

PENNSYLVANIA BULLETIN

Volume 34

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Pages 3665—3852

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Environmental Quality Board's
Radiological Health Regulations

Part I

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Department of General Services
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Liquor Control Board
Patient Safety Authority
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Public School Employees' Retirement Board
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State Board of Physical Therapy

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

No. 356, July 2004

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2004.

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THE GENERAL ASSEMBLY

Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2004 GENERAL ACTS ENACTED—ACT 052 through 072					
052	Jul 2	HB1488	PN1878	immediately	Repeal—law pertaining to salaries and compensation of officers, clerks and employees in office of recorder of deeds in certain counties
053	Jul 2	HB2042	PN4058	60 days	Game Code (34 Pa.C.S.)—wild turkey hunting
054	Jul 2	SB0319	PN1030	immediately*	Interstate Compact for Juveniles Act—enactment
055	Jul 2	SB0751	PN1432	60 days	Medical Practice Act of 1985—respiratory care practitioners and continuing respiratory care education
056	Jul 2	SB0752	PN1545	60 days	Osteopathic Medical Practice Act—licensing of physician assistants, respiratory care permits and continuing education
057	Jul 2	HB0445	PN4198	60 days	Sign Language Interpreter and Transliterator State Registration Act—enactment
058	Jul 2	HB0550	PN4101	immediately	Vehicle Code (75 Pa.C.S.)—standing and parking prohibitions
059	Jul 2	HB1937	PN2533	immediately	Edward A. Silk Memorial Bridge—designation
060	Jul 2	HB2268	PN3119	immediately	Repeals—laws pertaining to permanent centennial exposition building in Philadelphia
061	Jul 2	HB2378	PN3356	60 days	Jack E. Kuhn Memorial Highway—designation
062	Jul 2	HB2649	PN3944	60 days	Dr. Charles F. Taylor Memorial Highway and The Last Raft Memorial Bridge—designations
063	Jul 4	SB0200	PN1765	immediately	Education (24 Pa.C.S.)—termination of annuities
064	Jul 4	HB1965	PN2564	immediately	Repeal—law pertaining to Pennsylvania Post-War Planning Commission
065	Jul 4	HB2081	PN3424	60 days	Military and Veterans Code (51 Pa.C.S.)—early termination of housing rental agreement by military personnel and penalties
066	Jul 4	HB2512	PN4229	immediately	Milk Producers' Security Act—passage of title to milk, security bonds, new licenses, trusteeship, prohibitions and violations, etc.
067	Jul 4	HB2472	PN4320	immediately	Capital Facilities Debt Enabling Act—borrowing limitations, bond terms and conditions, Capital Debt Fund, etc.
068	Jul 4	HB2726	PN4321	immediately	Library Code—fiscal year waiver of standards and State aid for 2004-2005
069	Jul 4	HB1039	PN4230	immediately	Public Welfare Code—Medicaid, managed care organization assessments and intermediate care facilities for mentally retarded persons assessments

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
070	Jul 4	HB0564	PN4325	immediately*	Public School Code of 1949—background checks of prospective employees, reports to Secretary of Education, withholding of State appropriations, Pennsylvania Athletic Oversight Committee, etc.
071	Jul 5	HB2330	PN4272	immediately	Amusements (4 Pa.C.S.)—Pennsylvania Race Horse Development and Gaming Act
072	Jul 5	SB0100	PN1789	60 days	Homeowner Tax Relief Act—enactment
2004 APPROPRIATION ACTS ENACTED—ACT 001A through 008A					
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002A	Jul 2	HB2523	PN3666	immediately	Office of Small Business Advocate—operation
003A	Jul 2	HB2524	PN4196	immediately	State Employees' Retirement Board—expenses and payment of bills incurred and remaining unpaid at end of fiscal year ending June 30, 2004
004A	Jul 2	HB2525	PN3668	immediately	Public School Employees' Retirement Board—expenses and payment of bills incurred and remaining unpaid at end of fiscal year ending June 30, 2004
005A	Jul 2	HB2526	PN3669	immediately	Bureau of Professional and Occupational Affairs—support of professional licensure boards
006A	Jul 2	HB2527	PN4197	immediately	Department of Labor and Industry—administrative expenses and operation of Office of Small Business Advocate
007A	Jul 4	HB2579	PN4326	immediately	General Appropriation Act of 2004—enactment
008A	Jul 4	HB2521	PN4192	immediately	Pennsylvania Public Utility Commission—operation

* denotes an effective date 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."

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 04-1267. Filed for public inspection July 16, 2004, 9:00 a.m.]

COMMISSION ON SENTENCING

Meeting Notice

The Commission on Sentencing announces the following public meetings, to be held at The Nittany Lion Inn, 200 West Park Avenue, State College, PA 16801:

Tuesday, August 10, 2004	9 a.m.-4 p.m.	Strategic Planning Session
Wednesday, August 11, 2004	9 a.m.	Regular Quarterly Commission Meeting

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 04-1268. Filed for public inspection July 16, 2004, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Amendment of Rules 239 and 239.8 Governing
Local Rules; No. 408 Civil Procedural Rules;
Doc. No. 5

Order

Per Curiam:

And Now, this 30th day of June, 2004, Pennsylvania Rules of Civil Procedure 239 and 239.8 are amended to read as follows.

Whereas prior distribution and publication of this amendment would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 239. Local Rules.

* * * * *

(b)(1) Local rules shall not be inconsistent with any general rule of the Supreme Court or any Act of Assembly.

* * * * *

(2) [Local] Except as otherwise provided by Rule 239.8, local rules which implement general rules shall be given numbers that are keyed to the numbers of the general rules to which the local rules correspond.

(c) [To] Except as otherwise provided by Rule 239.8, to be effective and enforceable:

* * * * *

(3) Two certified copies of the local rule and a computer diskette containing the text of the local rule shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

Official Note: The diskette must (1) be formatted in one of the following formats: MS-DOS, ASCII, Microsoft Word, or WordPerfect, (2) contain the local rule text as reflected in the "hard copy" version of the rule, and (3) be labeled with court's name and address and computer file name. See 1 Pa. Code § 13.11(b).

* * * * *

[(7) Any local rules promulgated pursuant to Pennsylvania Rules of Civil Procedure Nos. 239.1 through 239.7 must be numbered in accordance

with the requirements of those rules and published on the web site of the Administrative Office of the Pennsylvania Courts.]

(d) [A] Except as otherwise provided by Rule 239.8, a local rule shall become effective not less than thirty days after the date of publication of the rule in the *Pennsylvania Bulletin*.

* * * * *

Rule 239.8. Local Rules. **Promulgation. Publication.**
Effective Date.

(a) Local rules required by Rules 239.2, 239.3, 239.5, 239.6 and 239.7 shall be promulgated not later than nine months following the date of the Order of the Supreme Court promulgating this rule.

Official Note: * * *

Local requirements under Rules 239.1 through 239.7 are not effective and enforceable unless local rules are published on the web site of the Administrative Office of Pennsylvania Courts. See [Rule 239(c)(7)] subdivision (c) of this rule.

(b) The court promulgating a local rule or an amendment to a local rule pursuant to Rules 239.1 through 239.7 shall transmit a copy to the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the AOPC web site.

Official Note: The preferable method of transmission to the Civil Procedural Rules Committee is by attachment to e-mail addressed to civil.rules@pacourts.us.

The Committee may, of necessity arising from judicial automation, direct the court promulgating a local rule or amendment to transmit it to the AOPC or take other action to effect publication on the AOPC web site.

(c) To be effective and enforceable, a local rule or an amendment to a local rule promulgated pursuant to Rules 239.1 through 239.7 shall be

(1) numbered in accordance with the requirements of those rules,

(2) published on the web site of the Administrative Office of Pennsylvania Courts, and

Official Note: The Administrative Office of Pennsylvania Courts (AOPC) maintains a web page at <http://ujportal.pacourts.us/> containing the texts of local rules promulgated pursuant to Rules 239.1 through 239.7.

(3) kept continuously available for public inspection and copying in the office of the prothonotary or clerk of the court promulgating the rule or amendment. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary or clerk shall furnish to any person a copy of any local rule.

Official Note: It is contemplated under subdivision (c)(3) that a separate consolidated set of local rules shall be maintained in the prothonotary or clerk's office. The set of local rules may be in book or electronic form.

(d) A local rule or amendment promulgated pursuant to Rules 239.1 through 239.7 shall become effective upon publication on the web site of the Administrative Office of Pennsylvania Courts.

[Pa.B. Doc. No. 04-1269. Filed for public inspection July 16, 2004, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CARBON COUNTY

**Amendment of New Local Rule of Civil Procedure
205.2(b) Filing Legal Papers with the Prothonotary;
04-1727**

Administrative Order No. 19-2004

And Now, this 28th day of June, 2004, in order to correct an error on the instruction sheet to the Civil Cover Sheet that is required to precede all new actions, it is hereby

Ordered and Decreed that, effective July 26, 2004, Carbon County *Amends* Local Civil Rule of Procedure CARB.R.C.P. 205.2(b) accordingly.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Electronically submit to the Administrative Office of Pennsylvania Courts a copy of local rules numbered 205.2(a), 205.2(b), 206.4, 208.2(c), 208.2(d), 208.2(e), 208.3(a), 210, 1028(c), 1034(a), and 1035.2(a) for publication on the website located at www.aopc.org.

5. Forward one (1) copy for publication in the *Carbon County Law Journal*.

6. Forward one (1) copy to the Carbon County Law Library.

7. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,
President Judge

Rule 205.2(b)—Filing Legal Papers with the Prothonotary.

Pursuant to this rule, a Civil Cover Sheet marked Form "A," shall be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition) in the Prothonotary's office.

A Motion Cover Sheet, marked Form "B," shall be attached to any motion or petition being filed.

Form A

Court of Common Pleas of Carbon County		
Civil Cover Sheet		For Prothonotary Use only (Docket Number)
A. PLAINTIFF'S NAME:	DEFENDANT'S NAME:	
PLAINTIFF'S ADDRESS & TELEPHONE NUMBER:	DEFENDANT'S ADDRESS AND TELEPHONE NUMBER:	
PLAINTIFF'S NAME:	DEFENDANT'S NAME:	
PLAINTIFF'S ADDRESS & TELEPHONE NUMBER:	DEFENDANT'S ADDRESS & TELEPHONE NUMBER:	
TOTAL NUMBER OF PLAINTIFFS	TOTAL NUMBER OF DEFENDANTS	
B. AMOUNT IN CONTROVERSY ____ \$25,000 or less ____ More than \$25,000	C. COMMENCEMENT OF ACTION ____ 1. Complaint ____ 2. Writ of Summons ____ 3. Notice of Appeal ____ 4. Petition Action	D. CASE PROCESS ____ 5. Arbitration ____ 6. Jury ____ 7. Non Jury ____ 8. Class Action
E. TRACK ASSIGNMENT REQUESTED (CHECK ONE) COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS		
____ FAST ____ STANDARD ____ COMPLEX If complex, state reasons:		
F. CODE AND CASE TYPE (See instructions)	G. CODE AND CASE SPECIFIC (See instructions)	

H. STATUTORY BASIS FOR CAUSE OF ACTION (See instructions)		
I. RELATED PENDING CASES (List by Docket Number—Indicate whether the related cases have been consolidated)		
J. TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant. Papers may be served at the address set forth below.		
NAME OF PLAINTIFF'S/APPELLANT'S ATTORNEY		ADDRESS
PHONE NUMBER	SUPREME COURT IDENTIFICATION NUMBER	E-MAIL ADDRESS: FAX NO. (OPTIONAL—FOR SERVICE):
DATE: _____		SIGNATURE: _____

Instructions for Completing Civil Cover Sheet

The attorney (or pro se party) filing a case shall complete the form as follows:

A. Parties

i. *Plaintiff(s)/Defendant(s)*

Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than two plaintiffs and/or two defendants, list the additional parties on a separate sheet of paper. Husband and wife should be listed as separate parties.

ii. *Parties' Addresses and Telephone Numbers*

Enter the address and telephone numbers of the parties at the time of filing of the action. If any party is a corporation, enter the address and telephone number of the registered office of the corporation.

iii. *Number of Plaintiffs/Defendants*

Indicate the total number of plaintiffs and the total number of defendants in the action.

B. Amount in Controversy

Check the appropriate box. Indicate whether an Assessment of Damages Hearing is required.

C. Commencement of Action

Indicate type of document to be filed to initiate the action.

D. Other

Indicate whether the case is an arbitration, jury or non-jury case. Check any other appropriate boxes. If the action will require the entry of an Order approving a minor/incapacitated person's compromise, wrongful death or survival action, check the appropriate box.

E. Track Assignment—COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS

If you are requesting the Complex track, please indicate the reasons for your request.

F. Type of Action—Case Type

Select and insert the applicable case type and code from the first two columns of the following list:

<i>Code</i>	<i>Case Type</i>	<i>Code</i>	<i>Case Type</i>	<i>Code</i>	<i>Case Specific</i>	<i>Code</i>	<i>Case</i>
@	Asbestos Case	9	Mandamus	001	Assault/Battery	037	Motor. Veh. Accdt. < \$25,000
X	Assessment Appeal	#	Miscellaneous	018	Class Action	005	M V Prop Damage
A	Civil Action	F	Mortgage Foreclosure	015	Consumer Credit	009	Negotiable Instrument
C	Custody	S	Municipal Appeal	019	Contract— Construction	032	Partition
1	Declaratory Judgment	7	Name Change	011	Contract—Sale of Goods	002	Premises Liability
D	Divorce	Q	Quiet Title	012	Contract—Other	003	Personal Injury
B	DJ Appeal	R	Replevin	025	Defamation	027	Product Liability
W	Ejectment	!	Tax Sale	035	Discrimination	006	Property Damage (non-veh)

<i>Code</i>	<i>Case Type</i>	<i>Code</i>	<i>Case Type</i>	<i>Code</i>	<i>Case Specific</i>	<i>Code</i>	<i>Case</i>
N	Eminent Dom./Dec. of Tak.	V	Zoning Appeal	030	Employment/ Wrongful Disc.	010	Recov. Overpaymt.
2	Eminent Domain/Pet. Viewers Equity			016	Fraud	013	Rent/Lease/Ejectment
E	Equity			040	Indirect Criminal Contempt	039	Right to Know
L	License Appeal			008	Insurance—Declar. Judgment	024	Stockholder Suit
				034	Malicious Prosecution	014	Title to Real Property
				022	Malpractice—PROF.	004	Torts to Land
				033	Mechanic's Lien	023	Toxic Tort—Pers. Injury
				042	Medical Malpractice	031	Toxic Waste/ Environ.
				007	Motor Veh. Accdt. > \$25,000	021	Wast/Contam/Env

G. Case Specific

Insert applicable case specific and code from the last two columns of the above list.

H. Statutory Basis for Cause of Action

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be cited.

I. Related Pending Cases

All previously filed related cases must be identified. Indicated whether they have been consolidated by Court Order or Stipulation.

J. Plaintiff's/Appellant's/Petitioner's Attorney—Entry of Appearance

The name of filing party's attorney must be inserted, together with the other required information. Unrepresented filers must provide their name, address, telephone number and signature. Providing the fax number shall authorize the service of legal papers by facsimile transmission. See Pa.R.CP. 440(d)

Form B

CARBON COUNTY COURT OF COMMON PLEAS
CIVIL DIVISION
MOTION COVER SHEET

_____ NO. _____
vs.

FILING OF: _____
Movant () Respondent ()

<input type="checkbox"/> Assigned Judge <input type="checkbox"/> Court Action Taken <input type="checkbox"/> Returned to Attorney for Deficiencies <input type="checkbox"/> Action Deferred by Court <i>For Court Use Only</i>
--

- TYPE OF FILING (check one):
- () 1. Pretrial Discovery Motion (432)
 - () 2. Motion for Discovery in Aid of Execution (480)
 - () 3. Preliminary Objections to (576) _____
 - () 4. Motion for Summary Judgment (306)
 - () 5. Motion for Judgment on Pleadings (294)
 - () 6. Motion for Leave to Join Additional Defendant (403)
 - () 7. Motion for TRO or Preliminary Injunction (438)
 - () 8. Petition to Open or Strike Judgment (498)
 - () 9. Motion for Alternative Service (409)
 - () 10. Motion for Leave to Amend (465) _____
 - () 11. Motion to Consolidate Actions (424)
 - () 12. Petition to Compromise Minor's Action (435)
 - () 13. Motion for Leave to Withdraw (510)
 - () 14. Motion for Reconsideration (441)

() 15. Motion for Advancement on Trial List (404)

() 16. Other Motion or Petition (specify): _____

OTHER PARTIES:

Attorney's Name (Typed) _____

Attorney for: _____

() Movant

() Respondent

N. B. The numbers after the Motion or Petition above are docket codes used in the Court Computer System. Please be precise when checking your Motion or Petition.

[Pa.B. Doc. No. 04-1270. Filed for public inspection July 16, 2004, 9:00 a.m.]

CHESTER COUNTY

Adoption of Local Rule of Criminal Procedure 114; No. 896 M04

Order

And Now, this 24th day of June, 2004, the Court approves and adopts Chester County Local Rule of Criminal Procedure 114 effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.Crim.P. 105(D). The new Rule 114 shall read as follows:

Rule 114. Service of Orders and Court Notices.

Pursuant to Pa.R.Crim.P. 114(B)(2), orders and court notices may be served by the Clerk of Courts' Office, the Court Administrator's Office, or the Court.

In conformity with Pa.R.Crim.P. 105, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and one (1) copy shall be filed with the Clerk of Courts. One (1) copy shall also be sent to the Chester County Bar Association; one (1) copy shall be sent to the Law Library of Chester County, and one (1) copy shall be sent to each Judge of this Court.

By the Court

HOWARD F. RILEY, Jr.,
President Judge

[Pa.B. Doc. No. 04-1271. Filed for public inspection July 16, 2004, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Local Criminal Rule 114(B) Orders and Court Notices

Order

And Now, to wit, this 25th day of June 2004, it is hereby Ordered that Delaware County Local Criminal Rule 114(B) is Adopted and shall read as follows:

(B) Pursuant to Pa. R.Crim.P. 114(B), the Delaware County Court is designated to serve Court Notices which are communications ordinarily issued by a Judge concerning calendaring or scheduling, including proceedings requiring the Defendant's presence. All such communications shall be designated as a Notice and a copy shall be forwarded to the Clerk of Court identifying the manner of service.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 04-1272. Filed for public inspection July 16, 2004, 9:00 a.m.]

FAYETTE COUNTY

Local Rules 201.1, 205.2, 206.1, 206.4, 208.2, 208.3, 1028, 1034, 1035.2, 205.2(a), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 1028(c), 1034(a), 1035.2(a); No. 1413 of 2004 GD

Order

And Now, this 29th day of June, 2004, pursuant to Pennsylvania Rule of Civil Procedure 239, it is hereby ordered that Local Rules 205.2, 206.1, 206.4, 208.2, 208.3, 1028, 1034 and 1035.2 are hereby rescinded; Local Rule 201.1 is hereby amended; and new Local Rules 205.2(a), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 1028(c), 1034(a), 1035.2(a) are hereby adopted, to read as follows. These revisions shall become effective on July 26, 2004.

The Prothonotary is directed as follows:

(1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rules shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

(5) These revisions shall also be published on the website of the Administrative Office of Pennsylvania Courts (www.aopc.org).

By the Court

CONRAD B. CAPUZZI,
President Judge

FCR 201.1 Random Assignment

Civil cases set forth in FCR 201(a) shall be assigned randomly by the Prothonotary's computer system to a Judge. Those cases which have not yet been assigned and require an emergency determination as provided in FCR 208.3(a)(1)(iii) will be immediately assigned randomly by the Prothonotary's computer system, after the President Judge approves the case as being in compliance with FCR 208.3(a).

FCR 205.2(a) Filing Legal Papers with the Prothonotary

The caption of every pleading or other legal paper, with the exception of original process, shall set forth immediately below the docket number the name of the assigned judge.

FCR 206.1(a) Petition, Definition, Content and Form

In addition to petitions to open and for non pros, petition practice shall also be applicable to petitions to transfer venue on grounds of forum non conveniens.

FCR 206.4(c) Rule to Show Cause

(1) Fayette County hereby adopts Pa.R.C.P 206.5 as the procedure governing Rules to Show Cause. The issuance of Rules to show Cause will be discretionary with the Court upon presentation of a petition seeking the same.

(i) A petition for a Rule shall be presented to the assigned judge as a Priority Motion in accordance with FCR 208.3(a).

(A) Those petitions which show no merit on their face or which can be determined by a short presentation by the respective attorneys in Motions Court will be disposed of without a formal factfinding procedure.

(B) If it appears to the Court that formal factfinding is necessary to the disposition of the Rule, the Court will set a date for argument subsequent to the filing of an Answer and the taking of any necessary discovery.

(ii) In the event that the Court grants the Rule to Show Cause, an order to that effect will be issued in accordance with Pa. R.C.P. 206.5, setting forth the time mandates for the Respondent's Answer and any depositions required prior to argument.

(A) Said order will also indicate the date set for argument on the matter.

(B) The Petitioner for the Rule must provide notice of the entry of this order to all parties within seven (7) business days of the entry thereof.

(iii) A request for a stay of execution pending disposition of a petition to open may be ordered upon presentation of said petition.

FCR 208.2(c) Motions—Statement of Applicable Authority

All motions and other applications for Court action must set forth a specific citation to relevant constitutional provisions, case law, statutory provisions or rules that provide the Court's authority to grant the relief re-

quested. Said citation shall be placed on the Certificate of Presentation, which form appears in FCR 208.3(a)(1)(vii).

FCR 208.2(d) Uncontested Motion Certificate

All motions and other applications for Court action presented as uncontested require certification as such, if no joinder has been attached.

FCR 208.2(e) Discovery Motion Certificate

Any motion relating to discovery must contain a certification that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action.

FCR 208.3(a) Motions Court Procedure

(1) In order to provide a uniform means of presenting to the Court all matters which require action by the Court, Motions Court will be held daily at 9:00 o'clock A.M. in the courtroom of the Motions Judge. The name of the assigned Motions Judge for each day shall be published periodically in the Fayette County Legal Journal.

(i) The Court Administrator shall maintain a Motions Docket and shall make daily entries of all motions filed and the disposition thereof.

(ii) All motions shall be accompanied by a Certificate of Presentation as set forth in FCR 208.3(a)(1)(vii).

(iii) The moving party shall file the original motion, Certificate of Presentation, and any attachments in the appropriate office before presentment in Motions Court. An original proposed order, a copy of the Certificate of Presentation and motion, assembled in that order, shall be delivered to the Court Administrator and every other party of record. Such copies and notice shall be given so as to be received at least two (2) business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

(iv) All priority motions will be presented to the assigned Judge in Motions Court.

(v) The Court Administrator shall assign any motion not otherwise assigned to a Judge for disposition.

(vi) Failure to accurately provide the information required by paragraph (vii) below may result in the matter not being listed for Motions Court.

(vii) The Certificate of Presentation shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
:
:
:
:
:
: No. _____ OF _____

CERTIFICATE OF PRESENTATION

1. The undersigned, _____, represents _____, the moving party herein.

2. The attached motion will be presented in Motions Court on _____, _____, 20 ____ at 9:00 o'clock A.M.

3. The attached motion shall be classified as a Routine/Priority motion as defined in the preceding Rule entitled Presentation of Applications for Court Action. (If the

motion is Routine, parties or counsel are not required to be present in Motions Court.)

4. Judge _____ has been assigned or has previously ruled on a matter relevant to this motion. (See attached relevant ruling.)

5. The SPECIFIC citation for the Court's authority to grant the relief requested is _____.

6. Estimated time for hearing or argument to resolve the motion on its merits: _____.

Respectfully submitted,

Date: _____

FCR 1028(c) Preliminary Objections

(1) Preliminary objections shall be presented in Motions Court as a Routine Motion within ten (10) days after the date for filing an amended pleading pursuant to Pa.R.C.P. 1028(a)(1) or a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument.

