

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 86]

#### Use of Public Areas of the Capitol Complex

The Department of General Services (Department), acting under sections 2402 and 2416 of The Administrative Code of 1929 (71 P.S. §§ 632 and 646), amended Chapter 86 (relating use of the public areas of the Capitol Complex—statement of policy).

#### *Purpose of Amendments*

The Department has made changes over the past 4 years to security in and around the Capitol Complex. The attacks of September 11, 2001, in New York and Washington and the crash in western Pennsylvania have caused the Department to enhance security even beyond what it had previously planned. Certain changes in security will have an impact on visitors to the Capitol Complex. The amendments will:

- a. Change the hour of opening of buildings in the Capitol Complex from 6 a.m. to 7 a.m.
- b. Designate certain access points as visitor entrances.
- c. Require visitors to undergo screening and have their possessions X-rayed.

#### *Fiscal Impact*

The Department has expended significant funds to enhance security in and around the Capitol Complex. The costs include personnel, equipment, training and construction. There are no costs associated with these amendments.

#### *Paperwork Requirements*

There are no paperwork requirements.

#### *Statutory Authority*

The Department's authority for these amendments is contained in sections 2402 and 2416 of The Administrative Code of 1929.

#### *Effective Date*

The amendments take effect September 5, 2002.

#### *Contact Person*

For information regarding the amendments, please contact Gregory C. Santoro, Chief Counsel, Room 603 North Office Building, Harrisburg, PA 17125.

KELLY POWELL LOGAN,  
*Secretary*

*(Editor's Note: The regulations of the Department of General Services are amended by amending the statements of policy in §§ 86.1 and 86.3—86.6, to read as set forth in Annex A.)*

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

### Annex A

#### TITLE 4. ADMINISTRATION

#### PART III. GENERAL SERVICES

#### Subpart E. PUBLICATIONS

#### CHAPTER 86. USE OF THE PUBLIC AREAS OF THE CAPITOL COMPLEX—STATEMENT OF POLICY

##### § 86.1. Introduction.

(a) The public areas of the Pennsylvania State Capitol Building and the Capitol Complex are under the jurisdiction of the Department. The public areas of the Capitol include the Rotunda and its balconies; the main corridors; the grand staircase; the ground floor entrances; the cafeteria, when open; the East Wing Rotunda and its balconies; the first floor exterior porches and staircases; all exterior building surfaces; and the Capitol grounds, defined as the property on which the Capitol building is situated. The Capitol Complex consists of that property which is delineated on the map in Appendix A. The public areas of the buildings within the Capitol Complex include the lobbies, elevators and common areas.

(b) The public areas of the Capitol Complex must be maintained as intact, attractive, safe and readily available to the thousands of individuals who visit and work there. The Capitol Complex also must be available to individuals who wish to exercise their constitutional rights to assemble and to communicate their views to government officials and the public. The Department has taken steps to secure parts of the Capitol Complex. The focus on these steps became more critical after the September 11, 2001, attacks on the World Trade Center in New York and the Pentagon in Washington and the aircraft crash in western Pennsylvania. There will be designated visitor entrances with security screening checkpoints. Capitol Police will conduct visitor screening using walk-through metal detectors, hand held metal detectors, X-ray machines, search procedures and CCTV monitors. The Department will post signs advising visitors of access requirements and rights.

(c) The policies and procedures in this chapter will be followed by the Department in its administration, operation and preservation of the public areas of the Capitol Complex. At no time will the application or administration of these policies and procedures be influenced or affected by considerations of age, sex, race, national origin, handicap, religion, partisan politics or the content of any written or oral communication or other expressive activity. Nothing in this chapter should be construed or applied in a manner that is inconsistent with Chapter 85 (relating to exercise of First Amendment rights on Commonwealth property), which is incorporated herein and made a part hereof.

##### § 86.3. Policy governing the public areas of the Capitol Complex.

In its administration, operation and preservation of the Capitol Complex, the policy of the Department relating to the public use of all public areas of the Capitol Complex will be as stated in this section. For Department policy relating specifically to the interior or exterior public areas of the Capitol Complex, see §§ 86.4 and 86.5 (relating to policy governing the interior public areas of the Capitol Complex; and policy governing the exterior public areas of the Capitol Complex).

(1) *Discrimination.* A public event or exhibit that discriminates on the basis of race, national origin, religion, sex, age, handicap, partisan politics or the content of any written or oral communication or other expressive activity will not be permitted.

