BRIAN J. FINNERTY, (570) 963-3130

93115 LEASE OFFICE/MAINTENANCE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Conservation and Natural Resources with 24,316 useable square feet of office/maintenance space in Lycoming County, PA. with a minimum parking for 148 vehicles, within the following boundaries: South; State Route 220 West; State Route 287 North; State Route 973 East; State Route 15. The space will be occupied by the DCNR, Forest District 12 Office. For more information on SFP #93115 which is due on January 22, 2001 visit www.dgs.state.pa.us or call 717-787-7419.

Department: Conservation and Natural Resources
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 2000-2001
Contact: Mr. Robert Kleimenhagen, Jr., (717) 787-7419

Property Maintenance & Renovation—33

080S58 Roadside mowing of secondary state owned highways in Lebanon County, Pennsylvania

Department: Transportation
Location: Secondary state owned highways throughout Lebanon County, Pennsylvania
Duration: One year with multiple renewals by mutual consent of the parties
Contact: William H. Tyson, (717) 787-7600

00674-000-00-AS-3 Construction of 16' x 20' Pole Building on site, with wood siding, wood flooring and metal roof. For directions to the site contact the Project Manager, Joe Lauer at (717) 787-6242. All interested bidders should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053---ATTENTION: Judi Yingling (717) 772-2401. All proposals are due on Friday, December 15, 2000 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 .

Department: Historical and Museum Commission
Location: Daniel Boone Homestead, 400 Daniel Boone Road, Birdsboro, PA
Duration: January 1, 2001 to October 31, 2001
Contact: Judi Yingling, (717) 772-2401

Real Estate Services—35

93096 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA 5,850 sq. ft. of office space with 19 parking spaces. (in areas where street or public parking is not available, an additional 4 parking spaces are required) within the corporate city limits of Wilkes-Barre, Luzerne County, PA. The Department of Public Welfare, Income Maintenance/Medical Assistance Programs/Legal Counsel will occupy the space. Downtown locations will be considered. For more information on Solicitation #93096 which is due on January 8, 2001 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Public Welfare
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 2000-2001
Contact: Mrs. Cynthia T. Lentz, (717) 787-0952

PD1121 The Pennsylvania Department of Agriculture is soliciting bids for a three-year lease of the Harrisburg State Farm, Harrisburg, PA. The Farm consists of approximately 230 acres of crop and pastureland. A tour of the premises will be offered to interested bidders. For more information and to obtain a bidding package, contact: Fred Wertz, Room 207, PA Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110. Phone: 717-783-3577. All bids will be due at the Department of Agriculture on January 4, 2001.

Department: Agriculture
Location: Harrisburg State Farm, Harrisburg, PA
Duration: 3 Year Lease.
Contact: Fred Wertz, (717) 783-3577

Sanitation—36

1103500013 Vendor to provide pick up services of garbage at 3 locations at the State Correctional Inst. Graterford. Garbage is primarily liquid-semi-liquid substance. The containers must be leak proof. Vendor will pick up seven (7) days per week in the early A.M. hours.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 3 years
Contact: Kelly Richardson, (610) 489-4151

Vehicle, Heavy Equipment & Powered Machinery—38

SP-260096 Provide all labor, material, tools and equipment to inspect and/or repair, when requested by the PA Liquor Control Board (PLCB), Rapistan conveyor motors with gear drives (1/4 HP-3 HP).

Department: Liquor Control Board
Location: Southeastern Distribution Center, 8201 Enterprise Avenue, Philadelphia, PA 19153-3896
Duration: Upon notification to proceed and terminate December 31, 2002
Contact: Lisa A. Vega, (717) 705-2238

Miscellaneous—39

00972039 VENDING MACHINE SERVICES FOR MAYVIEW STATE HOSPITAL. THIS SERVICE INVOLVES SUPPLYING ALL MACHINES TO VARIOUS BUILDINGS, STOCKING, CLEANING MACHINES, ETC. FOR A COPY OF THIS BID PLEASE CALL THE NAME AND NUMBER LISTED IN THIS ADVERTISEMENT.

Department: Public Welfare
Location: MAYVIEW STATE HOSPITAL, 1601 MAYVIEW ROAD, BRIDGEVILLE, PA 15017-1599
Duration: 02-01-01 THROUGH 06-30-05
Contact: F MOLISEE, (412) 257-6215

STATE CONTRACTS INFORMATION

6405

Family Resource Vendor to provide to the State Correctional Inst. Graterford trained staff/volunteers to monitor two Children's Center located in the visiting rooms at the main institution and Outside Service Unit. Service will be provided two days per week, 100 hours per month.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 1/1/01 thru 6/30/01
Contact: Kelly Richardson, (610) 489-4151

00-12SAVE The Department of Corrections is seeking proposals to provide contract facility services for drug and alcohol treatment, both inpatient and outpatient, for parolees under the supervision of the PA Board of Probation and Parole in the Central Region of Pennsylvania.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Contract will be awarded for a period up to five years.
Contact: Suzanne Malhenzie, Adm. Officer, (717) 975-4973

[Pa.B. Doc. No. 00-2149. Filed for public inspection December 8, 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> |
|--|---|

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
0032-01	12/01/00	Fry Communications Inc.	168,852.80
1088110-01	11/28/00	HESCO Inc.	10,212.48
1088110-02	11/28/00	Shearer Industrial Supply Co.	492.00
1088110-03	11/28/00	Penn Bearing & Supply/ div Midway Industries	710.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1088110-04	11/28/00	Detroit Stoker Co.	13,007.41
8252450-01	11/28/00	Register Chevrolet	50,688.00
8252450-02	11/28/00	Hondru Chrysler-Plymouth	252,708.00
8252450-03	11/28/00	Maguire's Ford of Hershey Inc.	19,567.42

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-2150. Filed for public inspection December 8, 2000, 9:00 a.m.]