(i) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(ii) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

FCR 1034(a) Judgment on the Pleadings

(1) A Motion for Judgment on the Pleadings shall be presented in Motions Court as a Routine Motion within ten (10) days after the date on which a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument. A response to the motion shall be filed within 20 days after service of the same.

(i) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(ii) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

FCR 1035.2(a) Summary Judgment

(1) A Motion for Summary Judgment shall be presented in Motions Court as a Routine Motion within ten (10) days after a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument.

(i) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties

and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(ii) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

[Pa.B. Doc. No. 04-1273. Filed for public inspection July 16, 2004, 9:00 a.m.]

FOREST AND WARREN COUNTIES

Adoption of Amendments to Local Rules of Civil Procedure Pertaining to Attorneys, Filing Papers with the Prothonotary, Petitions, Motions, Briefs, Oral Arguments, Collection of Costs, Withdrawal of Appearance, Preliminary Objections, Motions for Judgment on the Pleadings and Motions for Summary Judgment; Misc. No. 33 of 2004

Order

And Now, this 29th day of June, 2004, *It Is Ordered* that the annexed Local Rules of Civil Procedure for the 37th Judicial District composed of Forest and Warren Counties pertaining to attorneys, filing papers with the Prothonotary, petitions, motions, briefs, oral arguments, collection of costs, withdrawal of appearance, preliminary objections, motions for judgment on the pleadings and motions for summary judgment be, and the same hereby are, promulgated herewith, to become effective on the 30th day following publication of these rules in the *Pennsylvania Bulletin*.

The Court Administrator of the 37th Judicial District of directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Civil Procedural Rules Committee.
4. File one (1) copy with the Prothonotaries of the Court of the 37th Judicial District.
5. Forward one (1) copy for publication in the *Warren Times Observer* and one (1) copy for publication in the *Forest Press*.

By the Court

PAUL H. MILLIN,
President Judge

Rule L200. Attorneys.

1. No attorney, judge, or any elected official having decisional power and whose duties are related to the judicial process of the District shall be accepted as surety in any suit, action, prosecution or proceeding pending within the District, provided, that this rule shall not prohibit any such person from being accepted as principal or surety in any action or proceeding in which such person is personally involved as a party.

2. The signing of a pleading by an attorney shall constitute that attorney's entry of appearance irrespective if the signature is made on behalf of a professional

corporation, partnership or similar entity. Appearances by attorneys or parties not signing pleadings shall be made by written praecipe filed with the Prothonotary of the respective Court in the District.

Rule L205.2. Filing Legal Papers with the Prothonotary.

Rule L205.2(a). Format.

All pleadings and papers in connection therewith, petitions and motions filed with the Prothonotary in an action at law or in equity and in other matters designated under the Rules of Civil Procedure shall be prepared for flat filing.

No paper or other document may be filed in the Prothonotary's Office on any paper other than paper approximately 8 1/2 x 11 inches in size. Any paper or other document filed in any office shall be sufficient as to format and other physical characteristics if it substantially complies with the following requirements:

- (a) It shall be on white paper of good quality with typed or printed matter 6 1/2 x 9 1/2 inches.
- (b) The cover sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.
- (c) Exhibits introduced in judicial proceedings and wills are exempt from this rule.
- (d) Multi-page filings shall be stapled in the upper left-hand corner only. No tape, headers or backers shall be used.

Rule L205.2(b). Cover Sheet.

Every pleading and legal paper, of two or more pages, shall have a cover sheet in substantially the form of Exhibit L205.2.

Rule L205.2(c). Pro Se Filings.

The Prothonotary shall forward a copy of all documents filed by individuals who are represented by counsel of record to that attorney.

Filings that are not in compliance with the law, rule of court or the appropriate fee schedule shall be duly noted and forwarded immediately to the office of the Court Administrator. The Court Administrator, after consulting with the Court, shall notify the individual of the deficiency in the filing.

The notice shall be as follows:

NOTICE. YOU HAVE FILED A DOCUMENT WITH THE COURT OF COMMON PLEAS OF FOREST/WARREN COUNTY THAT IS NOT IN COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE. YOU ARE ADVISED THAT YOUR FAILURE TO COMPLY MAY RESULT IN PREJUDICE TO YOUR RIGHTS OR CLAIM. YOU SHOULD CONSULT A LAWYER IMMEDIATELY. IF YOU CANNOT AFFORD A LAWYER YOU SHOULD CONTACT THE FOLLOWING AGENCIES TO OBTAIN LEGAL HELP:

PA Lawyer Referral Services	Northwestern Legal
PA Bar Association	Services
100 South Street	Warren, PA 16365
Harrisburg, PA 17108	Phone (800) 665-6957
Phone (800) 692-7375	

IF YOU DESIRE TO REPRESENT YOURSELF OR DO NOT QUALIFY FOR FREE COUNSEL YOU ARE INSTRUCTED THAT YOU MUST BRING YOUR FILING

INTO COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE YOU HAVE VIOLATED OR YOUR RIGHTS OR CLAIM MAY BE PREJUDICED.

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Rule L205.2(d). Verification.

Motions or petitions containing allegations of matters not of record in the case must be verified in accordance with Pennsylvania Rule of Civil Procedure 1024.

Rule L205.2(e). Certificate of Service.

All legal papers, except original filings, shall contain a Certificate of Service. Upon request by the moving party this requirement may be waived by the Court at the Court's discretion for good cause shown. The Certificate of Service shall be substantially in the following form:

(CAPTION)
CERTIFICATE OF SERVICE

This is to certify that in this case, previously assigned to Judge [insert the name of the Judge to whom the case was previously assigned], complete copies of this filing, including attachments, have been served upon the following persons, by the following means, and on the date(s) stated:

Name and Address:	Means of Service:	Date of Service:
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attorney's Name
Address
I.D. Number
Telephone Number

IN THE COURT OF COMMON PLEAS OF THE 37TH
JUDICIAL DISTRICT OF PENNSYLVANIA
_____ COUNTY BRANCH
CIVIL

_____,
Plaintiff
vs. No. A. D. _____

_____,
Defendant

Type of Document: _____

(Filed on Behalf of) _____

(Plaintiff/Defendant) _____

Counsel of Record for this Party: _____

(Name of Attorney Primarily Responsible) _____

Supreme Court I.D. No. _____

(Firm name, if any) _____

(Address)

(Phone)

(Fax number)

Exhibit L205.2

Rule L206.1. Petition.

Rule L206.1(a). Definition.

“Petition,” as used in these rules, shall mean:

- (1) an application to open a default judgment or a judgment of non pros,
- (2) a petition for civil contempt, except in a support or custody action, and
- (3) petition for relief from a judgment by confession.

Rule L206.1(b). Content.

All petitions and reasons therefore, shall be typewritten or printed, signed by a party or counsel of record and shall contain the caption of the case, a description of the petition, the reasons therefore, and the relief requested. A proposed order shall be included. For all petitions, the notice, the certificate of service, and the information for the court administrator shall be attached as the last page to the petition.

When the petition requests a hearing it shall contain: (a) an estimate of the total amount of time the hearing will take and (b) the name of the judge who heard any prior matter in the case.

The petitioner shall notify the respondent on the face sheet of the petition of the following:

NOTICE

A petition has been filed against you in Court. If you wish to defend against the claims set forth in the petition, you must take action as specified in the rule returnable and file in writing with the court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so, the case may proceed without you and an order may be entered against you by the court without further notice for the relief requested by the petitioner. You may lose rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

PA Lawyer Referral Services	Northwestern Legal
PA Bar Association	Services
100 South Street	Warren, PA 16365
Harrisburg, PA 17108	Phone (800) 665-6597
Phone (800) 692-7375	

AMERICANS WITH DISABILITIES ACT OF 1990

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Rule L206.2. Answer to Petition or Rule to Show Cause.

Each respondent shall file an answer to a petition or rule to show cause within the time prescribed by the Court or if not stated within twenty (20) days after the petition or rule is served on such respondent. Respondent shall at once serve a copy of the pleading on each adverse party or their counsel in the manner prescribed by Pa. R.C.P. No. 440. Answers shall conform to the requirements for answers to complaints in civil actions under the applicable Rules of Civil Procedure, and the manner and effect of failure to answer, admissions and/or denials shall be governed by the provisions of Pa. R.C.P. No. 206.7

Rule L206.4(c). Procedure for the Issuance of a Rule to Show Cause.

A petition seeking the issuance of a rule to show cause shall be filed in the Prothonotary's Office. A proposed order, in the form prescribed by Pa. R.C.P. 206.6(c), shall be attached to the petition. After filing, the Prothonotary's Office shall transmit the petition to the Court Administrator for consideration by the Court.

Upon the filing of a petition, a rule to show cause shall be issued as a matter of course pursuant to Pa. R.C.P. 206.6, unless otherwise required by statute or other Pennsylvania Rule of Civil Procedure.

A request for a stay of execution pending disposition of a petition to open a default judgment is governed by motion procedure, not petition procedure. See Rule L208.3(a).

Rule L208.2 Motion.

Rule L208.2(a) Content.

All motions and reasons therefore, shall be typewritten or printed, signed by a party or counsel of record and shall contain the caption of the case, a description of the motion, the reasons therefore, and the relief requested. A proposed order shall be included. For all motions the notice, the certificate of service, and the information for the court administrator shall be attached as the last page to the motion.

When the motion requests a hearing it shall contain: (a) an estimate of the total amount of time the hearing will take and (b) the name of the judge who heard any prior matter in the case. See also Rule L205.2(e) regarding Certificate of Service.

Rule L208.2(b) Verification.

See Rule L205.2(d).

Rule L208.2(c) Statement of Authority.

All motions shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the motion or, in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

Rule L208.2(d) Certification of Uncontested Motions.

If the moving party intends to present the motion as uncontested, the motion shall include a written consent by opposing counsel and any unrepresented parties or the motion shall include a certification that the moving party has been in contact with opposing counsel and any unrepresented parties and that opposing counsel and any unrepresented parties do not contest the motion.

Rule L208.2(e) Certification of Discovery Motions.

Motions relating to discovery shall include a certification by counsel for the moving party that counsel has conferred or attempted to confer with opposing counsel and any unrepresented parties having an interest in the motion in an attempt to resolve the matter without court action and has been unable to reach a satisfactory resolution of the issues presented.

Rule L208.3(a) Motion Procedure.

A. All Motions shall be filed with the Prothonotary's Office and shall include a proposed scheduling order. Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The Court, in its discretion, may decide the matter at argument or take the matter under advisement.

B. The Court, in its discretion, may hear any argument by telephone or videoconference hookup provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the Court provides otherwise.

C. The official Court Reporter does not attend arguments unless directed by the Court.

D. The moving party in all post-trial or post-hearing motions shall, if the argument relates to the testimony presented, arrange for the transcription of so much of the testimony as may be required to resolve the issues presented.

E. Emergency motions shall be governed by the above procedure, except that after filing, the moving party shall notify the Prothonotary and Court Administrator of the emergency situation and may request that the Court immediately consider the motion. If the moving party is requesting a waiver of the certificate of service requirement, the party shall make every effort to notify opposing parties of the substance of the motion and the time of filing and presentation to the Court. See L205.2(e) regarding Certificate of Service.

F. Motions for continuance must be made in writing or of record in open court unless excused by the Court for cause. Absent exceptional circumstances, motions for continuance shall be presented no later than ten (10) days before the date of the proceedings for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons, which were not previously known or reasonably ascertainable. The motion shall state whether or not the proceedings previously have been continued and, if so, the number of prior continuances with identification of the party upon whose motion each continuance was granted.

Absent extraordinary circumstances, a request for continuance based on proceedings scheduled in another Court of Common Pleas will be granted only if the other Court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on conflict with a matter scheduled in another Court of Common Pleas, the scheduling order from the other Court of Common Pleas shall be attached to the motion.

G. A motion requesting a stay of execution pending disposition of a petition to open a default judgment shall be considered in the same manner as other motions or emergency motions, if applicable.

Rule L208.3(b) Response to Motion.

No response is required to any motion unless required by Pa.R.C.P. or unless required by the Court in the scheduling order. See L210 for briefing requirements.

Rule L210. Briefs.

Briefs shall be in the form specified by Pa.R.C.P. 210.

Any party desiring to file a brief shall do so upon the following schedule: (1) The moving party shall file a brief ten days in advance of argument court and (2) The responding party shall file a brief three days in advance of argument court.

Briefs shall be filed with the Prothonotary with a copy to the Court Administrator and a copy shall be served on all parties of record. See L205.2(e) regarding Certificate of Service.

Briefs, which refer to deposition testimony, affidavits, answers to interrogatories, etc. shall have appended to the brief a copy of that portion of the testimony referenced in the brief.

Rule L211. Oral Arguments.

Oral arguments shall be limited to a maximum of ten (10) minutes for each party unless extended by the Court.

Rebuttal and surrebuttal argument shall be permitted only by leave of Court.

The Court Administrator shall schedule oral arguments. The argument list shall close 20 days before argument court.

Rule L300. Prothonotary. Collection of Costs.

The Prothonotary shall establish, implement, maintain and utilize a system for the collection of outstanding unpaid fees and costs. The Prothonotary shall keep a separate listing of the date costs and fees were imposed, the date due, collection efforts, and the dates and amounts of payment. The Prothonotary shall make an annual report to the President Judge on or before April 1st of each year for the preceding calendar year setting forth the amount of outstanding costs and fees imposed on a delay time payment basis, the amount of said costs paid during the year and the amount of the unpaid costs at the end of the year. For the purpose of this rule costs and fees which are either paid at the time that services are incurred or paid at the time that the order imposing the costs and fees is entered are not included in this rule. This rule governs costs which either the Court or the Prothonotary has given an attorney or party time to pay.

Rule L1012. Withdrawal of Appearance.

Requests to withdraw appearance, which require court approval, shall comply Pa. R.C.P. 1012 and with L208.3(a), except that said motions, when not contested by the opposing party, need not be scheduled for argument but may be presented in chambers.

Rule L1028(c). Preliminary Objections.

All preliminary objections shall be filed with the Prothonotary and shall include a proposed scheduling order. Preliminary objections should not be filed with the Court Administrator. Courtesy copies for the court are not required. Preliminary objections should not be filed in duplicate or by facsimile transmission. The court will take no action until the preliminary objections have been filed of record. No response is required to any preliminary objection unless required by Pa.R.C.P. or unless required by the Court in the scheduling order.

Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

All preliminary objections shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the preliminary objections or, if the preliminary objections do not raise complex legal or factual issues, in the body of the preliminary objections.

The court, in its discretion, may hear any argument by telephone or videoconference hookup, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

The official court reporter does not attend argument unless directed by the court.

Rule L1034(a). Motion for Judgment on the Pleadings.

A motion for judgment on the pleadings and a brief in support thereof shall be filed with the Prothonotary and shall include a proposed scheduling order. A motion for judgment on the pleadings should not be filed with the Court Administrator. Courtesy copies for the court are not required. A motion for judgment on the pleadings should not be filed in duplicate or by facsimile transmission. The court will take no action until the motion has been filed of record. The opposing party shall file an answer and reply brief to the motion within twenty (20) days after service of the motion, unless the time for filing the response is modified by court order.

Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

The court, in its discretion, may hear any argument by telephone or videoconference hookup, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

The official court reporter does not attend argument unless directed by the court.

Rule L1035.2(a). Motion for Summary Judgment.

A motion for summary judgment and a brief in support thereof shall be filed with the Prothonotary and shall include a proposed scheduling order. A motion for summary judgment should not be filed with the Court Administrator. Courtesy copies for the court are not required. A motion for summary judgment should not be filed in duplicate or by facsimile transmission. The court will take no action until the motion has been filed of record. The opposing party shall file an answer and reply brief to the motion within thirty (30) days after service of the motion, unless the time for filing the response is modified by court order.

Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

The court, in its discretion, may hear any argument by telephone or videoconference hookup, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

The official court reporter does not attend argument unless directed by the court.

[Pa.B. Doc. No. 04-1274. Filed for public inspection July 16, 2004, 9:00 a.m.]

MONTGOMERY COUNTY

Local Rule of Criminal Procedure; Rule 114*. Service of Orders and Court Notices; No. MS 016 Apr. 04

Order

And Now, this 28th day of June, 2004, the Court approves and adopts the following Montgomery County Local Rule of Criminal Procedure, Rule 114*. Service of Orders and Court Notices. This Rule shall become effective July 1, 2004.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.Crim.P. 105, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Criminal Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

S. GERALD CORSO,
President Judge

Rule 114*. Service of Orders and Court Notices.

Orders and court notices may be served by the Clerk of Courts Office, the Court Administrator's Office or the Court.

[Pa.B. Doc. No. 04-1275. Filed for public inspection July 16, 2004, 9:00 a.m.]

NORTHUMBERLAND COUNTY

Adoption of Local Rules 205.2(a), 205.2(b), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 210, 1028(c), 1034(a), 1035.2(a) and 208.3(b); Misc. Doc.

Amended Order

And Now, this 30th day of June, 2004, it is hereby *Ordered and Directed* that this Court's Order dated June 22, 2004, is amended as follows:

And Now, this 22nd day of June, 2004, the Court hereby adopts the following Northumberland County Local Rules of Civil Procedure, to be effective July 26, 2004.

It is further *Ordered* that the District Court Administrator shall file seven (7) certified copies of these Rules with the Administrative Office of Pennsylvania Courts, two (2) copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Rules Committee and one (1) copy to the *Northumberland County Legal Journal* for publication in the *Northumberland County Legal Journal*.

It is further *Ordered* that this local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

By the Court

ROBERT B. SACA VAGE,
President Judge

[Pa.B. Doc. No. 04-1276. Filed for public inspection July 16, 2004, 9:00 a.m.]

SCHUYLKILL COUNTY
Amended Civil Rules of Procedure

Order of Court

And Now, this 1st day of July, 2004, at 2:45 p.m., Schuylkill County Civil Rules of Procedure are amended/adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective July 24, 2004 pursuant to PA. R.C.P. 239.8.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File seven (7) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rules as then existed prior to the amendment is hereby repealed and annulled on the effective date of said rules as amended/adopted, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 205.1 Custody of Papers.

(a) All papers relating to civil matters shall be filed in the Office of the Prothonotary, with the exception of support matters which shall be filed with the Domestic Relations Section in accordance with appropriate statutes, Pennsylvania Rules of Civil Procedure, and these rules, with a case number and year thereon and the date and

hour of filing to be stamped thereon by the Prothonotary or Clerk of the Domestic Relations Section.

(b) Upon receipt by the Prothonotary of the record of a case transferred from another judicial district, the Prothonotary shall assign a case number and year to the action and shall notify all counsel of record thereof.

(c) Prepayment of costs for filing. The Prothonotary, Clerk of Court of Common Pleas, Register of Wills, Clerk of the Orphans' Court Division, Clerk of the Domestic Relations Section, and the Recorder of Deeds shall have the right to require payment for the filing, recording, or service of a paper or pleading at the time same is filed and, if said officer is unable to determine in advance the amount so required, he shall have a right to require a reasonable sum as a deposit against the costs for filing, recording, or service of a paper or pleading at the time same is filed.

(d) The record papers in the Office of the Prothonotary and Domestic Relations Section shall be in the custody of said officials who shall be responsible for their safekeeping. No person, other than the prothonotary or the Chief of the Domestic Relations Section, or their duly authorized clerks, shall have access to the files in which such record papers are kept.

(e) Auditors, masters, and other similar officers appointed by the Court shall have authority to remove such records as may be necessary for the purposes of their appointment, and they shall return the same within three (3) months unless the Court authorizes their longer retention.

(f) None other than those named in (e) shall be permitted to remove the papers from the Office of the Prothonotary or Domestic Relations Section without a written Order of Court. It shall be the duty of the Prothonotary and the Chief of the Domestic Relations Section to insure full compliance with this rule.

(g) The record papers may be examined and copied by any other party in interest only in the office of the Prothonotary or Domestic Relations Section. However, the original transcript of testimony may not be photocopied.

(h) The Prothonotary shall keep and maintain the following dockets:

- (1) Suit Docket
- (2) Judgment Docket
- (3) Federal Tax Lien Docket
- (4) Secured Transaction Docket
- (5) Fictitious Names Docket

Rule 205.2(a) Filing Legal Papers.

All papers, pleadings, and documents filed with the Prothonotary and Domestic Relations Section shall be on 8 1/2 × 11 inch paper, and where signatures are required, such signatures shall be in black or blue-black ink.

Rule 205.2(b) Filing Legal Papers. Praecepto to Transmit.

All filings which require action by a judge or an assignment by the Court Administrator shall be accompanied by a praecipe to transmit on Prothonotary Form 205.2(b), and shall indicate the nature of the filing and what action is being sought to move the matter forward. The purpose of the praecipe is to advise the Court of what may be necessary for a disposition (i.e. when a hearing is required; when a matter is ripe for disposition on the record; matters that can be immediately addressed) and

to expedite action on the filing. When a non-jury trial or a hearing involving witnesses is being requested, then the moving party shall list the witnesses to be presented and include an estimate as to the time required to present the case. In matters requiring a non-jury trial or hearing, opposing counsel is required to submit a report in WRITING to the Court Administrator within ten (10) days of the moving party's filing of the praecipe to transmit, (1) listing the names of the witnesses they will use at trial or hearing; and (2) an estimate of time required to present their case. Failure to file the praecipe to transmit or to indicate what action is required from the Court may result in denial of the relief sought. Failure to list witnesses may result in the preclusion of their testimony.

FORM OF PRAECIPE TO TRANSMIT.

Pursuant to this Rule, the Praecipe to Transmit shall be in the following form:

(CAPTION)

PRAECIPE FOR CERTIFICATION—PROTHONOTARY FORM 205.2(b)

TO: THE PROTHONOTARY: Transmit the attached filing to the Court Administrator for Assignment to a Judge. The nature of the filing and requested action is as follows:

_____ Jury Trial—(Complete Certificate of Readiness)

_____ Non-Jury Trial— Any matter dispositive of the case e. g.: () Equity Actions; () Tax Appeals; () Summary Appeals; () Name Change Actions; () Permanent Injunctions; () Other _____ (specify)

I estimate it will require _____ hours to present the plaintiff's/defendant's case and I will present only the following witnesses for testimony:

_____ Petition pursuant to Pa.R.C.P. 206.1 requesting () Issuance of Rule to Show Cause; () Transfer to Court for disposition, no answer having been filed; () Transfer to Court for disposition, contested matter and fact finding complete or unnecessary; () Other _____ (specify)

Issue that can be decided on the record and briefs, being: () Gov't Appeal; () Exceptions; () Judgment on the Pleadings; () Summary Judgment; () Other _____ (specify)

Issue that can be assigned for immediate actions, being: () Stipulation; () Uncontested Motion; () Motion for Appointment; () Quiet Title Motion; () Other _____ (specify)

_____ Contested Motion (Memo Attached), being: () Discovery Motion; () Other _____ (specify)

_____ () Transmit to Custody Officer. Reason: _____ (If hearing is required, complete the time and witness portion of this form).

_____ Hearing required/requested: Reason for Hearing:

- () Special Relief; () Contempt Petition; () Preliminary Injunctions; () Other _____ (specify)

I estimate it will require _____ hours to present the plaintiff's/defendant's case and I will present only the following witnesses for testimony:

Attorney for Plaintiffs

Date: _____

For Defendant: _____

For Plaintiff: _____

Notice: In matters requiring a non-jury trial or hearing opposing counsel is required to submit a report in WRITING to the Court Administrator within 10 days, (1) listing the names of the witnesses they will use at the hearing; and (2) an estimate of the time required to present their case.

Rule 206.1(a) Petitions.