(2) *Interference with Commonwealth business.* A public event or exhibit within the Capitol Complex may not interfere with a Legislative session or the conduct of public business by agencies of the Commonwealth. An event or exhibit may not threaten the safety and well being of the individuals conducting the work of the General Assembly or Commonwealth agencies.

(3) *Emergencies.* In case of fire, bomb threat, utility malfunction, structural failure, other unforeseen emergency, threat endangering public safety or health or in the interest of maintaining the necessary level of security, the Secretary may delay or postpone any scheduled event until the emergency or threat is over, and until the event can be rescheduled.

(4) *Scheduling.* Subject to the provisions of Chapter 85 (relating to exercise of First Amendment rights on Commonwealth property), use of the Capitol by an individual or organization for an event or exhibit is authorized only if the event or exhibit has been scheduled with the Secretary in accordance with the procedures in § 86.6 (relating to scheduling events and exhibits).

(5) *Responsibilities of users of the Capitol Complex.* Individuals or organizations are responsible for returning the areas used in conducting their events or exhibits to their original condition. Individuals or organizations are responsible for any vandalism, damage, breakage, loss or other destruction to the Capitol Complex caused by that individual or organization. The Department will assess individuals or organizations for damages incurred. The cost of the repair will include the costs for the services of specialists in relevant historical restoration skills as determined by the Secretary.

(6) *Obligation to the Commonwealth to indemnify and hold harmless.* Individuals and organizations using the Capitol Complex will be required by the Department to indemnify and hold harmless the Commonwealth, its departments, agents and employees, from and against all suits, damages, claims or other liabilities due to personal injury or death, damage to or loss of property to the Commonwealth or to others, or for any other injury or damage arising out of or resulting from the use of the Capitol Complex.

(7) *Food and beverages.* Food and beverages may be served at an approved event or exhibit only with the approval of the Secretary. A request for permission to serve food and beverages shall be submitted in writing before the scheduled event or exhibit and shall conform to the following:

(i) A description of the type of food and beverages to be served, the desired service area and the identification of the caterer, if applicable, shall be provided.

(ii) The applicant shall agree to assume full responsibility for the preparation, service and consumption of the food and beverages provided during the event or exhibit.

(iii) The applicant shall assure that the food and beverage service will not cause physical damage to the building or grounds.

(iv) Alcoholic beverages may not be served or consumed in a public area within the Capitol Complex, except with the express permission of the Secretary.

(8) *Exhibits.* The Department will allow exhibits subject to the following conditions:

(i) The Commonwealth is not responsible for damage to or loss or theft of exhibits during the period of their installation, display or removal. Unless otherwise approved by the Secretary, special security required for an exhibit shall be provided by the exhibit's sponsor.

(ii) Exhibitors shall bear the cost of assembling, mounting, displaying and removing exhibits and of cleaning and restoring the exhibit space to its original condition under the supervision of the Secretary.

(iii) Displays shall be freestanding. Exhibits may not hang from walls or ceilings or be affixed to doors, windows, railings or other building surfaces (except for standing on the floor). Exhibits may not hang or be affixed to trees, shrubbery or other plantings, statuary, monuments, fences, light fixtures, light wells or the exterior surfaces of buildings. These items shall be removed at the expense of the person or organization responsible for the improper placement, and damages caused by the placement or removal will be assessed against the persons or organizations responsible.

(iv) Exhibits shall contain a disclaimer stating that the display is not owned, maintained, promoted, supported by or associated with the Commonwealth.

(v) Exhibits may be scheduled for display for up to 14 calendar days, subject to availability of time and space.

(vi) Requests for exhibit space shall include a clear layout, scale drawing or sketch of the proposed exhibit, preferably, as it will be displayed. The dimensions of the space required should be indicated, as well as the manner in which the exhibit will be mounted or displayed.

(9) *Certain signs and other displays prohibited.* No item or material with the potential to cause property damage may be used. The posting or affixing of signs, announcements or other documents on an exterior or interior wall, ceiling, floor, door, window or other surface of public areas not designed for that purpose is prohibited. Stickers, labels, tape or other adhesive material that might leave a residue or otherwise damage interior or exterior surfaces, including porches, stairs, statuary, monuments, light wells, fences and trees, are also prohibited. Tacks, nails, staples or other attachments may not be used. No item may be leaned against or tied to exterior or interior walls, pillars, portraits, furnishings, staircases or other features of any building. Items described in this paragraph will be removed at the expense of the person or organization responsible for the improper placement, and damages caused by the placement or removal will be assessed against the persons or organizations responsible.

(10) *Removal of signs and other displays.* Items or materials shall be removed promptly after an exhibit or event.

(11) *Equipment.* The Department has limited equipment (for example, public address system, chairs, tables, podium, and the like) for use at exhibits or events. Arrangements may be made for this equipment upon payment of reasonable charges, if available; otherwise desired equipment shall be provided by the individuals or organization sponsoring the event or exhibit. If equipment is required, an applicant should contact the Secretary to discuss availability of equipment and its intended use, and to place a reservation. Requests for equipment should be made at least 1 week in advance of the event or exhibit. Individuals or organizations using this equipment will be held responsible by the Department for damage to or loss to the equipment.

(12) *Audio and sound amplifying equipment.* No audio or sound amplifying equipment may be used the sound level of which interferes with any Legislative session or the conduct of public business by the General Assembly or Commonwealth agencies.

(13) *Fees and other charges.* The Department may charge fees for the use of equipment, power and labor to set up, operate and remove equipment, clean up and for other appropriate requirements.

(14) *Commonwealth property.* No person may remove Commonwealth property from the Capitol Complex except as permitted in the normal course of business, unless the removal has been previously authorized in writing by the Secretary.

(15) *Security.* To enhance security and public safety, visitors and other persons without a photo identification access badge will be subject to the procedures in § 86.4 (relating to policy governing the interior public areas of the Capitol Complex). Proper identification of employees and other visitors may be demanded at any time. If the facility is closed during an emergency, access may be denied for the duration of the emergency. Employees or other persons may be required to sign a registration sheet after normal working hours or when the building is closed.

(16) *Removal of persons.* A person who refuses to adhere to the policy of the Department will be subject to immediate removal from the building or grounds, or both, by Capitol security as authorized by section 2416 of The Administrative Code of 1929 (71 P. S. § 646). Nothing contained in this paragraph will be construed as limiting prosecution under an existing or future law.

**§ 86.4. Policy governing the interior public areas of the Capitol Complex.**

In its administration, operation and preservation of the Capitol Complex, the policy of the Department relating to the public use of the interior public areas of the Capitol Complex will be as stated in this section.

(1) *Visitor entrances.* Except as provided in this section, visitors (including infants and small children) will be required to enter at the designated visitor entrance for screening and pass through the metal detectors at the security-screening checkpoint. All packages, briefcases, handbags, backpacks, totes, containers and mail will be scanned by the X-ray machine.

(2) *Electronic equipment.* Electronic equipment/devices such as laptop computers, palm pilots, cell phones, pagers, video cameras, CD players, radios, and the like, should be screened using standard X-ray procedures.

(i) There will be a procedure for a visitor who requests a hand inspection.

(ii) The individual should be asked to remove the device from its carrying case.

(iii) The carrying case is to be X-rayed using standard X-ray procedures.

(iv) The visitor shall be asked to "power-up" the device and insure the device is operational and that the individual is familiar with the device.

(v) The exterior of the device will be checked for signs of tampering.

(vi) The weight of the device should feel accurate as to the type of device that it is.

(vii) There will be screening procedures for electronic equipment and camera screening.

(3) *Registration.* All visitors will be required to register and sign in at the designated visitor center and will receive a timed or disposable visitor badge issued by the Bureau of Police and Safety.

(4) *Visitor rights.* Visitors will have certain rights pertaining to the screening process.

(i) A visitor will have the right to refuse screening, which includes the visitor, the inspection of hand-carried items, the right to withdraw from screening of himself and hand-carried items.

(ii) A visitor who refuses screening or inspection of hand-carried items will have the right to withdraw unless an obvious threat has been identified.

(iii) If the visitor has exercised the right to withdraw and poses no threat, neither the individual nor any hand-carried item may enter the building.

(5) *Exception for persons with pacemakers/defibrillators.* If a visitor, vendor, lobbyist or member of the media desires to enter a building with screening and X-ray equipment, and states that he has a pacemaker or defibrillator and cannot go through the walk-through metal detector, the individual will be required to remain in full view of the officer and to present himself for hand-held metal detection. There will be appropriate equipment to conduct the screening.

(6) *Americans with Disabilities Act (ADA) (42 U.S.C.A. §§ 12101—12213) considerations.* In accordance with the ADA, a security station will be established at the ADA accessible entrances and will have the same machinery, items and procedures as the nonaccessible entrances and will include a metal detection wand.

(i) The accessible route and entrance will have the appropriate ADA designated signs. Individuals with disabilities will be thoroughly screened as well.