As used in this chapter, "petition" includes an application:

- (1) to open a default judgment, or (2) to open a judgment of non pros.

Petition and answer practice shall comport with Pa.R.C.P. 206.1 and 206.2 and the rule provisions of Sch.R.C.P. 1019 setting forth the authority on which the Petition is based.

Rule 206.4(c) Rule to Show Cause.

(1) A rule to show cause shall issue as a matter of course pursuant to Pa.R.C.P. 206.6

(2) Each petition seeking issuance of a rule to show cause shall be accompanied by a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b). Upon filing, an Order in the form set forth in Sch.R.C.P. 206.6 shall be issued as of course and the parties shall thereafter proceed pursuant to the provisions of Pa.R.C.P. 206.7 and Sch.R.C.P. 206.7.

Rule 206.6 Form of Order.

Pursuant to this rule the petitioner shall attach to any petition seeking a rule to show cause a proposed order and the following form:

(CAPTION)

ORDER

AND NOW, this ___ day of _____, 20____, upon consideration of the foregoing petition, it is hereby DIRECTED that:

- (1) A rule is issued upon the respondent to show cause why the petitioner is not entitled to he relief requested; (2) The respondent shall file an answer to the petition within twenty (20) days of service upon the respondent; (3) The petition shall be decided under Pa.R.C.P. No. 206.7; (4) Depositions shall be completed within 60 days of this date unless otherwise extended by the Court;

(5) Either party may request oral argument pursuant to Sch.R.C.P. 206.7(d); and

(6) Notice of the entry of this order shall be provided to all parties by the petitioner.

BY THE COURT,
_____ J.

Rule 206.7 Procedure After Issuance of Rule to Show Cause.

(a) In the event the respondent fails to file an answer to the rule within the time set forth in the rule, the movant may request to have the matter assigned to the Court for entry of an appropriate order by praecipe to transmit pursuant to Sch.R.C.P. 205.2(b).

(b) If the defendant files an answer to a disputed rule raising no issue of material fact, either party may request to have the matter assigned to the Court for entry of an appropriate order by filing a Praecipe to Transmit pursuant to Sch.R.C.P. 205.2(b).

(c) When a contested case is at issue, and the parties have complied with the fact finding provisions of Pa.R.C.P. 206.7(c) and 206.7(d), where applicable, either party may move to have the matter assigned to the Court for disposition by praecipe pursuant to Sch.R.C.P. 205.2(b).

(d) In cases where an answer has been filed, each party shall file of record a brief in support of their respective position within twenty (20) days of the date of filing the praecipe to transmit the matter to the Court for disposition. Unless otherwise requested, contested petitions shall be decided upon the record. Either party may request oral argument by filing a written request for oral argument with the Court Administrator of Schuylkill County.

Rule 208.1 Motion. Definition.

(a) All motions or petitions for appointment, and all miscellaneous matters shall be governed by this Rule, 208.1 et seq.

Rule 208.2(c) Motion. Form.

All motions shall state with particularity the grounds on which they are based, and each shall be accompanied by a form of order which, if approved by the Court, would grant the relief sought by the motion. Every response in opposition to a motion shall be accompanied by a form of order, which, if approved by the Court, would deny or amend the relief sought by the motion.

Rule 208.2(d) Uncontested Motions.

Every uncontested motion shall be accompanied by a certificate of counsel that such motion is uncontested, substantially in the following form:

(CAPTION)
CERTIFICATION

_____ hereby certifies that a copy of the attached petition/motion was served upon the party listed below, in the manner and date set forth, and that the undersigned has received an affirmative response from that party indicating that the petition/motion is not opposed.

Date served: _____ Served upon: _____
(Name)

Manner of Service: _____
(address)

(signature)

Rule 208.2(e) Motion. Discovery-Related Issues.

A party may, with respect to discovery-related issues, file a motion for scheduling conference with the Court when the party is unable to coordinate the scheduling of depositions or other discovery despite reasonable and good faith efforts to do so. The motion for scheduling conference should state in specific detail the efforts which counsel has made to schedule discovery and otherwise complete discovery. Upon addressing a motion for scheduling conference and any response thereto, the Court may hold a hearing or scheduling conference at its discretion.

Rule 208.3(a) Motion Procedure.

An original and one copy of all motions or filings pursuant to this provision, together with a praecipe to transmit as set forth in Sch.R.C.P. 205.2(b), shall be filed with the Prothonotary, which office shall transmit the pleadings to the Court Administrator for assignment to a Judge for disposition. The praecipe must indicate the nature of the action requested of the Court to move the matter forward.

(1) Motions for final judgment in quiet title actions, where service was made by publication, shall contain a certificate of publication indicating the dates and sources of such publication.

(2) Any interested party may make a written request for oral argument on a motion. The Court may require oral argument whether or not requested by a party.

(3) This Rule does not apply to matters set forth in Pa.R.C.P. 208.1(b)(1) and (b)(2).

Rule 208.3(b) Motion Procedure. Response Required.

Every motion not certified as uncontested shall be accompanied by a memorandum containing a concise statement of the legal contentions and authorities relied upon in support of the motion and an affidavit of service upon the party against whom relief is sought, or to his attorney. Any party opposing the motion shall file and serve such answer or other response that may be appropriate, a memorandum in opposition, and an affidavit of service upon the other party within twenty (20) days after service of the originating motion and supporting brief, unless the Pennsylvania Rules of Civil Procedure mandate a period of time different than twenty (20) days. In the absence of a timely response, the motion may be treated as uncontested. The Court may require or permit further briefing, if appropriate.

Rule 1028(c) Preliminary Objections

(1) All preliminary objections will be disposed of by one Judge on behalf of the Court, unless such objections are certified by the Judge to be of sufficient importance to require disposition by the Court en banc.

(2) Preliminary objections shall be accompanied by a memorandum of law in support of the objections. A certification of service thereof upon opposing counsel shall be filed within 10 days after the filing of the preliminary objections.

(3) Respondent's memorandum of law contra the preliminary objections shall be filed within twenty (20) days after service of the brief of the moving party, and shall contain a certification of service upon the moving party.

(4) When the date for the filing of respondent's memorandum has passed, the Prothonotary shall deliver the preliminary objections, memorandum of law, and other file papers to the Court Administrator. The Judge to whom the preliminary objections are assigned may, if

requested, set the matter for oral argument, or may dispose of the objections on the briefs submitted.

(5) Preliminary objections filed in domestic relations and paternity cases shall not be cause for delay in hearing or interviews scheduled by the Domestic Relations Office. Such objections will be determined by the Court when and if hearings before a Judge and/or a jury are required for adjudication of the issues involved in the petition or complaint. Defendant's brief will be filed with the objections and plaintiff's brief shall be filed 3 days before any scheduled hearing.

(6) In the event disposition of a preliminary objection requires fact finding, the filing party shall accompany the preliminary objections with a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b), specifying that a hearing is required and the reasons the hearing is necessary.

Rule 1034(a) Motion for Judgment on the Pleadings.

A motion for judgment on the pleadings shall be accompanied by a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b) indicating that the matter can be disposed of on the record and shall further be accompanied by the brief of the moving party. The answer and brief of any opposing party shall be filed within twenty (20) days from the date of service of the original motion.

Rule 1035.2(a) Motion for Summary Judgment.

A motion for summary judgment shall be accompanied by a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b) indicating that the matter can be disposed of on the record and shall further be accompanied by the brief of the moving party. The answer and brief of any opposing party shall be filed within thirty (30) days after service of the original motion.

Effects of the Changes on Other SCH.R.C.P. Rules:

Rule 14(B)(3) = Changes 206 to 208.3

Rule 14(D)(2) = Changes 205.3 to 205.2(b); changes 206A to 208.1 et seq.; changes 205.3 to 205.2(b).

Rule 301(b) = Changes 205.3 to 205.2(b)

Rule 1513 = Changes 205.3 to 205.2(b)

Rule 1920.55(h)(7) = Changes 205.3 to 205.2(b).

Rule 2039(b) = Changes 205.3 to 205.2(b)

Rule 2959 = Changes 205.3 to 205.2(b); changes 205.3 to 205.2(b).

**** Also, changed Rule 212.1 (d) from "tow" to "two"; and Rule "1920.55" to "1920.55-2."

[Pa.B. Doc. No. 04-1277. Filed for public inspection July 16, 2004, 9:00 a.m.]

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WASHINGTON COUNTY
Local Civil Rules; No. 2004-1

Order

And Now, this 28th day of June, 2004; *It Is Hereby Ordered* that the following Washington Local Civil Rules be rescinded, renumbered, and adopted as follows.

These changes shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

DAVID L. GILMORE,
President Judge

Washington County Local Rule 1028(c)

All Preliminary Objections shall be filed in the Washington County Prothonotary's Office and promptly served upon all other counsel and unrepresented parties. If no Amended Complaint is filed within twenty (20) days, the objecting party shall thereafter present a Scheduling Motion to the assigned judge for the case, to schedule argument on the objections pursuant to Local Rule 208.3(a), with advance notice of said Motion to all parties. The Scheduling Order shall be filed with the Prothonotary by the objecting party and promptly served on all other counsel and unrepresented parties. A copy shall also be furnished to the Court Administrator. In unassigned cases, the objecting party should present the Scheduling Motion to the General Civil Motions Judge of the Term pursuant to Local Rule 208.3(a).

Where Preliminary Objections contain grounds raising issues of fact, said objections shall be endorsed with a Notice to Plead and the Court will schedule disposition of said objections with due consideration for the time required by the parties to obtain evidence required for consideration of said objections. All evidence that the parties wish the Court to consider shall be filed with the party's Brief.

The objecting party shall file a Brief with the Prothonotary no later than ten (10) business days prior to the Argument date. The Respondent's Brief must be filed with the Prothonotary no later than five (5) business days prior to the Argument date. A party filing a Brief shall promptly serve a copy on all other counsel and unrepresented parties.

In the event that either or both parties wish to submit the matter on briefs without oral Argument, they shall communicate that wish to the Court, in writing, prior to the Argument day. However, Briefs shall still be filed with the Prothonotary on the days required by this Rule, unless an extension is obtained through leave of Court.

If a party's Brief is not timely filed, the Court may, in its discretion:

- (i) Disregard the untimely brief;
- (ii) Refuse oral argument by the offending party;
- (iii) Consider the issues raised by the offending party to be waived;
- (iv) Order Argument to be continued;
- (v) Enter such other Order as the interests of justice may require.

Washington County Local Rule 1034(a)

All Motions for Judgment on the Pleadings shall be filed in the Washington County Prothonotary's Office and promptly served upon all other counsel and unrepresented parties. The moving party shall promptly thereafter present a Scheduling Motion to the assigned judge for the case to schedule Argument on the Motion pursuant to Local Rule 208.3(a) with advance Notice of said Motion to all counsel and unrepresented parties. The Scheduling Order shall be filed with the Prothonotary by the moving party and promptly served on all other counsel and unrepresented parties. A copy of the Scheduling Order shall be provided to the Court Administrator. In unassigned cases, the Scheduling Motion should be presented to the General Civil Motions Judge of the Term pursuant to Local Rule 208.3(a).

The moving party shall file a Brief with the Prothonotary no later than ten (10) business days prior to the Argument date. The Respondent's Brief must be filed

with the Prothonotary no later than five (5) business days prior to the Argument date. A party filing a Brief shall file the original with the Prothonotary, and shall promptly serve a copy on all other counsel and unrepresented parties.

In the event that either or both parties wish to submit the matter on Briefs without oral Argument, they shall communicate that wish to the Court, in writing, prior to the Argument day. However, Briefs shall still be filed with the Prothonotary on the days required by this Rule, unless an extension is obtained through leave of Court.

If a party's Brief is not timely filed, the Court may, in its discretion:

- (i) Disregard the untimely Brief;
- (ii) Refuse oral argument by the offending party;
- (iii) Consider the issues raised by the offending party to be waived;
- (iv) Order Argument to be continued;
- (v) Enter such other Order as the interests of justice may require.

Washington County Local Rule 1035.2(a)

The procedures for the disposition of a Motion for Summary Judgment are identical to the procedures for the disposition of a Motion for Judgment on the Pleadings described in Local Rule 1034(a) except that a Response in Opposition to the Motion for Summary Judgment shall be filed as provided in Pa.R.C.P. § 1035.3.

Washington County Local Rule 208.2(c)

All motions shall include a brief statement of the applicable authority, which shall be included on the Certification page. (With regard to the Certification page referenced in Local Rules 208.2(c), (d) and (e), the Statement of Authority, Status of Motion as contested or uncontested, and the reference to conferring with counsel in discovery matters should all be incorporated on one page, labeled Certification of Counsel, which should also incorporate certification of mailing.)

Washington County Local Rule 208.2(d)

All motions shall include a Certification, signed by counsel for the moving party, stating whether or not said motion is contested or uncontested. (With regard to the Certification page referenced in Local Rules 208.2(c), (d) and (e), the Statement of Authority, Status of Motion as contested or uncontested, and the reference to conferring with counsel in discovery matters should all be incorporated on one page, labeled Certification of Counsel, which should also incorporate certification of mailing.)

Washington County Local Rule 208.2(e)

All motions relating to discovery shall include a Certification signed by counsel for the moving party, certifying that counsel has conferred or attempted to confer with all interested parties in order to resolve the discovery matter without court action. (With regard to the Certification page referenced in Local Rules 208.2(c), (d) and (e), the Statement of Authority, Status of Motion as contested or uncontested, and the reference to conferring with counsel in discovery matters should all be incorporated on one page, labeled Certification of Counsel, which should also incorporate certification of mailing.)

Washington County Local Rule 210

The Brief of the moving party shall contain a statement of the history of the case, a statement of the issues

involved, a statement of the argument, and a short conclusion stating the precise relief sought.

The Brief of the responding party need only contain the argument, but the responding party may add a counter-history of the case.

Washington County Local Rule 206.4(c)

Procedures For The Disposition Of Petitions

The procedure specified in Pa.R.C.P. 206.5 is hereby adopted to govern petition practice in the Court of Common Pleas of Washington County, and accordingly, the issuance of a Rule to Show Cause upon the filing and presentation of a Petition, shall be discretionary with the Court. However, in the event that a Rule to Show Cause is issued, the procedure is then governed by Pa.R.C.P. 206.7.

The petitioning party shall give Notice to all other parties of the intention to request the Court to issue the Rule, pursuant to Local Rule 208.3(a). The Petition shall be filed in the Washington County Prothonotary's Office and promptly served upon all other parties.

Upon execution of the Order issuing the Rule, the original Order shall be filed with the Prothonotary's Office. Notice of Entry of the Order shall be provided to all parties and their counsel, if known, by the Petitioner.

A Request for Stay of Proceedings Pending Disposition of the Petition, shall be included in the text of the Petition, to be considered and processed in accordance with the above procedures. If the need for emergency relief is necessary, the request shall be presented to the general civil motions judge, with Notice to opposing counsel, if known, and unrepresented parties of the date and time of presentation.

If Briefs are required, the Brief of the petitioning party shall be filed with the Prothonotary and served on all other parties at least ten (10) days prior to the Argument date. The Brief of the party opposing the Petition shall be filed at least five (5) days prior to the Argument and served on all other parties.

Washington County Local Rule 208.3(a)

Procedures for the Disposition of Motions

1. Scope

(i) As used in this Rule, "motion" means any application to the Court made in any civil action or proceeding except as provided by subdivisions (b)(1) and (2) of Pa.R.C.P. § 208.1.

(ii) This Court has not promulgated a Local Rule, numbered Local Rule 208.3(b), because this Court has not imposed requirements for the filing of a response or a brief with respect to any motions.

(iii) This Local Rule does not govern motions filed in asbestos litigation and cases otherwise designated by the Court for special management (Pa.R.C.P. § 1041.1 and 1041.2), class actions, and any other cases which, by Court Order, have been assigned to a judge where the Order provides for this judge to consider any motions that the parties file.

2. Presentation Of Motions In Assigned Cases

(i) The trial judge assigned to a specific case will hear all motions relating to that case. All Pre-trial Motions shall be heard by the trial judge, which judge shall be available to hear these motions at times to be noted on the judge's individual calendar.

(ii) Before an uncontested motion is presented, the moving party shall furnish a copy of the Motion, together with any proposed Order, to every other party or counsel of record.

(iii) In contested matters, the moving party shall so furnish a copy of the Motion and any proposed Order to all other parties or counsel at least three (3) calendar days in advance of the presentation, together with Notice of when the presentation is to occur. The Motion shall be accompanied by a Certificate of the filing attorney, stating the time and manner of service on any party or counsel.

3. Presentation of Motions in Unassigned Cases

(i) A daily Civil Motions Judge is assigned by the President Judge on a rotating basis. This General Civil Motions Judge is also known as Judge of the Term.

(ii) The General Civil Motions Judge shall assume the bench at 9:15 a.m. on each day that the Court is open for business.

(iii) The General Civil Motions Judge of the Term will act on all civil motions and petitions that are not related to cases assigned to a trial judge.

(iv) Before an uncontested motion is presented, the moving party shall furnish a copy of the Motion and any proposed Order to every other party or counsel of record.

(v) In all contested matters, the moving party shall serve upon the opposing party or opposing counsel a copy of the proposed Motion prior to presentation to the General Civil Motions Judge of the Term, and shall inform his opponent of the date and time at which the proposed Motion is to be presented, at least three (3) days prior to the date for presentation.

(vi) The Motion shall name each judge who has ruled upon any other issue in the same or related case and shall specify the issue. The Motion shall be accompanied by a Certificate of the filing attorney, stating the time and manner of service on any party or counsel.

(vii) At each daily session of Motions Court, presided over by the Judge of the Term, uncontested matters shall be heard by the Court before contested matters.

4. Emergency Motions

(i) In a situation where the emergency nature of the matter prevents three (3) days advance notice of a motion, a moving party shall provide the opposing party or counsel, if known, with as much notice as is reasonably possible under the circumstances.

5. Responses/Briefs

(i) There is no requirement for the filing of a response or the filing of Briefs prior to presentation of motions. However, the parties are encouraged to submit Briefs when it is anticipated that the Court will wish to consider Briefs before deciding an issue.

Washington County Local Rules 200.8; 200.9—Argument Court; 200.10—Form and Contents of Brief

Local Rules 200.8, 200.9 and 200.10, governing Argument Court proceedings, are rescinded.

Washington County Local Rule 210—Washington County Civil Litigation Mediation Program

Local Rule 210 is renumbered to Local Rule 810.

Washington County Local Rule 211—Mini Jury Trials

Local Rule 211 is renumbered to Local Rule 812.

Washington County Local Rule 223.2—Jury Voir Dire—Civil Litigation

Local Rule 223.2 is renumbered to Local Rule 220.1.

Washington County Local Rule 212.4—Conciliation Conferences for Medical Malpractice Cases

Local Rule 212.4 is rescinded.

Washington County Local Rule 1303(a)

Former Paragraph (a) to Local Rule 1303 is hereby amended, effective . . . , to read as follows:

(a)(i) After the pleadings have been closed for thirty (30) days, any party may initiate arbitration by filing with the Prothonotary a Praeceptum for Reference to a Board of Arbitration. The Praeceptum for Reference to a Board of Arbitration shall be substantially in the following form:

(Caption)

PRAECEPTUM FOR REFERENCE TO A BOARD OF ARBITRATION

To the Prothonotary:

Kindly refer this matter to a Board of Arbitration. I certify that at least ten (10) days notice of the filing of this Praeceptum has been given to all parties to this action.

Date: _____ By _____
Attorney for _____

As noted, the moving party shall notify all other parties or their counsel of their intent to file such Praeceptum at least ten (10) days prior to the filing.

(ii) Upon filing of the Praeceptum, the Prothonotary shall furnish a copy to the Court Administrator for scheduling.

Washington County Local Rule 1901

Local Rule 1901 governing inactive cases is hereby amended and renumbered. Local rule 1901 is now designated L-230.2 and is as follows:

Before the second Monday in December of each year, the Court Administrator shall prepare a list of civil cases in which no paper has been filed or action taken for more than two years. The Court, by the President Judge, shall, on the second Monday of December of each year, issue a "Notice of Proposed Termination of Court Case" to all parties of record advising that, in the absence of a response or reply, the case will be stricken as stale. Copies of the aforementioned notice shall be sent by the Prothonotary by regular mail to each attorney of record, and, in the absence thereof to the litigants to the last address of record. The Prothonotary shall make an appropriate notation upon the docket of the mailing. Similarly, the Notice and Stale Case List shall be published once in the *Washington County Reports* during December.

On or before the second Monday of February of the following year, the parties must file a reply to the aforesaid Notice with a "Statement of Intention to Proceed" advising the Court that the case should not be terminated. With the exception of the cases in which a Statement of Intention to Proceed is filed, the cases remaining on the list will be terminated for want of prosecution, with prejudice. A copy of the Order shall then be filed at each number and term to which it is applicable.

[Pa.B. Doc. No. 04-1278. Filed for public inspection July 16, 2004, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Philip L. Kantor having been suspended from the practice of law in the State of New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated June 29, 2004 suspending Philip L. Kantor from the practice of law in this Commonwealth for a period of three months,

effective July 29, 2004. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 04-1279. Filed for public inspection July 16, 2004, 9:00 a.m.]

RULES AND REGULATIONS

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 18]

Public Swimming and Bathing Places

The Department of Health (Department) amends Chapter 18 (relating to public swimming and bathing places) to read as set forth in Annex A. The final-form rulemaking includes requirements regarding the bacteriological monitoring of water at public bathing beaches to protect the public health while swimming and bathing.

I. Purpose

The final-form rulemaking provides enhanced public health protection to individuals who bathe and swim at public bathing beaches in this Commonwealth. The final-form rulemaking specifies the requirements for notifying the public when a bathing beach is closed, the type of bacteriological water testing that must be done, the level of disease-carrying organisms in the water that requires a beach to be closed, the procedures for collecting water samples and the laboratory testing procedures. Additional requirements for beaches located on Lake Erie are also included. The final-form rulemaking will improve detection of disease-carrying organisms in bathing beach water and reduce public exposure to those organisms.

The final-form rulemaking is consistent with recommendations of the United States Environmental Protection Agency (EPA) regarding bacteriological testing of water at public bathing beaches. The EPA recommends that water at public bathing beaches be tested each week for *Escherichia coli* (*E. coli*) to detect disease-carrying organisms in the water that may cause human illness such as gastroenteritis, salmonellosis, cholera, respiratory infections, hepatitis, giardiasis, dysentery, cryptosporidiosis, parasitic worms and *listeria*. These illnesses can be mild to very serious or deadly. Ingesting even a small mouthful of contaminated water has the potential of causing any of these illnesses. Young children are especially at risk due to the greater likelihood of swallowing bathing water. Children, the elderly and people with weakened immune systems have a greater chance of getting sick if they come in contact with contaminated water.

The most frequent sources of disease-carrying organisms in bathing water are sewage overflows, animal waste, polluted storm runoff, sewage treatment plant and septic system malfunctions, boating waste, trash, pesticides and fertilizers. Pollution is also much higher during and following a rainstorm because stormwater draining into the beach may be carrying sewage from overflowing sewage treatment systems, runoff from farmland or animal waste from parks and forests. By frequent water testing, disease-carrying organisms that may be harmful to humans can be detected earlier and the source can be located and either corrected or a beach can be closed until the contamination is at a nonharmful level.

On October 10, 2000, the Federal Beaches Environmental Assessment and Coastal Health Act (BEACH Act) (Pub. L. No. 106-284) was passed and amended the Federal Water Pollution Control Act (33 U.S.C.A.

§§ 1251—1387) to include significant new beach protections. The BEACH Act applies to coastal beaches on the Great Lakes, including those at Presque Isle State Park in Erie County. The BEACH Act requires that all states with coastal beaches adopt either the *E. coli* or the enterococci testing standard for Great Lakes beaches, as well as public notification of beach closure requirements. The new Federal law governs only Lake Erie beaches in this Commonwealth. However, the final-form rulemaking extend the same level of protection to all public bathing beaches in this Commonwealth to provide a more effective and consistent level of public health protection to all individuals using any of the Commonwealth's public bathing beaches.