(ii) Those performing screening functions will be required to exercise sensitivity to the individual's physical condition.

(iii) If the individual is in a wheel chair and cannot be removed from the wheel chair, a same sex officer must conduct a whole-body pat-down search.

(iv) Permission must be obtained from the visitor before proceeding. If permission is denied, access may be denied.

(v) The wheelchair will be searched to insure that no weapons, contraband or explosive devices are concealed in any part of the chair.

(vi) Other hand-carried items should be screened using standard procedure.

(7) *Guide dogs.* Guide dogs will be required to pass through the metal detection equipment alone. The metal in a dog's collar/harness may sound the metal detection alarm. The dog will be visually inspected.

(8) *Hours of operation.* Except as provided by paragraph (9), Capitol visiting hours for the public are from 7 a.m. to 6 p.m. daily, except Saturdays, Sundays and State holidays. The Rotunda will be accessible to the public on Saturdays, Sundays and State holidays between 9 a.m. and 4 p.m. When either house of the General Assembly or a Legislative committee is in session prior to 7 a.m. or after 6 p.m., or on Saturday, Sunday or a State holiday, the Capitol will be open to the public with the commencement of the session and closed 2 hours after adjournment of the Senate, House of Representatives or Legislative

committee. Public hours of operation for the other buildings within the Capitol Complex will be posted.

(9) *Special events after public hours.* In accordance with § 86.6 (relating to scheduling events and exhibits), the Secretary may schedule special events to occur between the hours of 6 p.m. and 12 a.m. on weekdays and between the hours of 4 p.m. and 12 a.m. on weekends and Commonwealth holidays. Special events sponsored and conducted by an official or agency of the Commonwealth, including the General Assembly, for official governmental purposes may be open to the public in the discretion of the Commonwealth official or agency and the Secretary. A special event sponsored or conducted by a person or entity which is not an official or agency of the Commonwealth or which is not for official government purposes will not be open to the public. The Secretary will prescribe the conditions applicable to events scheduled after visiting hours.

(10) *Emergencies.* In case of fire, bomb threat, utility malfunction, structural failure, other unforeseen emergency, threat endangering public safety or health, or in the interest of maintaining the necessary level of security, the Secretary or Capitol Security may lock any or all buildings at any time and require that the entrances be used only as a means of egress. No person may enter or attempt to enter through an entrance which is closed due to emergency conditions until the emergency is over.

(11) *Smoking.* Smoking may be permitted in specifically designated areas.

(12) *Alcoholic beverages.* Alcoholic beverages may not be served or consumed in any public area within the Capitol Complex, except with the express permission of the Secretary.

(13) *Ingress and egress.* An event or exhibit may not obstruct entrances or block traffic flow through the building.

(14) *Furnishings.* Moving furnishings, such as furniture, lighting and paintings, by the organizers, conductors or participants at an event or exhibit is not permitted without the permission of the Secretary.

(15) *Movement of furniture.* Tables, displays, chairs or other items may not be dragged or rolled on the floors of the Rotunda and the East Wing Rotunda.

(16) *Commercial activities.* No individual or organization may engage in commercial, retail or business activities, whether for profit or nonprofit purposes, including sales, negotiations, the taking of orders and the displaying of wares, without the express written permission of the Secretary.

(17) *Certain signs prohibited.* Due to the constricted space and crowded conditions which often prevail inside the public areas of the buildings within the Capitol Complex, signs on hand-sticks are a safety hazard to visitors and occupants. They are not allowed.

(18) *Balloons.* Helium balloons are not allowed in public areas of the buildings within the Capitol Complex.

(19) *Food and beverages.* Food and beverages may not be served in the public areas inside the buildings within the Capitol Complex without the approval of the Secretary. See § 86.3(7) (relating to policy governing the public areas of the Capitol Complex). Food and beverages may be consumed only in the area approved for an event or exhibit, or in the cafeteria area.

(20) *Animals.* Except as may be required in the course of State business, animals are not allowed in the public

areas inside the buildings within the Capitol Complex. Guide dogs, however, may be used when necessary to assist persons with disabilities in the buildings within the Capitol Complex. The owner or person having the animal under his control is responsible for the animal.

(21) *Additional policies for events and exhibits.* Requests to hold an exhibit or event in the public areas inside the buildings of the Capitol Complex will be scheduled on a first-come, first-served basis and meet the following criteria:

(i) Exhibits and events may not obstruct entrances, interrupt traffic flow through the building or disrupt Legislative sessions or the normal conduct of public business in the building.

(ii) Mounted materials, whether items of display or information related to displays, shall be secured to tripods, display panels or other freestanding devices. Panels, tripods and the like, when provided by the exhibitor, shall meet the approval of the Secretary.

(22) *Capacity.* The maximum capacity for each public area will be strictly enforced.

(23) *Camping and sleeping prohibited.* Camping or sleeping overnight in public areas of the Capitol or other buildings within the Capitol Complex is not allowed.

**§ 86.5. Policy governing the exterior public areas of the Capitol Complex.**

In its administration, operation and preservation of the Capitol Complex, the policy of the Department relating to the public use of the exterior public areas of the Capitol Complex will be as stated in this section.

(1) *Hours.* To maintain the security, safety and aesthetic appearance of the Capitol, Capitol grounds and the Capitol Complex, and to provide for regular maintenance, improvements or alterations, scheduled events or exhibits on the Capitol grounds shall occur only between the hours of 6 a.m. and 8 p.m. on a daily basis, and may not block any entrance or exit of the building or impede free access to the building by its occupants, the public or emergency apparatus. When either house of the Legislature or a Legislative committee is in session prior to 6 a.m. or after 8 p.m., the grounds shall be open with the commencement of the session and closed 2 hours after adjournment of the Senate, House of Representatives or Legislative committee.

(2) *Damage to Commonwealth property.* Defacing or damaging in any manner the Capitol grounds, including (without limitation) trees, shrubbery, flowers, lawns, sidewalks, fences, lighting fixtures, light wells, fire hydrants, benches, statues, monuments, plaques and subterranean features that are necessary for the maintenance and operation of the Capitol (such as lawn sprinkler systems, sewer and water mains, electrical conduit, and the like), or any other feature is not allowed. Likewise, defacing or damaging the exterior walls and surfaces of the building, including the entrances, porches and staircases, is not allowed.

(3) *Limitations applicable to certain Commonwealth property.* Stepping or climbing upon statues, monuments, fences, lighting fixtures, light wells, trees or parts of the buildings and grounds within the Capitol Complex not intended for these purposes is not allowed.

(4) *Demonstrations and leafleting.* Picketing, demonstrations and the distribution of literature may not impede or interfere with Commonwealth business or public access to and use of the buildings within the

Capitol Complex. To inform individuals and organizations of the procedures for the use of public areas of the buildings within the Capitol Complex and grounds, it is recommended, but not required, that individuals and organizations desiring to distribute literature on the Capitol Complex grounds inform the Secretary of the date and time of the planned activity. To ensure the unimpeded conduct of public business, unobstructed access to the buildings within the Capitol Complex for occupants and the public, and to maintain the Capitol grounds, the Secretary may designate specific areas of the grounds for picketing and the distribution of literature. The Secretary's criteria for making designations will apply equally to all activities regardless of the content of any communications. Individuals distributing literature shall remove all discarded items from the grounds at the conclusion of their activity.

(5) *Driving stakes or other items into the ground prohibited.* Due to the presence of underground utility, electrical and drainage lines, signs or banners may not be driven into the ground, nor may they be supported in or by any tree, monument or other structure affixed to the Capitol grounds, except as authorized by the Secretary. Signs (excluding disclaimer signs required under § 86.3(8)(iv) (relating to policy governing the public areas of the Capitol Complex) or banners supported by free-standing devices) may not be left unattended. An individual shall be stationed within 2 feet of a freestanding sign or banner at all times to prevent damage to the grounds, injury to individuals, and for security reasons.

(6) *Equipment and structures.* Equipment or structures of any kind that are placed on the Capitol grounds in connection with an event or exhibit shall be entirely removed at the conclusion of the event or exhibit, or no later than the time limitations in paragraph (1).

(7) *Alcoholic beverages.* Alcoholic beverages may not be served or consumed in any public area within the Capitol Complex, except with the express permission of the Secretary.

(8) *Camping or sleeping.* Camping or sleeping overnight on grounds within the Capitol Complex is not allowed.

(9) *Structures.*

(i) To maintain the security, safety and aesthetic appearance of the buildings within the Capitol Complex and the Capitol grounds, and to provide for regular maintenance, improvements or alterations, structures erected by an organization (whether for shelter or for any other purpose), as part of a scheduled event or exhibit, shall be removed from the grounds by the time set forth in paragraph (1).