Several formal and informal meetings and discussions were held prior to, and during, the drafting of the proposed rulemaking with consumer protection advocates, campground operators, municipal beach operators, health care professionals and local government agencies to present and discuss the Department's proposed rulemaking. A public meeting was held in August 2002 to review the proposed rulemaking, with invitations sent to 26 affected consumer, health care professional, beach operator and municipal organizations. In June 2003, the Department sent a mailer to all laboratories known to be performing bacterial testing of beaches informing them of the proposed rulemaking. In July 2003, the Department sent a representative to the Pennsylvania Association of Accredited Environmental Laboratories Conference in State College to answer questions regarding the proposed rulemaking and to receive additional stakeholder feedback. To further the effectiveness of the final-form rulemaking, the Department coordinated the final-form rulemaking with the Department of Environmental Protection (DEP) to assure compatibility with other regulations regarding water quality. The Department also discussed the proposed rulemaking with the Department of Conservation and Natural Resources to coordinate implementation issues regarding the State park beaches.

The Department published proposed rulemaking at 32 Pa.B. 4850 (October 5, 2002) and provided for a 30-day public comment period. The Department received no comments during the public comment period. The Department received a recommendation from the DEP after the close of the public comment period. The Department also received comments from the Office of Attorney General (OAG) and the Independent Regulatory Review Commission (IRRC). The Department's responses to these comments appear in the summary of this final-form rulemaking.

II. Summary

The DEP raised a concern about the effectiveness of the proposed language in § 18.31 (relating to laboratory testing) requiring laboratories to be registered with the DEP. To make the final-form rulemaking more effective, the DEP suggested language changes requiring laboratories to be registered with the DEP for the testing of drinking water samples and that the laboratory be in compliance with 27 Pa.C.S. Chapter 41 (relating to environmental laboratory accreditation) known as the Environmental Laboratory Accreditation Act, and the regulations promulgated thereunder. These changes were intended to ensure that only qualified laboratories subject to the DEP enforcement actions would be performing

beach bacterial standards. The Department has accepted these recommendations and incorporated them into the final-form rulemaking.

The OAG requested that the Department provide the method by which the EPA recommended the E. coli standard and asked whether this was Federal statute, regulation, guideline or other publication. The BEACH Act requires that all states with coastal beaches adopt the EPA's recommended bacterial monitoring standards for recreational waters. The term "coastal beaches" is defined in the BEACH Act to include beaches on the Great Lakes, including those at Presque Isle State Park on Lake Erie. The EPA's recommendation for bacterial monitoring is published in the guidance document "Ambient Water Quality Criteria for Bacteria" and is available on the EPA's website: www.epa.gov/ost/standards/bacteria/.

The OAG also asked whether the permittee would have to obtain approval from the EPA for whatever method the permittee is using and whether the EPA has published a list of preapproved methods.

The permittee will not have to obtain approval from the EPA for the method used. The laboratory selected by the permittee will have the option of using the method described in *Standard Methods for the Examination of Water and Wastewater* or by using a method that has been preapproved by the EPA. Currently, the EPA has approved one testing method, the modified mTEC test, for testing for E. coli at beaches. The EPA is developing additional testing methods and is expected to grant approval for their use in the future. When approved for use, the additional test will be published on the EPA's website.

Finally, IRRC requested that the Department revise § 18.30 (relating to water samples) of the proposed rulemaking to require that the Department give written notification to the permittee in the event that additional bacterial samples may be required. The Department has accepted this recommendation and incorporated it into the final-form rulemaking.

III. Affected Persons

The final-form rulemaking applies to 328 public bathing beaches that have a fresh water source or flow, including natural and manmade lakes and ponds and beaches located on rivers and streams, which are permitted by the Department. Bathing beaches located at State parks, community locations and privately owned campgrounds, resorts and organized camps are included. Of the 328 bathing beaches, the majority of them are located in the northern part of this Commonwealth with 50% in the northeast, 20% in the northwest and 8% in the north central part of this Commonwealth. Only 22% of the bathing beaches are located in the southeast, southwest and south central parts of this Commonwealth.

The final-form rulemaking also applies to laboratories that perform bacterial testing of water at public bathing places, requiring them to adopt the E. coli testing method for bacterial method and to report all positive bacterial samples. In addition, the final-form rulemaking requires that laboratories performing testing of water samples from public bathing places are properly accredited under 27 Pa.C.S. Chapter 41.

IV. Cost and Paperwork Estimates

A. Cost

The final-form rulemaking will have little fiscal effect on the Commonwealth, local government, the private sector or the general public. The requirement for the

frequency of water sampling has not been changed. There is no cost increase for completing the E. coli test as opposed to the currently required fecal coliform test. The Department conducted a study of laboratory test fees in August 2002. Thirty-eight laboratories across this Commonwealth, New Jersey, Maryland, Ohio and Delaware that are used currently to complete water testing were contacted to compare fees for the new E. coli tests with the current fecal coliform tests. Of the 38 laboratories contacted, 19 charged the same for each test. Three charged slightly less for the E. coli test than the coliform test and three charged slightly more for the E. coli test than the coliform test. Ten of the laboratories do not currently conduct the E. coli test. The Department has contacted these laboratories to explain the new requirements and to encourage the provision of the new test. It is fully expected that additional laboratories will offer the E. coli test once public demand is present.

B. Additional Paperwork

Prior to the amendment of § 18.30, a permittee was required to maintain records of bacterial tests onsite for a minimum of 2 years. While the final-form rulemaking requires laboratories to report positive results to the Department, or the local health department within whose jurisdiction the bathing beach is located, most laboratories were already voluntarily complying with this reporting requirement. The laboratory may report a positive bacterial test result to the Department by phone, fax or e-mail. Therefore, it is not anticipated that the final-form rulemaking will cause any significant increase in paperwork.

V. Effectiveness/Sunset Date

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. No sunset date has been established. The Department will monitor the effectiveness of the regulations on an ongoing basis through its annual health and safety inspections of public swimming and bathing places.

VI. Statutory Authority

The Department's authority to promulgate regulations regarding public swimming and bathing places is established under the Public Bathing Law (35 P. S. §§ 672—680d), the Local Health Administration Law (16 P. S. §§ 12001—12028) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

VII. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 25, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 4850, to IRRC and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee 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 the final-form rulemaking, the Department has considered all comments from IRRC, the DEP and the OAG.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 26, 2004, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 27, 2004, and approved the final-form rulemaking. The Office of Attorney General approved the regulations on June 28, 2004.

VIII. *Contact Person*

Questions regarding the final-form rulemaking should be submitted to Dennis C. Wilson, Environmental Health Administrator, Department of Health, Bureau of Community Health Systems, Room 628 Health and Welfare Building, P. O. Box 90, Harrisburg, PA, 17108-0090, (717) 787-4366. Persons with disabilities may submit questions in alternative formats (such as audio tape or Braille) or by using V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). Persons who require an alternative format of this document should contact Dennis C. Wilson at the previous address or telephone numbers so that necessary arrangements can be made.

IX. *Findings*

The Department, with the approval of the Board, finds that:

(a) Public notice of the intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

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

X. *Order*

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

(a) The regulations of the Department, 28 Pa. Code Chapter 18, are amended by amending §§ 18.1, 18.28, 18.30 and 18.31 to read as set forth in Annex A.

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

(c) The Secretary shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.

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

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

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 3078 (June 12, 2004).)

Fiscal Note: Fiscal Note 10-170 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 28. HEALTH AND SAFETY

PART II. LOCAL HEALTH

Chapter 18. PUBLIC SWIMMING AND BATHING PLACES

GENERAL PROVISIONS

§ 18.1. Definitions.

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

Air gap—The unobstructed vertical distance through the free atmosphere between the lowest opening from a pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

Backflow—The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from a source other than the approved source.

Bathing beach—A body of natural water, impounded or flowing, of a size in relation to the bathing load that the quality and quantity, confined or flowing, need be neither mechanically controlled for the purpose of purification nor contained in an impervious structure.

Cross connection—A physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other steam, gas, a chemical or water of unknown or questionable safety, whereby there may be a flow from one system to the other, the direction depending on the pressure differential between the two systems.

Garbage—Putrescible wastes, except sewage and body waste, including animal and vegetable offal.

Local health department—Each county department of health under the Local Health Administration Law (16 P. S. §§ 12001—12028), and each department of health in a municipality approved for a Commonwealth grant to provide local health services under section 25 of the Local Health Administration Law (16 P. S. § 12025).

National Electrical Code—The *National Electrical Code* published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts, 02210.

Person—An individual, partnership, corporation, association, municipality, county, authority, the Commonwealth or other private or public entity.

Public bathing place—An outdoor or indoor place used for amateur, professional or recreational swimming or bathing whether or not a fee is charged for admission or for the use of the place, exclusive of a bathing place at a private, single-family residence which is used solely by the owner of the residence, his family and their personal guests.

Refuse—Nonputrescible wastes generally regarded and classified as rubbish, trash, junk and similar designations which have been rejected by the owner or possessor thereof as useless or worthless to him.

Sewage—A substance which contains the waste products or excrements or other discharges from the bodies of human beings or animals and a noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

Sewerage system—A community or individual system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of sewage or industrial wastes.

Source—A well, spring, cistern, infiltration gallery, stream, reservoir, pond or lake from which, by any means, water is taken either intermittently or continuously for use by the public.

Swimming pool—A body of water of a size in relation to the bathing load that the quality and quantity of the

water confined must be mechanically controlled for the purpose of purification and contained in an impervious structure.

Turnover period—The number of hours required to completely replenish the water in a pool, or recirculate a quantity of water equal to the capacity of the pool.

Wading pool—A body of water designed for use by children which is not deeper than 3 feet and of a size in relation to the bathing load that the quality and quantity of the water confined must be mechanically controlled for the purpose of purification and contained in an impervious structure.

Waters of this Commonwealth—Rivers, streams, creeks, rivulets, lakes, dammed water, ponds, springs and other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Water supply—A source or sources of water, as well as, water treatment, storage, transmission and distribution facilities.

WATER SUPPLY

§ 18.28. Bathing beach contamination.

(a) Use of a bathing beach found to be contaminated shall be discontinued until written approval to reopen the bathing beach for swimming or bathing is obtained from the Department. The permittee shall prominently post legible signs measuring at least 8" by 11" at all entrances to the bathing beach area informing the public that the bathing beach is closed and that swimming or bathing is prohibited. The approval will be given by the Department when the Department finds that the waters of the bathing beach are no longer contaminated.

(b) The water in bathing beaches will be considered contaminated for bathing purposes when one of the following conditions exists:

(1) The Department determines that a substance is being discharged or may be discharged into the water and is or may be hazardous to the health of persons using the bathing beach.

(2) The *E. coli* density of a water sample taken from the bathing beach exceeds 235 per 100 milliliters.

(3) The *E. coli* density in all water samples taken from the bathing beach, in any 30-day period during the bathing beach's operating season, exceeds a geometric mean of 126 per 100 milliliters.

§ 18.30. Water samples.

(a) The permittee shall be responsible for the collection and examination of samples for the purity of the water used for swimming or bathing. The samples shall be examined by a laboratory which complies with § 18.31 (relating to laboratory testing).

(b) A sample shall be taken within 1 week prior to the opening of the bathing beach for the season.

(c) The permittee shall have a bacteriological analysis made at least once each week of a sample collected during the period of maximum use of the public bathing place. The permittee shall furnish additional analyses of samples as described under subsection (d)(3) upon written notification by the Department.

(d) Bathing water shall be sampled in accordance with the following requirements:

(1) Each sample shall be taken from water that is approximately 30 inches deep and at a midpoint between the bottom and the surface of the water.

(2) Each sample shall be tested individually for *E. coli* in accordance with § 18.31.

(3) The Department may require additional samples be taken based upon the size of the bathing area, bather loads, weather conditions, the bacteriological history of the water, as well as other factors that may influence the quality of the water.

(e) For a bathing beach located on Lake Erie, the bathing water shall be sampled in accordance with subsections (a), (b) and (d) and the following additional requirements:

(1) At least three samples of water shall be taken from each beach at least once a week. One sample shall be taken from approximately 50 feet from each end of the beach and the third sample shall be taken from the center of the beach.

(2) The arithmetic mean of the three samples from each beach shall be used to determine if the beach water is contaminated using the standards described in § 18.28 (relating to bathing beach contamination).

(3) A sample may not be taken when the beach is closed due to high wave activity, but shall be taken the day the beach is reopened for swimming and bathing.

(4) The Erie County Department of Health may impose additional requirements that are equal to or more stringent than the requirements of this section.

(f) For a swimming pool, specialty pool, spa and hot tub the bathing water shall be sampled at least once a week from the area of average depth, in accordance with § 18.27 (relating to swimming pool contamination).

(g) Copies of reports of analyses shall be maintained by the permittee for at least 2 years and made available to the Department upon request.

(h) The laboratory conducting the bacteriological testing shall report test results exceeding the criteria specified in §§ 18.27 and 18.28 to the appropriate district office of the Department or the local health department within 24 hours of the availability of the laboratory result.

§ 18.31. Laboratory testing.

(a) Testing and analysis of water samples shall be performed by competent personnel at a drinking water environmental laboratory that is required to register with the Department of Environmental Protection and is in compliance with 27 Pa.C.S. Chapter 41 (relating to environmental laboratory accreditation), known as the Environmental Laboratory Accreditation Act, and the regulations promulgated thereunder. Testing of the water samples shall be performed in accordance with the procedure provided in the *Standard Methods for the Examination of Water and Wastewater*, 20th edition, published jointly by the American Public Health Association and the American Water Works Association, as amended, or in accordance with any other method approved by the United States Environmental Protection Agency for the testing of *E. coli* in water samples taken from waters designated for primary contact recreation.

(b) The laboratory shall document the method used to complete the tests of the water samples and make the documentation available to the Department upon request.

[Pa.B. Doc. No. 04-1280. Filed for public inspection July 16, 2004, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3]

Ten Chair Barber Schools

The State Board of Barber Examiners (Board) amends § 3.82 (relating to inspections).

A. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. Statutory Authority

The final-form rulemaking is authorized under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)), known as the Barbers' License Law.

C. Background and Purpose

Barber schools in this Commonwealth have, over the last several years, experienced a decrease in enrollment. To encourage schools to remain in business as well as to encourage new schools to open, the Board has reviewed its existing regulations governing licensed schools with a view toward eliminating unnecessarily restrictive regulations. To this end, the Board is amending § 3.82 to delete the requirement that a barber school have 20 chairs in the clinic room and 20 desks in the theory room and to require only 10 chairs and desks in each room. This minimum 10 chair/desk requirement will eliminate the need to have unused equipment in the schools. The Board also anticipates that this will allow more schools to become licensed. In conjunction with lowering the number of chairs and desks required for schools, the Board decreases the space requirements. With fewer required chairs and desks, schools need less space to operate.

The final-form rulemaking also changes the requirements for inspection prior to a barber school being licensed. The former regulations required both a preliminary inspection of the school and a second inspection after the equipment is installed. The regulation required a Board member to accompany the inspector on the second inspection. The Board feels that its resources would be better utilized if one inspection was required. Furthermore, the Board feels that it is improper for a Board member to accompany the inspector on the second inspection given that there may be violations that could result in the license being denied. This final-form rulemaking updates § 3.82 to reflect the Board's current practice of conducting only one inspection.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of proposed rulemaking was published at 33 Pa.B. 4686 (September 20, 2003). 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 no comments from the House Professional Licensure Committee (HPLC), Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) or the Independent Regulatory Review Commission (IRRC).

E. Fiscal Impact and Paperwork Requirements

The final-form rulemaking does not impose any additional paperwork requirements on the Board or its licensees. The final-form rulemaking will have a beneficial fiscal impact on existing and new barber school owners by reducing the costs for unnecessary equipment, such as chairs and desks, for schools with a small enrollment.

F. Sunset Date

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

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 10, 2003, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 4686, to IRRC and the Chairpersons of the SCP/PLC and the HPLC 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 the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-form rulemaking was approved by the HPLC on May 11, 2004, and deemed approved by SCP/PLC on May 26, 2004. Under section 5g of the Regulatory Review Act, the amendment was deemed approved effective May 26, 2004.

H. Contact Person

Further information may be obtained by contacting Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3402, www.dos.state.pa.us.

I. 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 no comments were submitted.

(3) The final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 33 Pa.B. 4686.

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

J. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 3, are amended by amending § 3.82 to read as set forth at 33 Pa.B. 4686.

(b) The Board shall submit this order and 33 Pa.B. 4686 to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and 33 Pa.B. 4686 and deposit them with the Legislative Reference Bureau as required by law.

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

LEROY CAMERONI,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 3078 (June 12, 2004).)

Fiscal Note: Fiscal Note 16A-426 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 04-1281. Filed for public inspection July 16, 2004, 9:00 a.m.]

STATE BOARD OF PHYSICAL THERAPY
[49 PA. CODE CH. 40]
Certificate of Authorization

The State Board of Physical Therapy (Board) amends §§ 40.2 and 40.5 (relating to practice of medicine prohibited; and fees) and adds §§ 40.61—40.63 (relating to certificate of authorization to practice physical therapy without a referral; professional liability insurance; and continuing education) to read as set forth in Annex A.

A. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. Statutory Authority

The final-form rulemaking is adopted by the Board under section 3 of the Physical Therapy Practice Act (act) (63 P. S. § 1303) and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). The act of February 21, 2002 (P. L. 234, No. 6) (Act 6) (63 P. S. § 1309) amended the act to permit a physical therapist to practice physical therapy without obtaining a referral from a physician if the physical therapist qualifies for and obtains from the Board a certificate of authorization to practice physical therapy without a referral. The final-form rulemaking implements Act 6.

C. Background and Purpose

The final-form rulemaking provides for the issuance of a certificate of authorization by the Board under Act 6. The final-form rulemaking establishes a fee for the issuance of a certificate and otherwise establishes the requirements and conditions for obtaining and practicing under a certificate.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of the proposed rulemaking was published at 33 Pa.B. 5742 (November 22, 2003). The Board received comments from the Independent Regulatory Review Commission (IRRC), the House Professional Licensure Committee (HPLC), the Pennsylvania Medical Society (PMS), the Pennsylvania Physical Therapy Association (PPTA)

and NovaCare Rehabilitation (NovaCare). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. Responses to these comments are organized by subject as follows.

§ 40.2. Practice of medicine prohibited.

IRRC pointed out that the existing § 40.2 states "The license issued to those practicing physical therapy does not authorize . . . the right to apply any of these treatments except upon the referral of a physician . . ." Act 6 amended section 9(a) of the act (63 P. S. § 1309(a)) to state "Except as provided in subsection (b), no person licensed under this act as a physical therapist shall treat human ailments by physical therapy or otherwise except by referral." Subsection (b) provides the conditions for practice without referral. IRRC suggested that § 40.2 be made consistent with section 9 of the act. The Board has agreed with this suggestion and has amended § 40.2 to be consistent with section 9 of the act.

§ 40.61. Certificate of authorization to practice physical therapy without a referral.

IRRC, the PMS and the HPLC commented that § 40.61 does not reflect the requirement of section 9(d)(3) of the act whereby a physical therapist must refer patients to a licensed physician or other appropriate health care practitioner in "cases for which treatment is beyond the education, expertise or experience of the physical therapist." The Board has added these statutory limitations to § 40.61(d).

The HPLC and the PMS asked if the Board would consider including in these regulations the list of prohibited acts set forth in section 9(b) of the act. The Board has agreed to include the list under § 40.16(f).

IRRC asked the Board to explain its process in determining that "continuous practice" should consist of 200 hours each year of physical therapy in the delivery of patient care. The Board arrived at the 200 hours based upon the standard used by the American Board of Physical Therapist Specialists that requires 2,000 hours of practice over 10 years to maintain certification as a specialist. The Board averaged this out to total 200 hours per year.

IRRC also recommended that the definition of "continuous practice" in subsection (a) should be moved from paragraph (5) to paragraph (3) for clarity purposes. The Board agrees and has implemented this suggestion.

The PPTA, the HPLC and NovaCare asked the Board to consider types of settings other than the delivery of patient care as meeting the "continuous practice" requirement of 200 hours each year of the practice of physical therapy in the delivery of direct patient care. In particular, the PPTA commented that an individual in an academic setting that may qualify as a course sponsor/presenter might not meet this clinical requirement. Similarly, an individual who is involved in the management of a practice and is regularly determining appropriateness of care, adequacy of documentation and quality of care may not meet this requirement. The PPTA contends that these individuals would be in a position of decision making with regard to an applicant's ability to practice physical therapy without a referral but would not be able to do so themselves. The Board considered this comment but notes that to meet this requirement, academics would only need to practice 4 hours each week and that most institutions provide that clinical opportunity. In addition, the 200 hours per year is only required for initial certification, not

for renewal of the certification. Accordingly, the Board does not believe that an amendment to this requirement is necessary.

The PPTA also asked how the 200 hours will be tracked and how the Board will verify the 200 hour requirement. The Board intends to require the applicant on the application for initial certification to attest that the applicant has completed at least 200 hours each year in the delivery of direct patient care for at least 2 years immediately preceding the filing of the application. If the Board has reason to suspect that the applicant's statement is incorrect, the applicant will be required to provide documentation or other evidence in support of the statement.

The PPTA and NovaCare also asked for clarification on whether the 200 hours of direct patient care would only be required for initial certification or if it would also be required for purposes of renewal of the certification. NovaCare asked if part of the 200 hours could be acquired through additional continuing education rather than through direct patient care. Under Act 6, the 200 hour "continuous practice" requirement relates only to initial certification, not to renewal of the certificate. The final-form rulemaking tracks the act and requires the 200 hours for purposes of initial certification only.

§ 40.63. *Continuing education.*

The PPTA asked for an explanation as to why continuing education is not required until after the first renewal of the certificate of authorization. The reason is that the licensee would not normally have had the entire renewal period to complete the required credit hours. For example, a licensee who receives the initial certificate midway through the renewal cycle would only have half the time to complete all the credits. This would be inherently unfair to the certificateholder.

E. *Fiscal Impact and Paperwork Requirements*

There should be no adverse fiscal impact or additional paperwork requirements incurred by the Board, political divisions or the private sector.

F. *Sunset Date*

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

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 22, 2003, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 5742, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, 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 the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 26, 2004, the final-form rulemaking was approved by the HPLC. The amendments were deemed approved by the SCP/PLC on June 9, 2004. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 10, 2004, and approved the final-form rulemaking.

H. *Contact Person*

Interested persons may obtain information regarding the final-form rulemaking by writing to Robert Kline, Board Administrator, State Board of Physical Therapy, P. O. Box 2649, 2601 North 3rd Street, Harrisburg, PA 17105-2649.

I. *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) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 33 Pa.B. 5742.

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

J. *Order*

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

(1) The regulations of the Board, 49 Pa. Code Chapter 40, are amended by amending §§ 40.2 and 40.5 and by adding §§ 40.61—40.63 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 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*.

JAMES J. IRRGANG,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 3336 (June 26, 2004).)

Fiscal Note: Fiscal Note 16A-6510 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY

**Subchapter A. PHYSICAL THERAPISTS
GENERAL PROVISIONS**

§ 40.2. Practice of medicine prohibited.

The license issued to those practicing physical therapy does not authorize the right to use the title "Doctor of Medicine" or the right to use drugs administered internally. Except as authorized in section 9 of the act (63 P. S. § 1309), a person licensed under the act as a physical therapist may not treat human ailments by physical therapy or otherwise except upon the referral of a physician or other person authorized by law to order the same.

§ 40.5. Fees.