(ii) The size, number and location of structures erected for shelter will be determined by the Secretary based on the physical condition of the grounds and the expected size and nature of the event or exhibit. The Secretary's determination will be stated in writing to the organization scheduling the event or exhibit. Structures erected for the purpose of shelter, such as tents for first aid or lost children may not be used for habitation.

(iii) Structures for a scheduled event or exhibit, for purposes other than shelter, shall be limited in number to one and in size to 3 feet × 3 feet × 3 feet, and may not be capable of habitation. The Secretary will designate specified areas of the Capitol grounds for the location of structures of this kind. The Secretary's criteria for determining location will apply equally to all structures.

(10) *Vehicles.* Vehicles are not allowed on the Capitol grounds, except in areas designated for vehicular use or by permission of the Secretary.

(11) *Closure.* The Secretary may close any areas of the Capitol complex in the interest of maintaining the necessary level of security.

#### § 86.6. Scheduling events and exhibits.

Requests to schedule events or exhibits in the public areas of the Capitol Complex or on the Capitol grounds should be made to the Deputy Secretary for Property Management, 503 North Office Building, Harrisburg, Pennsylvania 17125.

(1) Requests will be scheduled on a first-come, first-served basis. Because the areas available for events and exhibits are limited and the demand is at times high, it is recommended, but not required, that requests be made at least 1 month in advance. In the case of exhibits, due to the length of time an exhibit may remain on display, additional lead time may be necessary to secure the desired space and date. These factors should be kept in mind when making requests. The Secretary may set reasonable limits on the number or frequency of events by a single person, group of persons or organization to afford reasonable opportunities for other persons, groups or organizations to schedule events or exhibits.

(2) Each request shall be in writing and contain the following information:

(i) The name and description of the sponsoring organization.

(ii) The name, address and telephone number of the contact person.

(iii) The name, address and telephone number of the back-up contact person.

(iv) A description of the planned event or exhibit.

(v) The date and hours requested for the event or exhibit, and the duration of the event or exhibit.

(vi) The area requested for use.

(vii) The number of anticipated attendees.

(viii) The method of transportation, and number and type of vehicles used to transport participants.

(3) Equipment or services available through the Department may be used in connection with an event or exhibit on an "as available" basis, upon payment of reasonable fees and charges. A list of the equipment and the charges is available upon request from the Secretary.

(4) Decisions made by the Secretary under this chapter will be made as promptly as possible, but no later than 3 State business days after receiving the written request.

(5) To schedule an event or exhibit, a sponsor will be required to sign an acknowledgment that the sponsor has read, understood and will abide by the procedures governing the use of the public areas of the buildings within the Capitol Complex; that the sponsor is responsible for damages incurred as a result of its event or exhibit; that the sponsor will either restore or pay to have restored the area used for its event or exhibit to the condition that existed prior to its use; and that the sponsor will indemnify and hold harmless the Commonwealth and its agents and employees, for damage or loss the Commonwealth incurs arising out of its use of the buildings within the Capitol Complex or the Capitol grounds. A sponsor that fails to abide by the terms of the agreement may be

denied permission to schedule a future event or exhibit until the outstanding obligations have been fully satisfied.

(6) The Secretary may refuse the scheduling of an event or exhibit in any area or building the in interest of maintaining the necessary level of security.

[Pa.B. Doc. No. 02-1556. Filed for public inspection September 6, 2002, 9:00 a.m.]

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[25 PA. CODE CH. 93]

### Corrective Amendment to 25 Pa. Code § 93.9d

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9d (relating to Drainage List D) as deposited with the Legislative Reference Bureau, and the official text codified at 32 Pa.B. 2691, 2694 (June 1, 2002) and the official text in the *Pennsylvania Code Reporter*

(Master Transmittal Sheet No. 333), and as currently appearing in the *Pennsylvania Code*. When the amendments made by the Department at 32 Pa.B. 2691 were codified, the water uses protected for Aquashicola Creek in Carbon County were reflected incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 93.9d. The corrective amendment to 25 Pa. Code § 93.9d is effective as of June 1, 2002, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9d appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE II. WATER RESOURCES

#### CHAPTER 93. WATER QUALITY STANDARDS

#### § 93.9d. Drainage List D.

#### Delaware River Basin in Pennsylvania

##### *Lehigh River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
* * * * *				
3—Lizard Creek	Basin, Source to T-922 Bridge	Schuylkill	CWF	None
3—Lizard Creek	Basin, T-922 Bridge to Mouth	Carbon	TSF	None
3—Aquashicola Creek	Basin, Source to Buckwha Creek	Carbon	HQ-CWF, MF	None

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