The following fees are charged by the Board:

Physical therapist:

Application for licensure by examination/ endorsement	\$30
Application for licensure through foreign training	\$45
Verification of licensure or temporary permit	\$15
Certification of examination scores or licensure	\$25
Temporary license	\$15
Biennial renewal	\$37
Application for Certificate to Practice Physical Therapy without a referral	\$30
Biennial renewal of Certificate to Practice Physical Therapy without a referral	\$37
Application for approval of continuing education provider or program (per each course offered)	\$40

Athletic trainer:

Application for certification	\$20
Biennial renewal	\$37
Certification of examination scores or certification	\$25
Verification of certification	\$15

Physical therapist assistants:

Initial application for registration by exam or endorsement	\$30
Certification of exam scores or registration	\$25
Biennial renewal of registration	\$20
Verification of registration	\$15

PRACTICE WITHOUT PHYSICIAN REFERRAL

§ 40.61. Certificate of authorization to practice physical therapy without a referral.

(a) An applicant for certification of authorization to practice physical therapy without the referral of a licensed physician shall submit evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met the following requirements:

(1) Holds a current license to practice physical therapy in this Commonwealth.

(2) Has done one of the following:

(i) Passed the National Physical Therapy Examination (NPTE) after January 1, 1990.

(ii) Passed the NPTE prior to January 1, 1990 and successfully completed, within 2 years prior to application, a Board approved course consisting of at least 10 hours on the appropriate evaluative and screening procedures to determine the need for further examination or consultation by a physician, dentist or podiatrist prior to initiating treatment without a referral. The Board will maintain a list of currently approved courses.

(3) Has done one of the following:

(i) Practiced physical therapy in the delivery of patient care on a continuous basis for at least 2 years immediately preceding the application for certificate of authorization.

(ii) Been licensed by endorsement and practiced physical therapy in the delivery of patient care as a licensed

physical therapist in the other state on a continuous basis for at least 2 years immediately preceding the application for certificate of authorization.

(iii) Provided proof of meeting these practice requirements through any combination of subparagraphs (i) and (ii).

(iv) For purposes of this section, "practice of physical therapy on a continuous basis" is defined as a minimum of 200 hours each year in the delivery of direct patient care.

(4) Has obtained professional liability insurance under the requirements of § 40.62 (relating to liability insurance).

(b) A certificateholder shall display the certificate of authorization in a manner conspicuous to the public.

(c) A certificateholder may not delegate the care of a patient being treated without a referral to a physical therapist who is not a certificateholder.

(d) A certificateholder shall refer patients to a licensed physician or other appropriate health care practitioner in the following cases:

(1) Cases where symptoms are present for which physical therapy is a contraindication.

(2) Cases for which treatment is outside the scope of practice of physical therapy.

(3) Cases for which treatment is beyond the education, expertise or experience of the physical therapist.

(e) A certificateholder may treat a person without a referral as provided in this chapter for up to 30 calendar days from the date of the first treatment. A physical therapist may not treat a person beyond 30 days from the date of the first treatment unless the person has obtained a referral from a licensed physician, dentist or podiatrist. The date of the first treatment for purposes of this subsection is the date the person is treated by any physical therapist treating without a referral.

(f) A certificateholder may not treat a condition in any person which is a nonneurologic, nonmuscular or nonskeletal condition or treat a person who has an acute cardiac or acute pulmonary condition unless the certificateholder has consulted with the person's licensed physician, dentist or podiatrist regarding the person's condition and the physical therapy treatment plan or has referred the person to a licensed physician, dentist or podiatrist for diagnosis and referral.

§ 40.62. Professional liability insurance.

(a) Beginning January 1, 2005, or upon applying for a certificate of authorization, whichever occurs earlier, a licensee who applies for and obtains a certificate of authorization shall obtain and maintain professional liability insurance coverage in the minimum amount required to be maintained by physicians under section 711 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.711).

(b) A certificateholder shall notify the Board within 30 days of the holder's lapse in coverage of the required insurance.

(c) The certificate of authorization will automatically be suspended upon failure to be covered by the required insurance and will not be restored until submission to the Board of satisfactory evidence that the licensee has the required professional liability insurance.

(d) Satisfactory evidence of insurance coverage is any one of the following:

(1) A self-insurance plan that meets the standards and procedures established by the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(2) Personally purchased professional liability insurance.

(3) Professional liability insurance, coverage provided by the licensee's employer.

(4) A similar type of coverage.

§ 40.63. Continuing education.

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

Certificateholder—A licensed physical therapist who holds a certificate of authorization to practice physical therapy without a referral.

Contact hour—A unit of measure equaling 60 minutes of participation in an approved continuing education course or program.

(b) *Continuing education requirement for renewal of certificate of authorization.* Beginning after the first renewal of the certificate of authorization, as a condition of certificate renewal, a physical therapist shall have completed during the preceding biennium a minimum of 20 contact hours of physical therapy continuing education related to keeping the certificateholder apprised of advancements and new developments in the practice of the physical therapy profession. At least 10 of the 20 contact hours shall be in evaluative procedures to treat a person without a referral.

(c) *Reports to the Board.* A certificateholder shall certify compliance with the continuing education hours requirement at the time of biennial renewal of the certificate. A certificateholder shall retain for at least 4 years, certificates, transcripts or other documentation showing completion of the prescribed number of hours. These records are subject to audit by the Board.

(d) *Approved sponsors; acceptable courses and programs.*

(1) Courses and programs provided by Board-approved sponsors will be accepted as satisfying the continuing education requirement. It is the responsibility of the certificateholder to ascertain the approval status of the sponsor before undertaking a continuing education activity.

(2) Irrespective of the sponsor, the Board reserves the right to reject a continuing education course or program submitted by a certificateholder if it is outside the scope of practice of physical therapy. The Board will not accept courses or programs which are unrelated to the actual practice of physical therapy—for example, instruction in office management or practice building. A certificate holder will be notified of a rejected course or program in writing, along with the reason for the rejection.

(3) Sponsors of physical therapy continuing education seeking Board approval shall submit an application on forms provided by the Board and pay the required fee. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons. The Board will not approve a sponsor unless it:

(i) Offers courses or programs, or both, with specific learning objectives geared to improve the professional competence of the participant.

(ii) Verifies attendance of the course.

(iii) Provides each attendee with a certificate which includes participant's name, date, place, course title, presenter and number of contact hours.

(4) The Board may withdraw approval of a sponsor for cause. The sponsor will be notified in writing of the reasons for withdrawal of approval.

(e) *Distance education.* A certificateholder may accrue all required hours in distance education courses offered by approved sponsors of continuing education as long as the course sponsor evaluates and assesses the extent of learning that has taken place.

(f) *Reinstatement of certificate.* Reinstatement of certificate shall be subject to the following conditions:

(1) A person whose certificate has lapsed or been inactive shall show compliance with the continuing education requirement during the biennium immediately preceding the request for reinstatement.

(2) A person whose certificate has been suspended or restricted shall show compliance with the continuing education requirement during the entire period of suspension or restriction.

(g) *Waivers; exemptions for continuing education.* The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. No waiver or extension of time will be granted unless a written request is submitted by the licensee; or in cases of physical disability or illness, by a physician licensed in this state or another state or territory of the United States or the District of Columbia and whose license is in good standing, or both. All necessary documentation must be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the licensee shall reapply for an extension of the waiver. The Board may, as a condition of any waiver granted, require the applicant to make up all or part of the continuing education waived.

[Pa.B. Doc. No. 04-1282. Filed for public inspection July 16, 2004, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, adopted the following rulemaking:

Amend § 135.2 (relating to unlawful actions) by eliminating redundant language.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 1941 (April 10, 2004).

1. Introduction

The Commission amends § 135.2(6) by eliminating redundant language.

2. Purpose and Authority

Section 135.2 provides a list of actions deemed unlawful by the Commission. Specifically, § 135.2(6) makes it unlawful, except with the permission of the person in charge of State owned or controlled lands, to "remove or attempt to remove any manmade or natural object except wildlife and fish lawfully taken *during the open season*" (emphasis added). "During the open season" is redundant and unnecessary. Therefore, the Commission amends § 135.2(6) by removing "during the open season."

Section 721(a) of the code (relating to control of property) provides "the administration of all lands and waters owned, leased or otherwise controlled by the Commission shall be under the sole control of the Director, and the Commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." The amendment to § 135.2 was adopted under this authority.

3. Regulatory Requirements

The final-form rulemaking does not change the substance of any existing regulations, but rather simply removes redundant language.

4. Persons Affected

Persons wishing to remove natural or manmade objects from lands under Commission control or ownership will be affected by the final-form rulemaking.

5. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

6. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

7. Effective Date

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

8. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.2 to read as set forth at 34 Pa.B. 1941.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 1941 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-184 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 04-1283. Filed for public inspection July 16, 2004, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, adopted the following final-form rulemaking:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2004-2005 hunting license year.

This final rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 1776 (April 3, 2004).

1. Introduction

The Commission amends § 139.4 to provide for updated seasons and bag limits for the 2004-2005 license year.

2. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2004-2005 seasons and daily season and possession limits are similar to those set in 2003-2004, the 2004-2005 seasons and bag limits are amended to conform to current scientific data, harvest reports, field surveys and observations and staff and field input, as well as recommendations received from organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking. . . ." The amendments to § 139.4 were adopted under this authority.

3. Regulatory Requirements

The adopted seasons and bag limits will establish when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken.

4. *Persons Affected*

Persons wishing to hunt and trap in this Commonwealth are affected by the adopted seasons and bag limits.

5. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

6. *Cost and Paperwork Requirements*

The adopted seasons and bag limits do not result in any additional cost either to the Commission or to hunters and furtakers.

7. *Effective Date*

The effective dates are July 1, 2004, to June 30, 2005.

8. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin* and apply retroactively to July 1, 2004.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-177 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

(SEASONS AND BAG LIMITS TABLE)

**2004-2005 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 15	6	12
Squirrels—(Combined species)	Oct. 16	Nov. 27	6	12
	and	Dec. 23		
	Dec. 13	and		
	Dec. 27	Feb. 5, 2005		
Ruffed Grouse—(Statewide)	Oct. 16	Nov. 27	2	4
	and	Dec. 23		
	Dec. 13	and		
	Dec. 27	Jan. 15, 2005		
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"				
Rabbits, Cottontail	Oct. 23	Nov. 27	4	8
	and	Dec. 23		
	Dec. 13	and		
	Dec. 27	Feb. 5, 2005		

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4B, 4C, 4E, 5A, 5B, 5C & 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 11	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A & 4D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 11	2	4
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4B, 4C, 4E, 5A, 5B, 5C & 5D	Oct. 23	Nov. 27	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A & 4D	Oct. 23 Dec. 13 Dec. 27	and and	Nov. 27 Dec. 23 Feb. 5, 2005	2 2 2
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all Wildlife Management Units except in Wildlife Management Units 4A, 4B, 5A, 5B, 5C & 5D where the season is closed.	Oct. 23	Nov. 27	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 27	Jan. 1, 2005	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.			Unlimited
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female			1	1
Wildlife Management Units 1A, 2A & 2B (Shotgun, Bow & Arrow only)	Oct. 30	Nov. 20		
Wildlife Management Unit 1B (Shotgun, Bow & Arrow only)	Oct. 30	Nov. 13		
Wildlife Management Units 2C, 2E, 4A, 4B & 4D	Oct. 30	Nov. 13		
Wildlife Management Units 2D, 2F, 2G, 3A, 3B, 3C, 3D, 4C & 4E	Oct. 30	Nov. 20		
Wildlife Management Units 5A & 5B	Closed to fall turkey hunting			
Wildlife Management Unit 5C & 5D	Oct. 30	Nov. 6		
Turkey (Spring Gobbler) Statewide ⁵ Bearded Bird only	April 30, 2005	May 28, 2005	1	1

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey (Spring Gobbler) Statewide Youth Hunt ⁵ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 23, 2005	April 23, 2005	1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the Federal Register on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Subject to approval by the United States Fish and Wildlife Service, an early season for Canada geese will be held as defined in § 141.25.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 2	Nov. 28		Unlimited
	Dec. 26	April 3, 2005		
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season			Unlimited

FALCONRY

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2005	6	12
Quail	Sept. 1	Mar. 31, 2005	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2005	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2005	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2005	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2005	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Antlered & Antlerless—(Statewide) ¹ (Archery—Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Oct. 2	Nov. 13	One antlered and an antlerless deer with each required antlerless license.
	Dec. 27	Jan. 15, 2005	
Deer, Regular Antlered & Antlerless—(Statewide) ¹	Nov. 29	Dec. 11	One antlered, and an antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, ² PGC Disabled Person Permit Holders (to use a vehicle as a blind), and Residents	Oct. 21	Oct. 23	An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
servicing on active duty in the U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license			
Deer, Antlerless only—(Statewide) (Muzzleloading season)	Oct. 16	Oct. 23	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless—(Statewide) ¹ (Flintlock Muzzleloading season)	Dec. 27	Jan. 15, 2005	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Units 2B & 5C	Dec. 27	Jan. 15, 2005	An antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Unit 5D	Dec. 13 and Dec. 27	Dec. 18 and Jan. 29, 2005	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

BEAR

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Bear, any age—(Statewide) ⁴	Nov. 22	Nov. 24	1	1
Bear, any age ⁴ Wildlife Management Units 3D, 4C and that portion of 4E, East of Rt. 487 and that portion of 3B, East of 487 and South of Rt. 87 and that portion of 3C, East of I-81.	Nov. 29	Dec. 4	1	1
Portion of Wildlife Management Units 2G and 3B in Lycoming County that lie North of the West branch of the Susquehanna River from the Rt. 405 bridge, West to the Rt. 220 bridge, East of Rt. 220 to Rt. 44 and East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River.				

ELK

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Elk, Antlered & Antlerless ⁶ (With each required license)	Nov. 8	Nov. 13	1	1

FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Minks and Muskrats—(Statewide)	Nov. 20	Jan. 8, 2005		Unlimited
Beaver—(Statewide)	Dec. 26	Mar. 31, 2005		
Wildlife Management Units 1A, 1B, 2F & 2G (Combined)			20	20
Wildlife Management Unit 3A, 3B, 3C & 3D (Combined)			20	40
Wildlife Management Units 2A, 2B, 2C, 2D, 2E, 4A, 4B, 4C, 4D & 4E (Combined)			10	10
Wildlife Management Units 5A, 5B, 5C & 5D (Combined)			6	6
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 17	Feb. 19, 2005		Unlimited

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Bobcat ³ Wildlife Management Units 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 17	Feb. 19, 2005	1	1

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyotes—(Statewide)				Unlimited
Coyotes—(During any archery deer season)				May be taken while lawfully hunting deer or with a furtaker's license.
Coyotes—(During the regular firearms deer season and any bear season)				May be taken while lawfully hunting deer or bear or with a furtaker's license while wearing 250 square inches of daylight fluorescent orange-colored material in a 360° arc.
Coyotes—(During the spring gobbler turkey season)				May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.
Opossums, Skunks, Weasels ⁷ (Statewide)				No closed season. These species maynot be hunted prior to noon during the spring gobbler turkey season.
Raccoons and Foxes—(Statewide) ⁷	Oct. 16	Feb. 19, 2005		Unlimited
Bobcat ³ Wildlife Management Units 2C, 2E, 2F, 2G, 3A, 3B, 3C & 3D	Oct. 16	Feb. 19, 2005	1	1

No open seasons on other wild birds or wild mammals.

¹ Only one antlered deer (buck) may be taken during the hunting license year.

² Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

³ Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

⁴ Only one bear may be taken during the hunting license year.

⁵ Only one spring gobbler may be taken during the hunting license year.

⁶ Only one elk may be taken during the hunting license year.

⁷ May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

GAME COMMISSION
[58 PA. CODE CH. 141]
Hunting and Trapping; Crossbow

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, adopted the following rule-making:

Amend §§ 141.41 and 141.43 (relating to general; and deer) to permit all hunters to hunt and take deer with a crossbow during any firearms deer season and also permit hunters within Wildlife Management Units (WMU) 2B, 5C and 5D to hunt and take deer with a crossbow during any deer season.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 1781 (April 3, 2004).

1. Introduction

The Commission amends §§ 141.41 and 141.43 to permit all hunters to hunt and take deer with a crossbow during any firearms deer season and also permit hunters within WMUs 2B, 5C and 5D to hunt and take deer with a crossbow during any deer season.

2. Purpose and Authority

Formerly, the use of a crossbow for deer hunting purposes was permitted, but only in limited circumstances. Most hunters were permitted to hunt and take deer with a crossbow only during the regular firearms deer season. Disabled hunters possessing a valid disabled persons crossbow permit were additionally permitted to hunt and take deer with a crossbow during archery season. The final-form rulemaking provides expanded deer hunting opportunities for all hunters in this Commonwealth by permitting the use of crossbows to hunt and take deer during any firearms season. In addition, the final-form rulemaking allows even greater hunting opportunities in WMUs 2B, 5C and 5D by permitting hunters within these WMUs to hunt and take deer with a crossbow during any deer season. The purpose of the increased allowance in these WMUs is to offset the increasing difficulty for hunters to safely hunt deer using firearms in these urban areas with high population centers.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating . . . the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides that "the Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 141.41 and 141.43 were adopted under this authority.

3. Regulatory Requirements

The final-form rulemaking will permit hunters in WMUs 2B, 5C and 5D to hunt and take deer with a crossbow during any deer season. For all other WMUs, the final-form rulemaking makes it unlawful for hunters to hunt and take deer with a crossbow during any deer seasons other any of the firearms seasons.

4. Persons Affected

Persons who wish to hunt deer with a crossbow are affected by the final-form rulemaking.

5. Comment and Response Summary

In total, 68 comments were received by letter and 141 comments were received by e-mail regarding the proposed rulemaking. Regarding the comments received by letter, 7 comments were in support while 61 comments were in opposition to the proposed rulemaking. Regarding the comments received by e-mail, 21 were in support while 120 were in opposition to the proposed rulemaking.

The comments received were very diversified in their support and opposition to the proposed rulemaking. Not all comments received solely supported or solely opposed the proposed rulemaking. Rather, a good portion of the comments received both supported and opposed different parts of the proposed rulemaking for a variety of reasons.

6. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

7. Effective Date

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

8. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending §§ 141.41 and 141.43 to read as set forth at 34 Pa.B. 1781.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 1781 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-178 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 04-1285. Filed for public inspection July 16, 2004, 9:00 a.m.]

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GAME COMMISSION
[58 PA. CODE CH. 141]

Hunting and Trapping; Firearm Caliber Limitations

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, adopted the following rulemaking:

Amend § 141.22 (relating to small game) to permit rimfire and centerfire firearms of less than .23 caliber to hunt small game; and § 141.43 (relating to deer) to permit the use of rimfire firearms of .22 caliber or less to dispatch legally trapped furbearers during the regular or special firearms deer seasons to make the regulations more consistent and reduce confusion related to firearm caliber limitations.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 1941 (April 10, 2004).

1. Introduction

The Commission amends § 141.22 to permit rimfire and centerfire firearms of less than .23 caliber to hunt small game and amends § 141.43 to permit the use of rimfire firearms of .22 caliber or less to dispatch legally trapped furbearers during the regular or special firearms deer seasons to make the regulations more consistent and reduce confusion related to firearm caliber limitations.

2. Purpose and Authority

Formerly, § 141.22 made it unlawful to take small game with a centerfire firearm. Only rimfire, .22 caliber or less firearms were permitted to take small game. The Commission amends § 141.22 to permit the use of rimfire and centerfire firearms of less than .23 caliber to take small game.

Formerly, § 141.43 permitted trappers to dispatch legally trapped furbearers during the regular or special firearms deer seasons with a .22 caliber firearm only. However, the Commission has recently amended the restrictions regarding the caliber of single projectile firearms that are permitted during the small game season to include smaller caliber firearms such as the .17 caliber. To maintain consistency between the regulations and reduce confusion related to the calibers permitted, the Commission amends § 141.43 to permit the use of .23 caliber or less firearms for the dispatch of legally trapped furbearers during the regular or special firearms deer seasons.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section

322(c)(5) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix the type and number of devices which may be used to take game or wildlife." Section 2102(a) of the code provides that "the Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to . . . the ways, manner, methods and means of hunting or furtaking . . . in this Commonwealth." The amendments to §§ 141.22 and 141.43 were adopted under this authority.

3. Regulatory Requirements

The final-form rulemaking permits the use of rimfire and centerfire firearms of less than .23 caliber to hunt small game and will also permit trappers to dispatch legally trapped furbearers during the regular or special firearms deer seasons with firearms of .22 caliber or less.

4. Persons Affected

Persons wishing to hunt small game in this Commonwealth with single projectile firearms will be affected by the final-form rulemaking. Additionally, persons wishing to dispatch legally trapped furbearers during the regular or special firearms deer seasons will be affected by the final-form rulemaking.

5. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

6. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

7. Effective Date

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

8. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending §§ 141.22 and 141.43 to read as set forth at 34 Pa.B. 1941.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 1941 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-183 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 04-1286. Filed for public inspection July 16, 2004, 9:00 a.m.]

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GAME COMMISSION
[58 PA. CODE CH. 141]

Hunting and Trapping; Furbearer Tagging Requirements

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, adopted the following rule-making:

Rescind § 141.5 (relating to furbearer tagging requirements) to eliminate fur tagging requirements for bobcat, otter, fisher, pine marten and beaver.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 1942 (April 10, 2004).

1. *Introduction*

The Commission rescinds § 141.5 to eliminate fur tagging requirements for five species.

2. *Purpose and Authority*

To lawfully possess or transfer bobcat, otter, fisher, pine marten and beaver pelts from this Commonwealth, former regulations required a trapper to first obtain a tag from the Commission to be secured upon the pelt. At one time, the Commission considered the information gathered from the tagging process to be essential data for maintaining and monitoring furbearer populations across this Commonwealth. However, the Bureau of Wildlife Management has since indicated that it is no longer necessary to collect the data in this manner. Therefore, the Commission eliminated the fur tagging requirements for the five species involved and rescinds § 141.5. By eliminating these requirements, trappers and wildlife conservation officers should be relieved of the time consuming burdens of arranging meetings throughout the state to tag beavers taken.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof . . ." Section 2102(a) of the code provides that "the Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat . . . in this Commonwealth." The rescission of § 141.5 was adopted under this authority.

3. *Regulatory Requirements*

The final-form rulemaking will eliminate fur tagging requirements.

4. *Persons Affected*

Persons wishing to trap the five species involved in this Commonwealth will be affected by the final-form rule-making.

5. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

7. *Effective Date*

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

8. *Contact Person*

For further information regarding the final-form rule-making, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by deleting § 141.5 to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-185 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.5. (Reserved.)

[Pa.B. Doc. No. 04-1287. Filed for public inspection July 16, 2004, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 141]

Hunting and Trapping; Table of Hunting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, adopted the following rule-making:

Amend Chapter 141, Appendix G (relating to hunting hours) to reflect the annual change in days and subsequent hunting times.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 1943 (April 10, 2004).

1. *Introduction*

The Commission amends Appendix G to reflect the annual change in days and subsequent hunting times.

2. *Purpose and Authority*

Each year, there is a shift in calendar days for each month. As a result of this occurrence, the table of hunting hours in Appendix G must be amended and updated to reflect the current year's hunting dates and corresponding legal hunting hours. The Commission amends Appendix G by updating the table of hunting hours for the 2004-2005 hunting year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(a) of the code (relating to regulations) provides that "the Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth . . ." The amendment to Appendix G was adopted under this authority.

3. *Regulatory Requirements*

The final-form rulemaking amends Appendix G to update the table of hunting hours to reflect the annual change in days and subsequent hunting times.

4. *Persons Affected*

Persons wishing to hunt or trap in this Commonwealth will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

7. *Effective Date*

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

8. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending Appendix G to read as set forth at 34 Pa.B. 1943.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 1943 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-181 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 04-1288. Filed for public inspection July 16, 2004, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 141 AND 143]

Hunting and Trapping; Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, adopted a final-form rule-making:

Amend § 141.47 (relating to elk) to create a 150-yard wide no elk hunting zone on each side of the center line of Rt. 555 from Weedville to Hicks Run and a Hick's Run no hunting zone; § 141.48 (relating to elk management units) to allow the Director to establish elk management units prior to the opening of elk season; § 143.203 (relating to drawing) to permit elk hunters to meet the orientation requirement by completing one of the available orientation programs and also permit elk hunters whose military obligations prevent them from hunting during the current elk season to transfer their elk hunting eligibility to the next available season; and § 143.207 (relating to unlawful acts) to permit elk hunters to submit one application for an elk license for each elk season available.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 1944 (April 10, 2004).

1. *Introduction*

The Commission amends § 141.47 to create a 150-yard wide no elk hunting zone on each side of the center line of Rt. 555 from Weedville to Hick's Run and a Hick's Run no hunting zone which includes a cemetery; amends § 141.48 to allow the Director to establish elk management units prior to the opening of elk season; amends § 143.203 to permit elk hunters to meet the orientation requirement by completing one of the available orientation programs and also permit elk hunters whose military obligations prevent them from hunting during the current elk season to transfer their elk hunting eligibility to the next available season; and amends § 143.207 to permit elk hunters to submit one application for an elk license for each elk season available.

2. *Purpose and Authority*

Currently, there is an area along Rt. 555 where elk are highly visible to the public from the roadway. These elk are often found in both private and public places. However, due to the proximity of these elk to the public, hunting them creates a danger for individuals located in or passing through this area. The proximity of these elk to Rt. 555 also encourages illegal poaching and the violation of the fair chase element to legal hunting. The Commission amends § 141.47 to create a 150-yard wide no elk hunting zone on each side of the center line of Rt. 555 from Weedville to Hicks Run to protect people and elk in this exposed area from unsafe, illegal or incorrigible hunting practices.

Formerly, elk management units were "set in semipermanent stone" in the regulations. While the units could be amended as needed, the process required to amend the regulations created a substantial time delay before a change could be implemented and enforced. For elk management units, this delay meant that by the time the units were established and implemented the information used to establish the new units was no longer current. The Commission relies on various ever-changing information to determine unit locations including known elk herd locations, estimated elk populations and current elk problem areas. The Commission amends § 141.48 to allow the Director to establish the elk management unit boundaries prior to the opening of elk season. This change will allow the Commission to more effectively manage the elk herd by allowing the elk management units to be defined in a more responsive manner. In turn, this means that hunters will have a greater opportunity to be successful and will also enable the Commission to reduce elk numbers in the most critical areas based upon the most recent information available.

Unfortunately, many successful applicants for elk licenses are burdened with conflicts that prevent them from attending the orientation program sponsored by the Commission. As this orientation program is a required step to be completed before being issued an elk license, these conflicts can create an unfortunate dilemma for hunters. The Commission intends to relax this requirement and allow more flexibility in meeting the orientation requirement. Specifically, the Commission amends § 143.203 to permit other options in programming to give the hunters the necessary orientation. The Commission also amends § 143.203 to allow a person serving in the armed forces, who was successfully drawn for an elk license but unable to hunt during a current elk season because of military obligation, to be issued an elk license for the following elk season.

Recently, the Commission considered (but deferred) a second, early elk season. However, if implemented former

regulations would prevent an applicant from lawfully submitting an application for each season available. Specifically, § 143.207 formerly made it unlawful for a person to submit more than one application for an elk license during any hunting license year. The Commission amended this language in § 143.207 to permit hunters to submit one application for each elk season available in any given hunting license year should additional seasons be implemented.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to "define geographic limitations or restrictions." Section 2102(a) of the code (relating to regulations) provides that "the Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 141.47 and 141.48 were adopted under this authority.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of activities related to license issuing. Section 2102(a) of the code provides that "the Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking . . . in this Commonwealth." The amendments to §§ 143.203 and 143.207 were adopted under this authority.

3. *Regulatory Requirements*

The final-form rulemaking makes it unlawful to hunt within the 150-yard wide no elk hunting zone on each side of Rt. 555 from Weedville to Hicks Run, allows the Director to establish elk management units prior to the opening of elk season, permits elk hunters to meet the orientation by completing one of the available orientation programs, permits hunters whose military obligations prevent them from hunting during a current elk season to transfer their elk hunting eligibility to the next available season and allows elk hunters to submit one application for an elk license for each elk season available.

4. *Persons Affected*

Persons wishing to hunt for elk in this Commonwealth may be affected by the final-form rulemaking.

5. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

7. *Effective Date*

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

8. *Contact Person*

For further information regarding the final-form rule-making, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 143, are amended by amending §§ 141.48, 143.203 and 143.207 and deleting Appendix F in Chapter 141 to read as set forth at 34 Pa.B. 1944 and by amending § 141.47 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 34 Pa.B. 1944 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-179 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.47. Elk.

It is unlawful while hunting elk to:

(1) Use any rifle or handgun which is not centerfire and at least .27 caliber.

(2) Use any projectile which is not all lead or designed to expand on impact and at least 130 grains.

(3) Use muzzleloading firearms other than long guns which are at least .50 caliber and propel a single-projectile that weighs at least 210 grains.

(4) Use any shotgun less than 12 gauge.

(5) Use any bow with a draw weight less than 45 pounds.

(6) Use any arrow that is not equipped with a broadhead that has an outside diameter or width of at least 1 inch with no less than 2 fixed, steel cutting edges and each cutting edge must be in the same plane throughout the length of the cutting surface.

(7) Use any crossbow with a draw weight less than 125 pounds or more than 200 pounds.

(8) After lawfully killing an elk, fail to mark the kill sight under Commission instructions provided at the orientation.

(9) Act or conspire to act as a guide for any person without first securing a permit from the Commission and attending an orientation program sponsored by the Commission.

(10) Act or conspire to act as a client for any guide who has not secured a permit from the Commission and attended an orientation program sponsored by the Commission.

(11) Drive or herd elk.

(12) Hunt within 150 yards from the center line of Route 555, from the intersection of Routes 255 and 555, to the intersection of Huston Hill Road and Route 555.

(13) Hunt within the Hick's Run no hunt zone, this being the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within .3 mile of Route 555.

[Pa.B. Doc. No. 04-1289. Filed for public inspection July 16, 2004, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, adopted the following final-form rulemaking:

Amend § 143.48 (relating to first-come-first-served license issuance) to remove the reference to § 143.45(g) (relating to completing and submitting applications, which will be eliminated; § 143.53 (relating to reapplication) to permit an applicant to receive a replacement license from any county treasurer; and §§ 143.55 and 143.56 (relating to unlawful acts; and penalties) to permit the revalidation of a license by submission of the required payment and fees despite prior submission of a nonnegotiable check.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 1782 (April 3, 2004).

1. *Introduction*

The Commission amends § 143.48 to remove the reference to § 143.45(g), which will be eliminated, amends § 143.53 to permit an applicant to receive a replacement license from any county treasurer and amends §§ 143.55 and 143.56 to permit the revalidation of a license by submission of the required payment and fees despite prior submission of a nonnegotiable check.

2. *Purpose and Authority*

Formerly, § 143.48(b) referenced § 143.45(g). Section 143.45(g) provided the requirement that an applicant for an antlerless deer license or licenses identify the number of applications enclosed in the application envelope by circling the appropriate preprinted number on the outside of the envelope. Since this subsection was eliminated, the

Commission eliminates the reference to § 143.45(g) in § 143.48(b) to maintain clarity and eliminate "dead-end references" in the regulations.

Former regulations required replacement license applicants to apply to a county treasurer within the management unit where the original license was issued. The Commission amends § 143.53 to allow applicants to apply to any current treasurer for a replacement license. This amendment is intended to make the reapplication process more convenient for hunters and allow county treasurers to provide better service to their constituents.

Former regulations stated that a non-negotiable check submitted as payment for a license automatically voids the license and subjects it to confiscation by an officer of the Commission. The Commission amends §§ 143.55 and 143.56 to the extent that a license will not be automatically and permanently voided when it is paid for with a non-negotiable check. Rather, the Commission will permit a license holder to revalidate the license by submitting the required payment and fees charged for processing the nonnegotiable check to the county treasurer.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of activities related to license issuing.

Section 2102(a) of the code (relating to regulations) provides that "the Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 143.48, 143.53, 143.55 and 143.56 were adopted under this authority.

3. *Regulatory Requirements*

The final-form rulemaking relaxes the existing requirements including removing reference to § 143.45(g) in § 143.48. The amendment to § 143.53 permits an applicant to receive a replacement license from any county treasurer rather than just the original license issuing county treasurer. The amendments to §§ 143.55 and 143.56 also permit the revalidation of a license by submission of the required payment and fees despite prior submission of a non-negotiable check.

4. *Persons Affected*

Persons applying for antlerless deer licenses, persons applying for replacement licenses and persons wishing to revalidate a license voided by the submission of a non-negotiable check are affected by the final-form rulemaking.

5. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

7. *Effective Date*

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

8. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending §§ 143.48, 143.53, 143.55 and 143.56 to read as set forth at 34 Pa.B. 1782.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 1782 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-180 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 04-1290. Filed for public inspection July 16, 2004, 9:00 a.m.]

GAME COMMISSION [58 PA. CODE CH. 147] Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 20, 2004, meeting, adopted the following rulemaking:

Amend the following sections § 147.672 (relating to definitions) to expand the list of definitions; § 147.673 (relating to eligibility and application for DMAP) to remove limitations and expand eligibility for the Deer Management Assistance Program (DMAP); § 147.674 (relating to issuance of DMAP harvest permits) to establish separate fees related to submitting a DMAP coupon for a DMAP harvest permit for residents and nonresidents; and § 147.676 (relating to unlawful acts) to make it unlawful for a nonresident to apply for or possess a resident DMAP harvest permit.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 1946 (April 10, 2004).

1. *Introduction*

The DMAP has been in effect for almost a full season and has already proven to be an asset to public and private landowners as a tool for the future management of local white-tailed deer herds on lands where excessive deer numbers have compromised the landowners' land uses and other interests. In response to these successes, the Commission has identified a few changes that could make the DMAP even more successful in the future.

2. *Purpose and Authority*

When the Commission first approved the DMAP regulations, they included language limiting DMAP applications to public land and private land enrolled in one of the Commission's public access programs for the 2003-2004 license year only. This language will no longer be in effect for the upcoming 2004-2005 license year. Therefore, the Commission amends § 147.673 by removing this language. In addition, the Commission amends § 147.673 to expand eligibility for the DMAP by allowing more private land, such as eligible hunting clubs, to be enrolled in the DMAP.

The Commission amends § 147.672 to expand the list of definitions to include "hunting club" and "private land." Adding the definition of "hunting club" permits the Commission to effectively limit the types and size of clubs eligible for the DMAP. Defining "private land" permits the Commission to deny eligibility to private landowner applicants where hunting rights on that land are leased or where there is a fee charged for hunting.

Former regulations did not establish separate fees for residents and nonresident hunters who submit DMAP coupons for DMAP harvest permits. To stay consistent with related fee scales for antlerless deer licenses, the Commission amends § 147.674 to establish separate fees for residents and nonresident hunters who submit DMAP coupons for DMAP harvest permits

Formerly, there was no distinction between a resident and nonresident DMAP harvest permit. Since the separate fee schedule for resident and nonresident hunters was finally adopted, the regulations must provide limitations to prevent a nonresident hunter from applying for or possessing a resident DMAP harvest permit. The Commission amends § 147.676 to make it unlawful for a nonresident to apply for or possess a resident DMAP harvest permit.

Section 2901(b) of the code (relating to authority to issue permits) provides "the Commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to "define geographic limitations or restrictions." Section 2102(a) of the code (relating to regulations) provides that "the Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 147.672—147.674 and 147.676 were adopted under this authority.

3. *Regulatory Requirements*

The final-form rulemaking defines and limits eligibility for the DMAP, establishes separate fees regarding submitting DMAP coupons for DMAP harvest permits for residents and nonresidents and makes it unlawful for nonresidents to apply for or possess resident DMAP harvest permits.

4. *Persons Affected*

Persons wishing to apply to have their land enrolled in the DMAP or persons wishing to submit DMAP coupons for DMAP harvest permits will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

Twenty-six official comments were received regarding this final-form rulemaking. These comments were comprised of 1 letter and 20 e-mails in favor and 5 e-mails in opposition of the final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

7. *Effective Date*

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

8. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.672, 147.673 and 147.676 to read as set forth at 34 Pa.B. 1946 and by amending § 147.674 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 34 Pa.B. 1946 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-182 remains valid for the final adoption of the subject regulations.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS
Subchapter R. DEER CONTROL
DEER MANAGEMENT ASSISTANCE
PROGRAM PERMITS

§ 147.674. Issuance of DMAP harvest permits.

(a) DMAP harvest permits will be made available without regard to quota limitations and will be issued by the Commission.

(b) One coupon for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

(c) Coupon holders shall mail the completed coupons to the Commission along with a check or money order payable to the "Pennsylvania Game Commission." The fee for the coupon is \$6 for residents and \$26 for nonresidents.

(d) While hunting deer, the DMAP harvest permit shall be possessed by the hunter at all times.

[Pa.B. Doc. No. 04-1291. Filed for public inspection July 16, 2004, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION
[67 PA. CODE CH. 83]

Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers

The Department of Transportation, under the authority of 75 Pa.C.S. §§ 1517, 1518 and 6103 (relating to medical advisory board; reports on mental or physical disabilities or disorders; and promulgation of rules and regulations by department), amends Chapter 83 (relating to physical and mental criteria, including vision standards relating to the licensing of drivers) to read as set forth Annex A.

Purpose

The purpose of Chapter 83 is to set forth physical and mental criteria, including vision standards, for the licensing of drivers, formulated by the Medical Advisory Board (Board) under 75 Pa.C.S. §§ 1517 and 1518. In addition to their use by the Department in connection with its responsibilities under 75 Pa.C.S. (relating to the Vehicle Code), these physical and mental criteria are to be used by medical providers in conducting physical examinations of applicants for learner permits and driver licenses, and by physicians and other persons authorized to diagnose and treat disorders and disabilities covered in Chapter 83 to determine whether a person should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

Summary of Comments and Changes in the Final-Form Rulemaking

The proposed rulemaking was published at 33 Pa.B. 4171 (August 23, 2003). The proposed rulemaking was

also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.

IRRC submitted several comments regarding clarity and consistency of the language in the proposed rulemaking. The first comment noted a discrepancy between the definition of "aura" in the proposed rulemaking and the description of an aura in the preamble. The definition describes an aura as a seizure which did not interfere with mechanical or sensory ability, while the preamble indicated it was an event experienced prior to a seizure. In response to the comment, the definition in the final-form rulemaking has been clarified to state that an "aura" is "an epileptic episode, sometimes experienced before or in lieu of a seizure, which does not alter an individual's ability to think clearly or interfere with an individual's mechanical or sensory ability to operate a motor vehicle."

IRRC also pointed out inconsistency in the phrasing in § 83.3 (relating to visual standards) describing visual acuity standards. In response, all references have been changed to "visual acuity of less than." IRRC also requested in § 83.3(c)(3) regarding drivers limited to roads other than freeways a cross-reference to the definition of "freeway" in 75 Pa.C.S. The cross-reference has been inserted.

IRRC also suggested that the language in § 83.3(5), regarding drivers limited to driving "within a specific geographic area," lacked clarity. The paragraph was clarified to read: "If determined by the Department to be appropriate, the person's driving privilege is limited to driving within a limited radius of the person's residence as recommended by a licensed physician." This language permits drivers with visual limitations to be permitted to drive in familiar territory near to their home as their physician may recommend.

IRRC noted that § 83.4 (relating to seizure disorder), strictly construed, permitted drivers who experienced only one aura in the previous 6 months to continue driving but would disqualify drivers who had experienced more than one aura. This was not the intent. The section has been clarified to provide that drivers who have experienced only auras within the previous 6 months are not disqualified to drive.

In § 83.5(b)(2)(i) and (3)(i) (relating to other physical and medical standards), IRRC noted that the proposed rulemaking provided that the "provider shall inform the patient of the prohibition against driving due to the functional impairment" and questioned how the Department planned to enforce the requirement. There is no mechanism to enforce this provision and it was intended as a reminder to providers that, even if the functional impairment does not require reporting to the Department, patients should be advised that it is unlawful to drive. The subparagraphs have been made advisory by changing "shall" to "should."

IRRC also noted that § 83.5(b)(5), regarding evidence of mental disorder, used the phrase "examination by a physician." IRRC pointed out that the Pennsylvania Psychological Association (PPA) had also commented that this phrase excluded nonphysician providers who also diagnose mental disorder. The phrase has been changed to "examination by a provider." IRRC commented further that the language regarding behavioral history "provided by self or others" lacked clarity with respect to who the "others" might be. The provision has been changed to "as provided by self or others familiar with the person's

behavior." It is thought that this language is broad enough to include relatives, friends, coworkers and neighbors with the qualification that they have familiarity with the person's behavior. This language is preferable to a list of specific relationships which could include many with little knowledge of the person's behavior and exclude individuals with considerable knowledge.

IRRC also sought clarity in § 83.5(c) permitting the Department to require a driver to undergo a "special driving examination." IRRC questioned what a "special driving examination" would entail. There is no "special" driving examination intended by this section and the word "special" has been eliminated. The section now provides that, if the Department has reason to believe that a driver, otherwise apparently qualified to drive under Chapter 83, does not have the ability to safely operate a motor vehicle, the Department may require the driver to undergo a driving examination to determine competency.

Finally, IRRC noted an inconsistency in the references to "physicians" and "licensed physicians" throughout the proposed rulemaking. Since "licensed physician" is defined in § 83.2 (relating to definitions), IRRC suggested that this term be used throughout. The change to "licensed physician" has been made with respect to provisions requiring a condition to be verified by a physician to clarify that the verification must be made by a properly credentialed professional. However, § 83.4(c) and § 83.6 (relating to providers to report unqualified person) impose a reporting requirement consistent with 75 Pa.C.S. § 1518. Section 1518 of 75 Pa.C.S. uses the term "physician," not "licensed physician." The change suggested by IRRC, if applied in § 83.4(c), could inappropriately limit the reporting requirement to "licensed physicians." Clarification in § 83.4(c) has been achieved by changing the word "physician" to "provider." No change to the language of § 83.6, which mirrors that of 75 Pa.C.S. § 1518, has been made.

Alan Welder of Shillington, PA, proposed changes to § 83.3(e) regarding the 120° field of vision requirement. He specifically suggested that measurement of a driver's field of vision be permitted within 5° of the horizontal meridian to allow for consideration of the height of an individual driver. The optometrist serving on the Board has indicated that, to the extent that the comment urges that more specific visual field standards be quantified, the comment has merit. The optometrist opined that this one specific change in the regulation would not be beneficial as it does not address all of the many complex factors to be considered in the development of more specific visual field standards. On this advice of the member of the Board, the Department has not made the suggested change.

Comment was also received from the Pennsylvania Optometric Association fully supporting the proposed rulemaking.

The PPA commented that § 83.5(b) as drafted reads that a person will not be qualified to drive if they have a condition "likely to impair the ability to control and safely perform motor functions necessary to drive a motor vehicle." The PPA notes that some of the skills delineated thereafter in the section regard cognitive skills, not motor skills. The language has been changed to "likely to impair the ability to control and safely operate a motor vehicle" to capture all types of conditions. The PPA also commented that § 83.5(b)(5) used the phrase "examination by a physician." The PPA notes that this phrase excluded

nonphysician providers who also diagnose mental disorder. As previously noted, the phrase has been changed to "examination by a provider."

Edward H. Dench, Jr., MD submitted comments as President of the Pennsylvania Medical Society (PMS) and noted that generally, there was no opposition to the proposed rulemaking. With respect to § 83.4, Dr. Dench commented that the reduction of the required seizure-free period from 12 to 6 months before restoration of driving privileges and the amendment permitting persons who only experience auras to drive both seemed reasonable given advances in treatment regimens for seizure disorders. Dr. Dench commented, however, that persons who experience an aura prior to seizure should not be allowed to drive unless they complete the 6-month seizure-free period, with possible noted exemptions. First, the Department notes that § 83.4(b) provides for a waiver of the seizure-free period requirement only upon the recommendation of a licensed physician. Individual physicians may disagree in their judgment regarding whether a person who has had a seizure or seizures within the previous 6 months which were preceded by "a specific prolonged aura accompanied by sufficient warning" should be permitted to drive. The restriction proposed by Dr. Dench would prohibit a person from driving who may continue to have periodic seizures but who is able, because of the prolonged aura preceding the seizure, to safely cease operation of the vehicle before the onset of the seizure. The Department does not believe the medical community is united in the view that this should always be the case. The Department again notes that the recommendation of a licensed physician would be required before the driving privilege would be restored.

Dr. Dench's letter also conveyed a comment of a PMS member regarding § 83.4(c)(4). As proposed, the language appears to permit a person who has been seizure-free for 6 months but suffers a seizure as a result of a head injury to receive a waiver to continue driving. The comment notes that the presence of an early post-traumatic seizure may increase the likelihood of subsequent seizures and recommends that the 6-month seizure-free period not be waived in the case of post-traumatic seizures. The Department's consulting physician agrees and "nonrecurring trauma" has been deleted from the final-form rulemaking.

Persons and Entities Affected

The final-form rulemaking affects persons qualified or wishing to be qualified to drive, health care providers and the State Police.

Fiscal Impact

Implementation of the final-form rulemaking will not require the expenditure of any additional funds by the Commonwealth or local municipalities. The final-form rulemaking will not impose any additional costs on the medical community and may reduce costs by providing clearer medical criteria and thus reduce unnecessary reporting by physicians and the need for follow-up medical examinations for drivers. It may impose additional costs on drivers wishing to apply for the restricted license for low vision drivers because of the requirement for an annual vision examination.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 11, 2003, the Department submitted a copy of the notice of proposed rulemaking, published at 33 Pa. B. 4171, to IRRC and the Chairpersons of the House and Senate Transportation 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 the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on May 12, 2004, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 13, 2004, and approved the final-form rulemaking.

Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Sunset Provisions

The Department is not establishing a sunset date for the final-form rulemaking, since the amendments are needed to administer provisions required under 75 Pa.C.S. The Department will continue to closely monitor the regulations for their effectiveness.

Contact Person

The contact person for technical questions about this final-form rulemaking is Michael P. Kistler, Manager, Driver Safety Division, Bureau of Driver Licensing, 1101 S. Front Street, 4th Floor, Harrisburg, PA 17104, (717) 772-2119.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 83, are amended by amending §§ 83.2—83.5 and by adding § 83.6 to read as set forth in Annex A.

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

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

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

ALLEN D. BIEHLER, P. E.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 2893 (May 29, 2004).)

Fiscal Note: Fiscal Note 18-374 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 83. PHYSICAL AND MENTAL CRITERIA, INCLUDING VISION STANDARDS RELATING TO THE LICENSING OF DRIVERS

§ 83.2. Definitions.

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

Act—75 Pa.C.S. § 101—9910 (relating to Vehicle Code).

Aura—An epileptic episode, sometimes experienced before or in lieu of a seizure, which does not alter an individual's ability to think clearly or interfere with an individual's mechanical or sensory ability to operate a motor vehicle.

CRNP—Certified registered nurse practitioner—A registered nurse licensed in this Commonwealth who is certified, by both the State Board of Nursing and the State Board of Medicine, in a particular clinical specialty area and who, while functioning in the expanded role as a professional nurse, performs acts of medical diagnosis or prescription of medical therapeutic or corrective measures in collaboration with and under the direction of a physician licensed to practice medicine in this Commonwealth.

Daylight—Hours between sunrise and sunset.

Department—The Department of Transportation of the Commonwealth.

Licensed optometrist—A doctor of optometry licensed by the State Board of Optometry.

Licensed physician—A doctor of medicine licensed by the State Board of Medicine or a doctor of osteopathy licensed by the State Board of Osteopathic Medical Examiners.

Nocturnal—As used in relation to seizures, the term means occurring during sleep.

Seizure—A paroxysmal disruption of cerebral function characterized by altered consciousness, altered motor activity or behavior identified by a licensed physician as inappropriate for the individual.

Seizure disorder—Condition in which an individual has experienced a single seizure of electrically diagnosed epilepsy, or has experienced more than one seizure not including seizures resulting from an acute illness, intoxication, metabolic disorder, or trauma.

Telescopic lens—A telescopic low vision device.

§ 83.3. Visual standards.

(a) *Driving without corrective lenses.* A person with visual acuity of 20/40 or better combined vision may drive without corrective lenses.

(1) If a person with visual acuity of 20/40 or better combined vision, however, has visual acuity of less than 20/40 in one eye, the vision in that eye shall be corrected to its best visual acuity.

(2) A person with visual acuity of 20/40 or better combined vision and who has visual acuity of less than 20/40 in one eye, may drive without corrective lenses upon determination by a licensed optometrist or ophthalmologist that the person's combined vision would not be improved by the use of corrective lenses.

(b) *Driving with corrective lenses.* A person with visual acuity of less than 20/40 combined vision shall wear lenses correcting combined vision to 20/40 or better while driving, except that if correction to 20/40 is not possible, the person may drive in daylight hours only if one of the following are met:

(1) The combined vision has been corrected to 20/60 or better.

(2) Visual acuity is less than 20/60 combined vision but at least 20/70 combined vision with best correction, but only upon recommendation of a licensed optometrist or licensed physician who has equipment to properly evaluate visual acuity.

(c) *Visual acuity of less than 20/70.*

(1) A person with visual acuity of less than 20/70 combined vision but at least 20/100 combined vision with best correction may apply for and may be issued a restricted license only upon recommendation of a licensed optometrist or ophthalmologist or licensed physician who has equipment to properly evaluate visual acuity, and only if the following conditions or limitations are satisfied:

(i) The person takes and successfully passes a complete vision examination, including plotted visual fields, upon application and annually thereafter.

(ii) The person takes and successfully passes a driver's examination upon application.

(iii) The person's driving privilege is limited to roads other than freeways, as defined in 75 Pa.C.S. § 102 (relating to definitions).

(iv) The person's driving privilege is limited to passenger vehicles weighing no more than 10,000 pounds, and excludes operation of a motorcycle.

(v) If determined by the Department to be appropriate, the person's driving privilege is limited to driving within a limited radius of the person's residence as recommended by a licensed physician.

(2) Violation of these conditions or limitations shall result in the recall of the restricted license. In addition, an annual review of the person's accident and violation history will be conducted by the Department and the restricted license may be recalled if the Department determines that the person was involved in an at fault accident or convicted of two moving violations committed within a 1-year period.

(d) *Visual acuity of less than 20/100.* A person with visual acuity of less than 20/100 combined vision with best correction will not be qualified to drive.

(e) *Vision requirements.* A person shall have a combined field of vision of at least 120° in the horizontal meridian, excepting the normal blind spots.

(f) *Sight in one eye.* A person may be adequately sighted in only one eye and still meet the requirements of this section. The person's driving privilege will be restricted to vehicles having mirrors so located as to reflect to the person a view of the highway for a distance of at least 200 feet to the rear.

(g) *Telescopic lenses.* Correction through the use of telescopic lenses is not acceptable for purposes of meeting acuity requirements.

§ 83.4. Seizure disorder.

(a) *General.* A person who has a seizure disorder will not be qualified to drive unless a licensed physician reports that the person has been free from seizure for at least 6 months immediately preceding, with or without medication. A person will not be disqualified if the person has experienced only auras during that period.

(b) *Waiver.* Waiver of the freedom from seizure requirement may be made upon specific recommendation by a licensed physician if one of the following conditions apply:

(1) A strictly nocturnal pattern of seizures or a pattern of seizures occurring only immediately upon awakening has been established over a period of at least 2 years immediately preceding, with or without medication.

(2) A specific prolonged aura accompanied by sufficient warning has been established over a period of at least 2 years immediately preceding, with or without medication.

(3) The person previously had been free from seizure for a 6 month period and the subsequent seizure or seizures occurred as a result of a prescribed change in or removal from medication while under the supervision of a licensed physician. This waiver will only be provided upon reinstatement of previous medication.

(4) The person previously had been free from seizure for 6 months and the subsequent seizure or seizures occurred during or concurrent with a nonrecurring transient illness, toxic ingestion, or metabolic imbalance.

(c) *Reporting requirements for provider.* Every provider who treats a person who has experienced a single seizure shall provide, consistent with 75 Pa.C.S. § 1518(b) (relating to reports on mental or physical disabilities or disorders), a report to the Department which shall constitute cause for the Department to direct the person to undergo an examination prescribed under 75 Pa.C.S. § 1519 (relating to determination of incompetency).

§ 83.5. Other physical and medical standards.

(a) *General disqualifications.* A person who has any of the following conditions will not be qualified to drive:

(1) Unstable or brittle diabetes or hypoglycemia, unless there has been a continuous period of at least 6 months freedom from a related syncopal attack.

(2) Cerebral vascular insufficiency or cardiovascular disease which, within the preceding 6 months, has resulted in one or more of the following:

(i) Syncopal attack or loss of consciousness.

(ii) Vertigo, paralysis or loss of qualifying visual fields.

(3) Periodic episodes of loss of consciousness which are of unknown etiology or not otherwise categorized, unless the person has been free from episode for the year immediately preceding.

(b) *Disqualification on provider's recommendation.* A person who has any of the following conditions will not be qualified to drive if, in the opinion of the provider, the condition is likely to impair the ability to control and safely operate a motor vehicle:

(1) Loss of a joint or extremity as a functional defect or limitation.

(2) Impairment of the use of a joint or extremity as a functional defect or limitation.

(i) The provider should inform the patient of the prohibition against driving due to the functional impairment.

(ii) The provider shall inform the Department in writing of the impairment if the condition has lasted or is expected to last longer than 90 days.

(3) Rheumatic, arthritic, orthopedic, muscular, vascular or neuromuscular disease.

(i) The provider should inform the patient of the prohibition against driving due to the functional impairment.

(ii) The provider shall inform the Department in writing of the impairment if the condition has lasted or is expected to last longer than 90 days.

(4) Cerebral vascular insufficiency or cardiovascular disease which, within the preceding 6 months, has resulted in lack of coordination, confusion, loss of awareness, dyspnea upon mild exertion or any other sign or

symptom which impairs the ability to control and safely perform motor functions necessary to operate a motor vehicle.

(5) Mental disorder, whether organic or without known organic cause, as described in the current Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association, 1700 18th Street NW, Washington, DC 20009, especially as manifested by the symptoms set forth in (i)—(iii). While signs or symptoms of mental disorder may not appear during examination by the provider, evidence may be derived from the person's history as provided by self or others familiar with the person's behavior.

(i) Inattentiveness to the task of driving because of, for example, preoccupation, hallucination or delusion.

(ii) Contemplation of suicide, as may be present in acute or chronic depression or in other disorders.

(iii) Excessive aggressiveness or disregard for the safety of self or others or both, presenting a clear and present danger, regardless of cause.

(6) Periodic episodes of loss of attention or awareness which are of unknown etiology or not otherwise categorized, unless the person has been free from episode for the year immediately preceding, as reported by a licensed physician.

(7) Use of any drug or substance, including alcohol, known to impair skill or functions, regardless whether the drug or substance is medically prescribed.

(8) Other conditions which, in the opinion of a provider, is likely to impair the ability to control and safely operate a motor vehicle.

(c) *Driving examination.* A person who has any of the conditions enumerated in subsection (b)(1), (2), (3) or (8) may be required to undergo a driving examination to determine driving competency, if the Department has reason to believe that the person's ability to safely operate a motor vehicle is impaired. The person may be restricted to driving only when utilizing appropriate adaptive equipment.

§ 83.6. Providers to report unqualified persons.

Physicians and other persons authorized to diagnose and treat disorders and disabilities defined by the Medical Advisory Board shall report to the Department, in writing, the full name, date of birth and address of every person 16 years of age and older diagnosed as having any specified disorder or disability within 10 days, under 75 Pa.C.S. § 1518 (relating to reports on mental or physical disabilities or disorders).

[Pa.B. Doc. No. 04-1292. Filed for public inspection July 16, 2004, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective July 6, 2004.

The organization chart at 34 Pa.B. 3724 (July 17, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 04-1293. Filed for public inspection July 16, 2004, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Conservation and Natural Resources

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective July 6, 2004.

The organization chart at 34 Pa.B. 3725 (July 17, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 04-1294. Filed for public inspection July 16, 2004, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective July 6, 2004.

The organization chart at 34 Pa.B. 3726 (July 17, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 04-1295. Filed for public inspection July 16, 2004, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective July 6, 2004.

The organization chart at 34 Pa.B. 3727 (July 17, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 04-1296. Filed for public inspection July 16, 2004, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Insurance Department

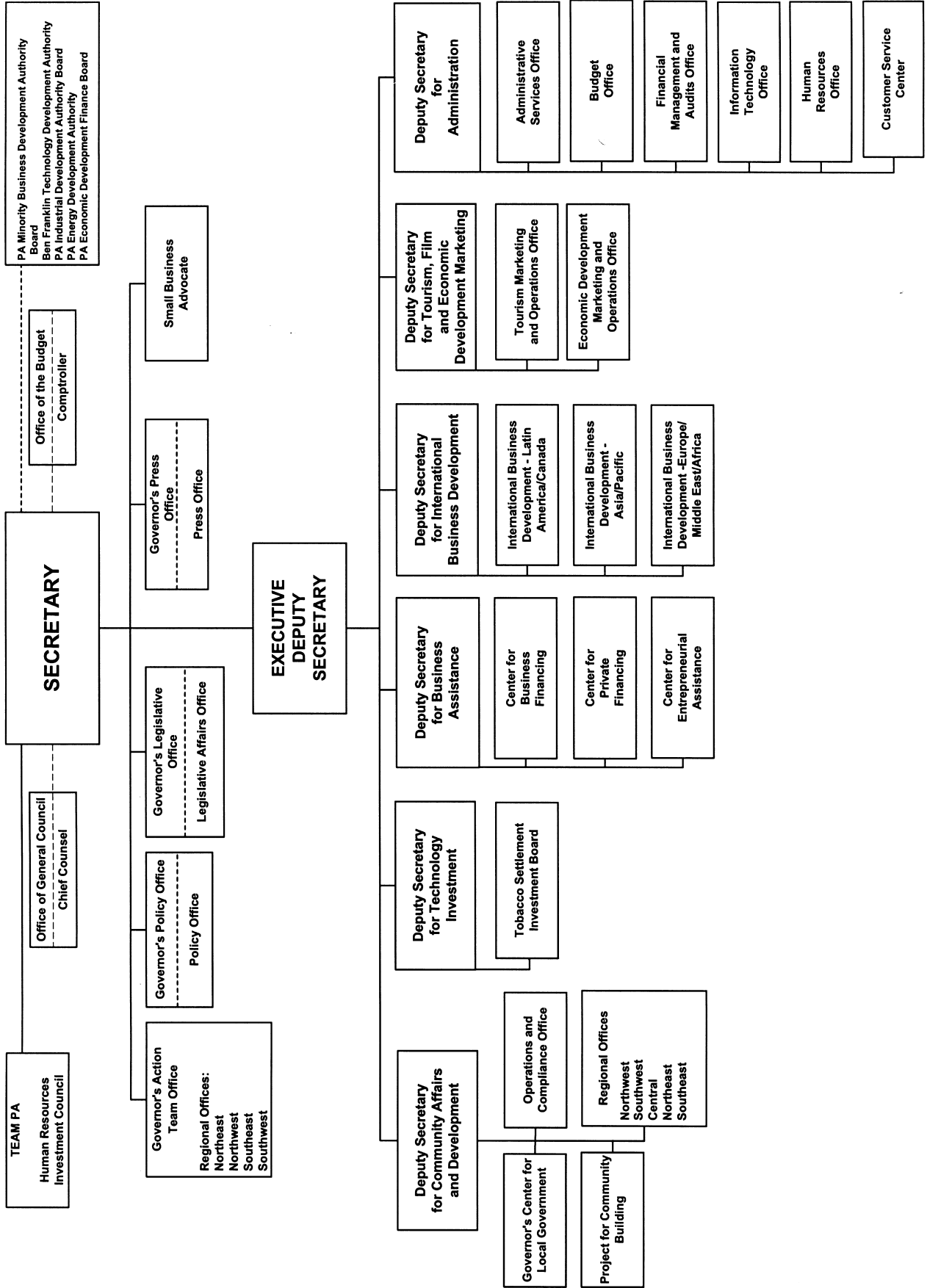
The Executive Board approved a reorganization of the Insurance Department effective July 6, 2004.

The organization chart at 34 Pa.B. 3728 (July 17, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

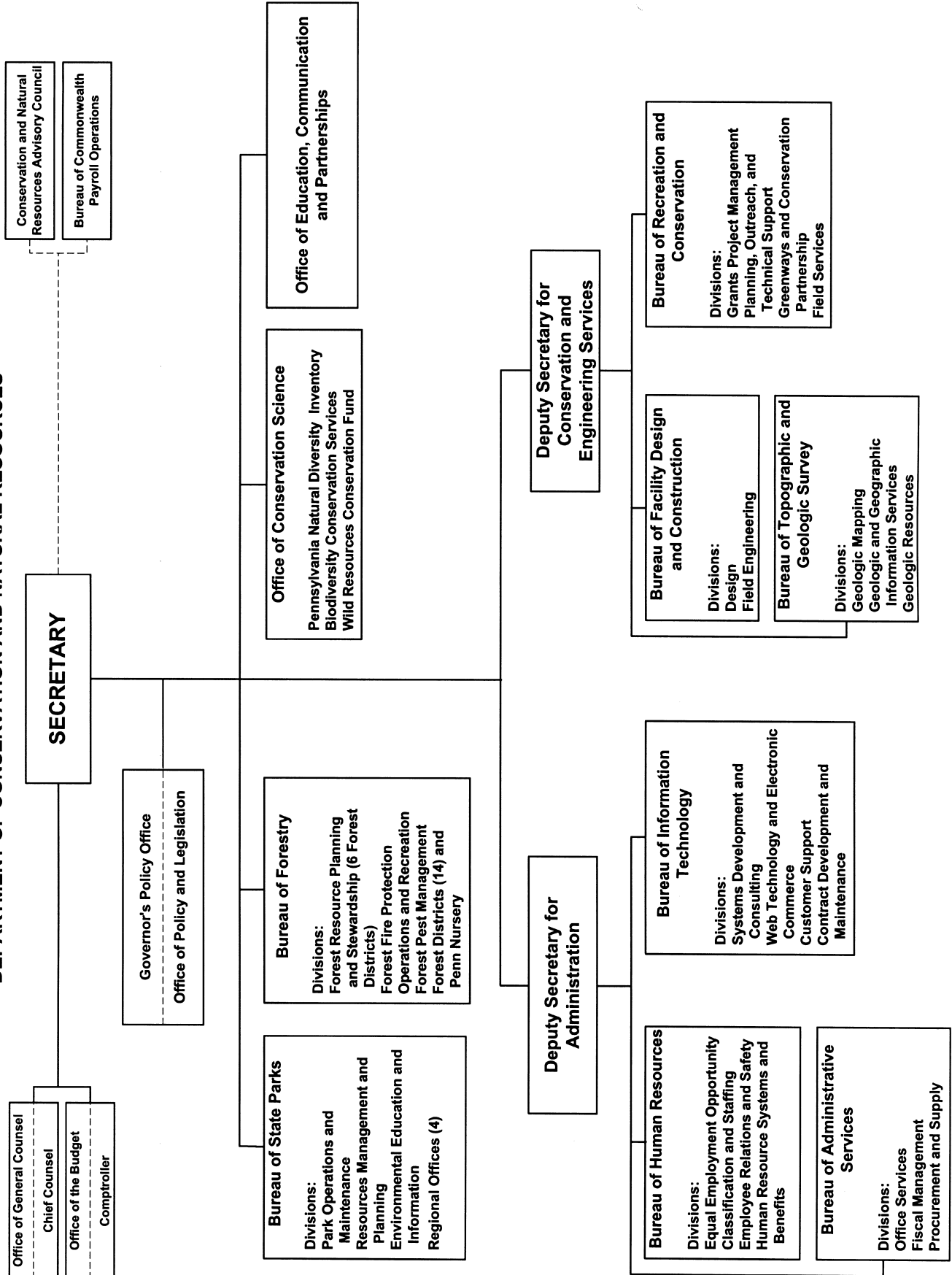
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 04-1297. Filed for public inspection July 16, 2004, 9:00 a.m.]

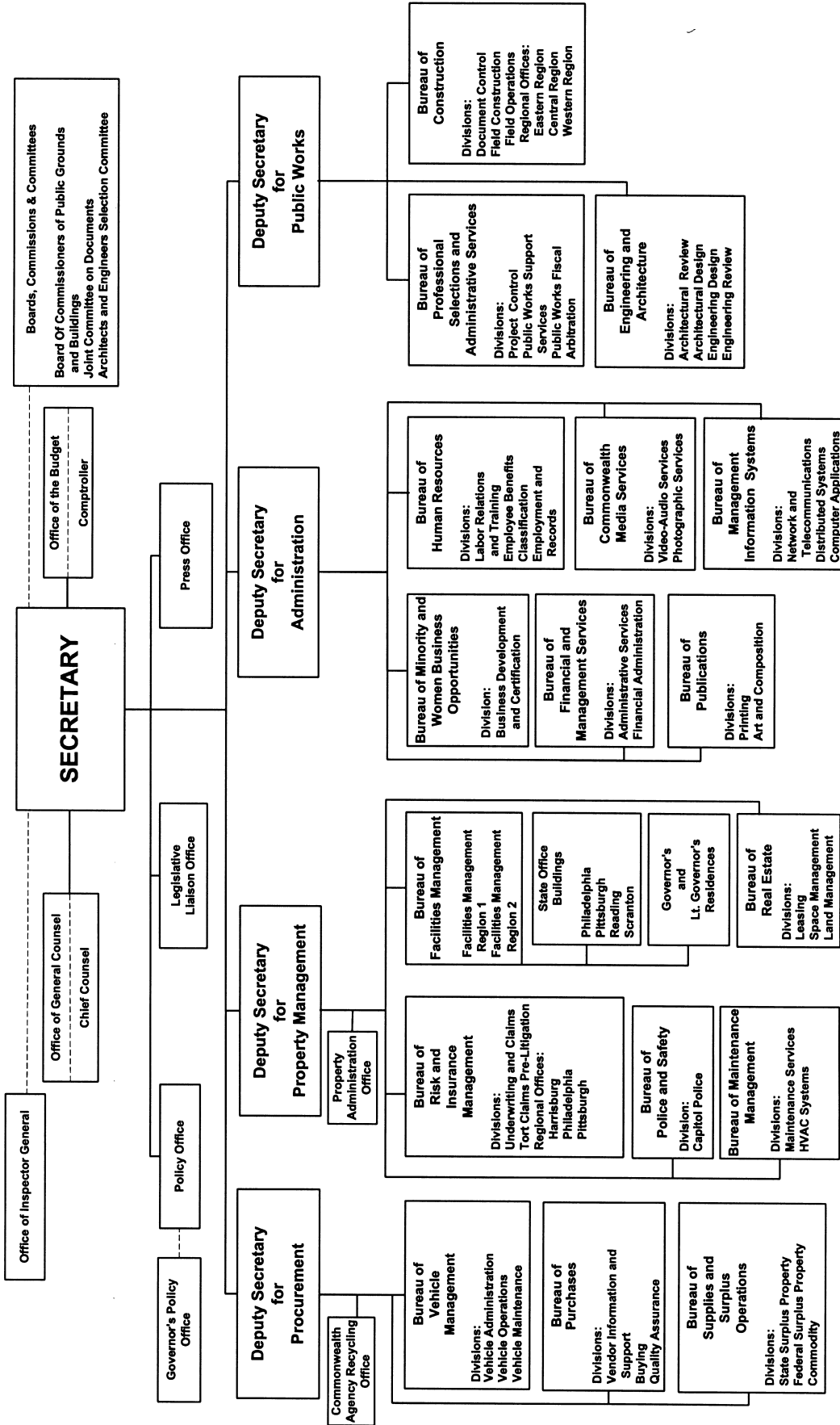
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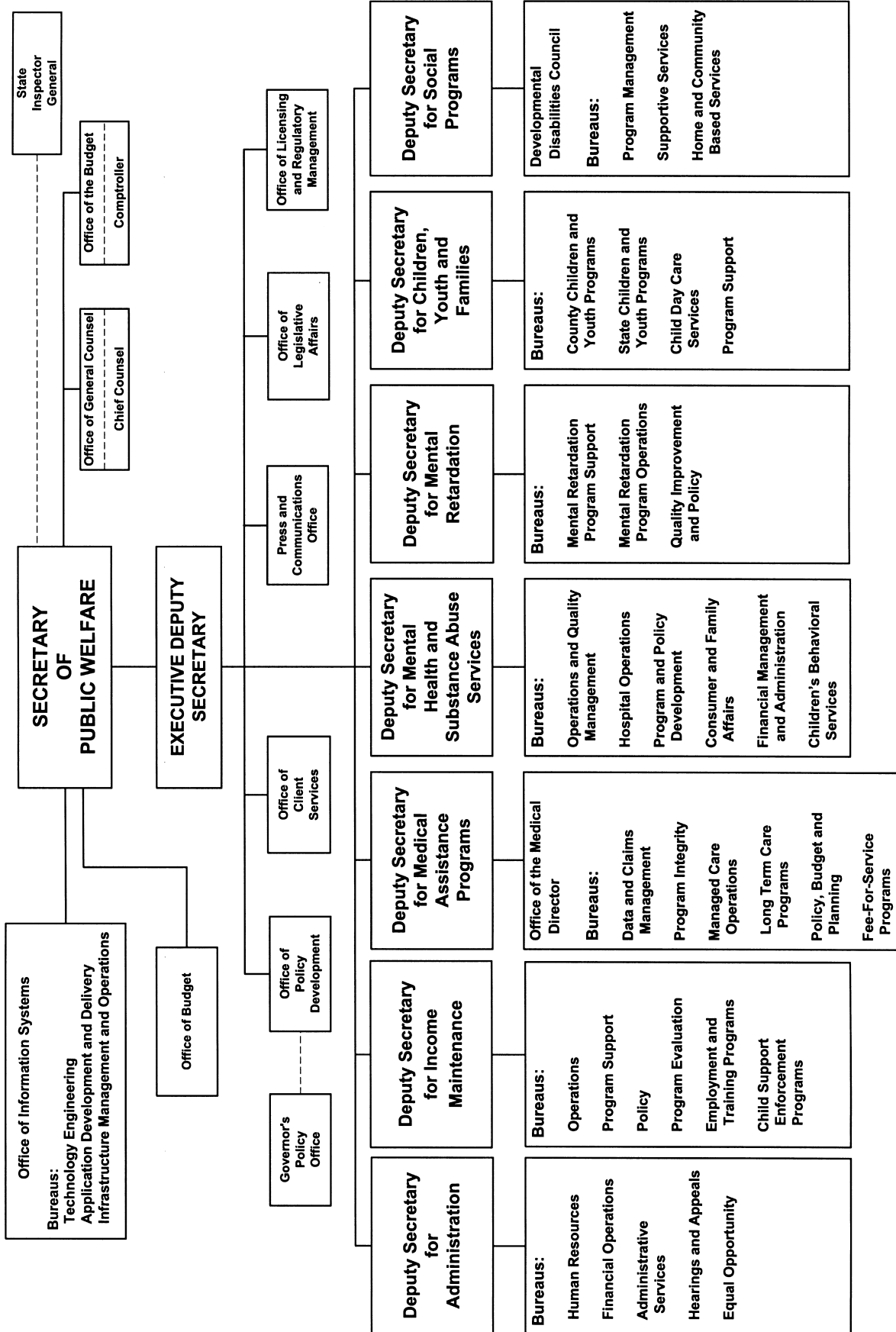
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



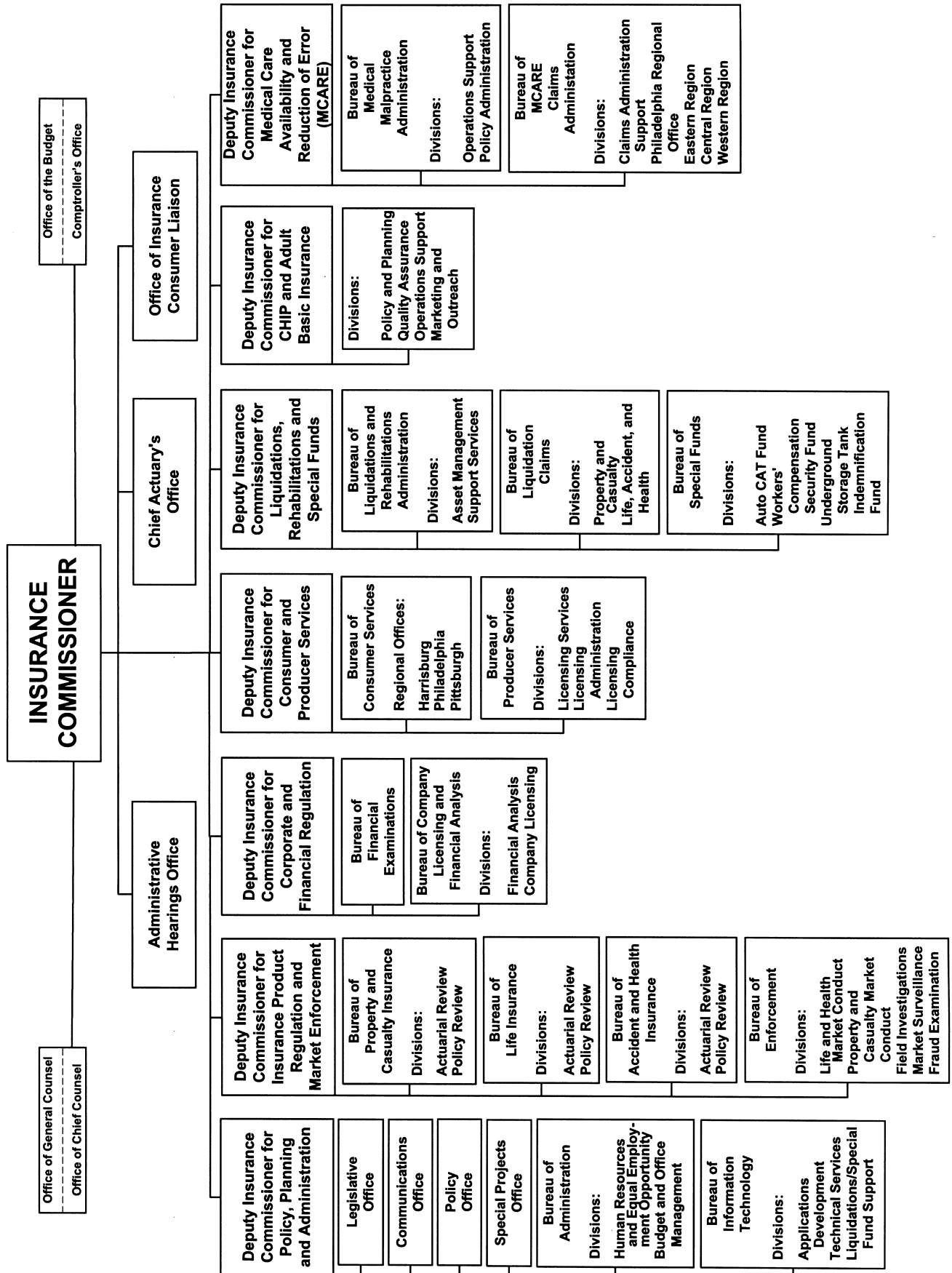
DEPARTMENT OF GENERAL SERVICES



DEPARTMENT OF PUBLIC WELFARE



INSURANCE DEPARTMENT



NOTICES

DEPARTMENT OF AGRICULTURE

Interstate/International Quarantine Order; Vesicular Stomatitis

Recital

A. Vesicular stomatitis is an infectious viral disease that primarily affects horses, cattle and swine.

B. Vesicular stomatitis is designated a "dangerous transmissible disease" of animals under 3 Pa.C.S. § 2321(a)(40) (relating to dangerous transmissible diseases).

C. The Department of Agriculture (Department) has broad authority under 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law) to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases. This includes the authority in 3 Pa.C.S. § 2329 (relating to quarantine) to issue the interstate/international quarantine order as follows.

D. Vesicular stomatitis exists in other states and nations, and the transporting of infected animals from these states or nations could spread that disease among susceptible domestic animals in this Commonwealth.

E. There are reasonable and relatively unintrusive quarantine restrictions the Department can impose in order to prevent vesicular stomatitis from entering this Commonwealth.

Order

The Department enters an interstate/international quarantine order with respect to vesicular stomatitis, incorporating the foregoing recitals into this order. This order is entered under authority of 3 Pa.C.S. § 2329 and establishes the following restrictions and conditions:

1. No hooved animals may enter this Commonwealth if vesicular stomatitis has been diagnosed within 10 miles of the premises of origin since January 1, 2004.

2. All hooved animals entering this Commonwealth from a state in which vesicular stomatitis has been diagnosed since January 1, 2004, shall be examined by an accredited veterinarian to determine whether they are free from vesicular stomatitis, and shall be accompanied by a Certificate of Veterinary Inspection with the following written statement signed by that accredited veterinarian:

All animals identified on this Certificate of Veterinary Inspection have been examined and found to be free from vesicular stomatitis. During the past 30 days, these animals have neither been exposed to vesicular stomatitis nor located within 10 miles of a site where vesicular stomatitis has been diagnosed.

3. This order will be automatically rescinded on December 31, 2004, unless extended under the previous authority.

4. This order is effective as of June 30, 2004.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 04-1298. Filed for public inspection July 16, 2004, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, 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 July 6, 2004.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-30-04	The New Tripoli National Bank New Tripoli Lehigh County	6748 Madison Street New Tripoli Lehigh County	Effective
	<i>To:</i> New Tripoli Bank New Tripoli Lehigh County		

Represents conversion from a Nationally-chartered banking association to a State-chartered bank. The bank is wholly owned by New Tripoli Bancorp, Inc., New Tripoli, an existing bank holding company. Also, New Tripoli Bank has been approved for membership in the Federal Reserve System and that membership became effective as of the date of conversion.

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	<i>Branch Acquired by Means of Conversion:</i>		
	7747 Claussville Road Orefield Lehigh County		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-1-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	3900 Welsh Road Willow Grove Montgomery County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-1-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 2801 East Carson Street Pittsburgh Allegheny County <i>From:</i> 1401 Carson Street Pittsburgh Allegheny County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-1-04	CSB Bank Curwensville Clearfield County	Route 879 Clearfield/Curwensville Highway Clearfield Lawrence Township Clearfield County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-1299. Filed for public inspection July 16, 2004, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, July 28, 2004, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf, (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 04-1300. Filed for public inspection July 16, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0060691	Luzerne County Parks Department Luzerne County Courthouse 200 West River Street Wilkes-Barre, PA 18711	Luzerne County Plymouth Township	Unnamed tributary to Hunlock Creek 5B	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0063924 Sewage	Department of Conservation and Natural Resources Delaware Canal State Park 2908 Three Mile Run Road Perkasie, PA 18944-2065	Northampton County Williams Township	Delaware River 1E	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0222976	Albert R. Shouey R. R. 2 Box 113B Worthington, PA 16262	Barnett Township Jefferson County	Unnamed tributary to Cather Run	Y
PA0090182 Amendment No. 1	Concordia Lutheran Ministries 134 Marwood Road Cabot, PA 16023	Jefferson Township Butler County	Unnamed tributary to Little Buffalo Creek 18-F	Y
PA0222763	Charter Plastics, Inc. 221 South Perry Street P. O. Box 770 Titusville, PA 16354	City of Titusville Crawford County	Oil Creek 16-E	Y
PA0102181	The Venango Park and Natural Resources Authority Two Mile Run County Park 471 Beach Road Franklin, PA 16323	Oakland Township Venango County	Two Mile Run 16-E	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

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

PA0031330, Sewage, **Brownsville Area School District**, 1025 Lewis Street, Brownsville, PA 15417. This application is for renewal of an NPDES permit to discharge treated sewage from the Cox-Donahay Elementary School STP in Redstone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Dunlap Creek, which are classified as a WWF 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 California Water Company.

Outfall 001: existing discharge, design flow of 0.0088 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0031402, Sewage, **Brownsville Area School District**, 1025 Lewis Street, Brownsville, PA 15417. This application is for renewal of an NPDES permit to discharge treated sewage from the Central Elementary School STP in Luzerne Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of the Monongahela River, which are classified as a WWF 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 Tri County Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.01 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	25			50
Suspended Solids	30			60
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	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0033626, Sewage, **West Greene School District**, 1367 Hargus Creek Road, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from the West Greene Middle School/High School Sewage Treatment Plant in Center Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Hargus Creek, which are classified as a HQ WWF 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 Waynesburg Water Treatment Plant.

Outfall 001: existing discharge, design flow of 0.012 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	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
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	1.4			3.3
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0093254, Sewage, **Sugar Creek Rest, Inc.**, R. D. 2, Box 80, Worthington, PA 16262. This application is for renewal of an NPDES permit to discharge treated sewage from the Sugar Creek Rest STP in Sugarcreek Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Patterson Run, which are classified as a HQ TSF 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 Cadogen Water Works.

Outfall 001: existing discharge, design flow of 0.02 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	20			40
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	6.0			12.0
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	0.13			0.3
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0215945, Sewage, **Trinity Area School District**, 231 Park Avenue, Washington, PA 15301. This application is for renewal of an NPDES permit to discharge treated sewage from the Trinity South Elementary School WWTP in Amwell Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Tenmile Creek, which are classified as a TSF 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 Marianna Borough, Washington County Water Works.

Outfall 001: existing discharge, design flow of 0.006 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	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	8.0			16.0
(11-1 to 4-30)	24.0			48.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine	0.7			1.7
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0216747, Sewage, **Consol Pennsylvania Coal Company**, 172 Route 519, P. O. Box 355, Eighty Four, PA 15330. This application is for renewal of an NPDES permit to discharge treated sewage from the West Finley Portal STP in West Finley Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage swale of Robinson Fork, which are classified as a WWF 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 Bayer Corporation on the Ohio River in West Virginia.

Outfall 001: existing discharge, design flow of 0.025 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	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
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			1.0
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0239518, Sewage, **Meadow Ridge Partners**, Route 68 and Buhl Hill Road, Evans City, PA 15143. This proposed facility is in Forward Township, **Butler County**.

Description of Proposed Activity: New discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply considered during the evaluation is the Zelienople Municipal Water Works intake on the Connoquenessing Creek, approximately 9 miles below point of discharge.

The receiving stream, the unnamed tributary to the Connoquenessing Creek, is in watershed 20-C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.035 MGD.

<i>Parameter</i>	<i>Concentrations</i>	
	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	
CBOD ₅	25	50

Parameter	Concentrations	
	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	2	4
(11-1 to 4-30)	6	12
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,100/100 ml as a geometric average	
Ultraviolet Light Intensity	XX	
Phosphorus as P		
(4-1 to 10-31)	2	4
Dissolved Oxygen	minimum of 5 mg/l at all times	
pH	6.0 to 9.0 standard units at all times	

XX—Monitor and Report
The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

WQM Permit No. 4004404, Camp Orchard Hill, Inc., R. R. 3, Box 275, Dallas, PA 18612. This proposed facility is in Franklin Township, **Luzerne County**.

Description of Proposed Action/Activity: This project consists of the construction of additional sewage disposal facilities for existing youth campgrounds. The project will construct and utilize a large volume onlot septic system to supplement the existing onlot septic system to accommodate the additional 12,500 gpd of expanded flow.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Applicant Name and Address	County	Municipality	Receiving Water/Use
Canaan Township R. R. 2, Box 2011 Waymart, PA 18472	Wayne	Canaan Township	VanAuken Creek HQ-TSF, MF Middle Creek

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI010904006	Palisades School District Palisades High School Expansion 20 School Drive Kintnersville, PA 18930	Bucks	Nockamixon Township	Rapp Creek EV
PAI011504039	St. Norbert RC Church Expansion 50 Leopard Road Paoli, PA 19301	Chester	Easttown Township	Crum Creek HQ-CWF

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAS10Q182-R	Lehigh Valley Industrial Holdings, LP 171 Route 173 Asbury, NJ 08802	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904025	Dale Roth R & T Management 1173 Troupe Rd. Harbor Creek, PA 16421	Lehigh	Lowhill Township	Jordan Creek HQ-CWF, MF
PAI023904026	Jeffrey Johnson 5159 Hoffmansville Rd. Orefield, PA 18069	Lehigh	North Whitehall Township	Hassen Creek HQ-CWF, MF
PAI023904027	Ron Stahley 3256 Levans Rd. Coplay, PA 18037	Lehigh	North Whitehall Township	Unnamed tributary to Jordan Creek HQ-CWF
PAI023904028	Ward Trucking Ward Towers P. O. Box 1553 Altoona, PA 16603	Lehigh	South Whitehall Township	Little Cedar Creek HQ-CWF

Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804021	Raymond Bartolacci, Jr. 711 Frutchey Hill Road Easton, PA 18040	Northampton	Lower Nazareth Township	Bushkill Creek HQ-CWF
PAI024804022	Nazareth Development LLC 25 S. Main St. Nazareth, PA 18064	Northampton	Moore and Bushkill Townships	Bushkill Creek HQ-CWF

Wayne County Conservation District: Ag. Service Center, 470 Sunrise Ave., Honesdale, PA 18431, (570) 253-0930.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026404004	Clemleddy Construction Rt. 6 Palmyra Professional Complex P. O. Box 609 Hawley, PA 18428-0609	Wayne	Paupack Township	Wallenpaupack Creek HQ-CWF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2032104001	171 Associates 3609 Gettysburg Road Camp Hill, PA 17011	Cumberland	Silver Spring Township	Trindle Spring Run CWF/HQ-CWF (Basin 1 drainage area only)
PAI033604005	Frey Brothers, Inc.	Lancaster	Little Britain and East Drumore Townships	UNT to Octoraro Creek HQ
PAI033104001	John G. Gilliland 1 War Path Warriors Mark, PA 16877	Huntingdon	Warriors Mark Township	Warriors Mark Run HQ-CWF

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

Westmoreland County Conservation District: Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056503001	Manor Development Gr. 109 Gateway Avenue Wexford, PA 15090	Westmoreland	Murrysville	Unnamed tributary to Steele Run HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056504005	Robert Cypher 4790 Old Frankstown Rd. Monroeville, PA 15146	Westmoreland	Murrysville	Unnamed tributary to Steele Run HQ-CWF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

MS4 Notices of Intent Received

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132275	Heidelberg Township P. O. Box 218 New Tripoli, PA 18066	Lehigh	Heidelberg Township	Mill Creek CWF, MF	Y

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 4004504 , Public Water Supply.
Applicant Natures Way Pure Water Systems, Inc.
Township or Borough Dupont Borough, Luzerne County
Responsible Official Matt Sullivan, Controller Natures Way Pure Water Systems, Inc. 164 Commerce Boulevard Dupont, PA 18641
Type of Facility PWS/Bottled Water Facility
Consulting Engineer James P. Palumbo, P. E. Quad Three Group, Inc. Glenmaura Professional Center 72 Glenmaura National Boulevard Moosic, PA 18507
Application Received Date June 9, 2004
Description of Action The applicant requests the addition of a new source of supply (Tomhicken Mountain Springs/Hazleton Water Company) to an existing, permitted bottled water facility (PWS ID 2406411).

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3604510 , Public Water Supply.
Applicant Manheim Borough Authority
Municipality Manheim Borough
County Lancaster
Responsible Official Robert D. Stoner, Manager 15 East High Street Manheim, PA 17545
Type of Facility PWS

Consulting Engineer George H. Wagner, Jr.
 Rettew Assoc., Inc.
 3020 Columbia Ave.
 Lancaster, PA 17603

Application Received June 1, 2004
 Date

Description of Action Project involves the construction
 of a 10-inch water main and a
 booster pump station to improve
 service at an existing high
 service area in Penn Township.
 This area is known as the Sun
 Hill Service Area.

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 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 or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, 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, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and

implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before 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. 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 Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Delbar Products, Inc., Perkasio Borough, **Bucks County**. Mark Stevens, Langasam Stevens & Silver, 1616 Walnut Street, Suite 1700, Philadelphia, PA 19103 on behalf of Creig Benfield has submitted a Notice of Intent to Remediate. Fuel oil spill and other nonchlorinated organic contamination from long term operation of a manufacturing facility. Chlorinated organic groundwater contamination from the upgradient stainless site. Non-chlorinated organics—remediation to permit application of the Site Specific Standard. Chlorinated organics—no action based on application of the Background Standard.

Blosinenski Farm, East Brandywine Township, **Chester County**. Michael S. Welsh, P. E. on behalf of Andrew Ruskay and Anthony Wilson, ACR Machine, Inc., 21 North 10th Street, Coatesville, PA 19320 has submitted a Notice of Intent to Remediate. Site contamination is associated with a 1.1-acre former above-grade farm disposal area containing primarily glass, metal and ash mixed with soils. With the exception of the used motor oil compounds, the identified contaminants are believed to be associated with the burning of trash, plastic containers and possibly tires. The intended future use of the property is residential.

The Former Namico Plant, City of Philadelphia, **Philadelphia County**. Paul Martino, P. G., Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19102 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been impacted by inorganics, PAH and other organics. The future use of land is for residential use. Proof of publication of notice in the *Philadelphia Daily News*, June 25, 2004.

Former Allegro MicroSystems W. G., Inc. Property, Upper Moreland Township, **Montgomery County**. C. Peter Barringer, Services Environmental, Inc., 375 Morgan Street, Phoenixville, PA 19460, on behalf of Bruce Goodman, Goodman Properties, 636 Old York Road, Jenkintown, PA 19046 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by concentrations of barium. The property is intended to be redeveloped for commercial/retail uses.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Morgan AM&T, 441 Hall Ave., City of St. Marys, **Elk County**. Edward B. Burkett, 180 Environmental Dr., P. O. Box 1017, St. Marys, PA 15857 on behalf of Joshua D. Marvil, EMSOURCE St. Marys LLC, 111 Commercial St., Suite 400, P. O. Box 17914, Portland, ME 04112-7914, has submitted a Notice of Intent to Remediate. The site will be addressed by application of the Background Standard and pathway elimination under the Site-

Specific Standard. Soil contamination, to the extent that there might be any at all, will be addressed by pathway elimination, using the existing buildings and paved surfaces as exposure barriers. With regard to groundwater, concentrations of VOCs not related to the property will be addressed by the Background Standard. VOCs believed to be related to the property will be addressed by pathway elimination. Institutional controls, in the form of deed restrictions, will be implemented to ensure that existing or equivalent barriers are maintained in the future to prevent exposure to soils and restrict future use of groundwater beneath the property. In addition, the local codes and ordinances governing connection to the public water system effectively restrict current and potential future use of ground water beneath the property and in downgradient areas. The NIR will be published in the *Daily Press* of the City of St. Marys.

Goss Gas Property, Sugar creek Borough, **Venango County**. Heather W. Gawne, CORE Environmental Svc. Inc., 4068 Mt. Royal Blvd., Allison Park, PA 15101, on behalf of Harry Perrine, Pennzoil-Quaker State Co. d/b/a SOPUS Products, P. O. Box 99, 260 Elm St., Oil City, PA 16301, has submitted a Notice of Intent to Remediate. Remediation of soil and groundwater is currently being completed through a dual phase vapor extraction system. The NIR was published in the *Oil City Derrick* on June 21, 2004.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit 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 municipal waste regulations for a general permit to operate municipal waste processing facilities and/or the beneficial use of municipal waste.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Determination of Applicability under General Permit No. WMGM007. Associated Products Services, Inc., 14 Long Lane, Mechanicsburg, PA 17055, Silver Springs Township, **Cumberland County**. General permit would allow the temporary storage, at the previous address, of residential septage which facilitates the transfer of the septage prior to offsite processing. An administratively complete determination of applicability was received in the regional office on June 2, 2004.

Comments concerning the application should be directed to John Krueger, Program Manager, Department of Environmental Protection, 909 Elmerton Ave., Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application should contact the Southcentral Regional Office at (717) 705-4706. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Received 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.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 101290. Waste Management of PA Inc., 1121 Bordentown Road, Morrisville, PA 19067, City of Philadelphia. This application was received for the permit renewal for the Philadelphia Transfer Station and Recycling Center. The application was received by the Southeast Regional Office on June 23, 2004.

Permit Application No. 400246. DELCORA, 100 E. 5th St., Chester, PA 19013-4508, City of Chester, **Delaware County**. This application is for a modification to a previously approved radiation protection action plan for the facility. The application was received by the Southeast Regional Office on June 28, 2004.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office 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 a 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. 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 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 before the application. TDD users should 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 con-

structed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

54-399-029B: Silberline Manufacturing Co., Inc. (130 Lincoln Drive, Tamaqua, PA 18252) for modification of an aluminum pigment manufacturing operation at their Tidewood East Facility in Rush Township, **Schuylkill County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

07-05029B: Chicago Rivet and Machine Co. (Industrial Park, Tyrone, PA 16686) to change the VOC emissions rate from an existing airless/airtight cleaning machine in Tyrone Borough, **Blair County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

17-00037A: King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866) for construction of a rotary coal breaker, associated conveyors and associated diesel engine at their Cunard Tipple in Morris Township, **Clearfield County**.

41-00013B: Coastal Aluminum Rolling Mills, Inc. (2475 Trenton Avenue, Williamsport, PA 17701) for construction of a coil coating line and associated air cleaning device (a regenerative thermal oxidizer) in the City of Williamsport, **Lycoming County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

23-0001W: Sunoco, Inc.—R and M (Delaware Avenue and Green Street, P. O. Box 426, Marcus Hook, PA 19061-0426) for modification of their hydrodesulfurization plant.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department intends to issue a Plan Approval for the company's refinery in the Borough of Marcus Hook, **Delaware County** to modify a hydrodesulfurization plant, as described in the applicant's application of February 24, 2004. The Plan Approval will subsequently be incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. PA-23-0001W is for the modification of the hydrodesulfurization plant. In the previous applica-

tion, the hydrodesulfurization plant consisted of a hydrodesulfurization heater, stabilizer heater, storage tank, flare and cooling tower. Sunoco has changed the specifications of the hydrodesulfurization plant. The hydrodesulfurization plant will now consist of the hydrodesulfurization heater and stabilizer heater. Based on the information provided by the applicant and the Department's own analysis, the modification of the hydrodesulfurization plant will result in no emission increase of any pollutants beyond those approved in Plan Approval PA-23-0001U.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. To make an appointment, contact Records Management at (484) 250-5910.

09-0127A: Bracalente Manufacturing Company, Inc. (20 West Creamery Road, Trumbauersville, PA 18970) for installation of eight cold degreasers at their facility in Trumbauersville Borough, **Bucks County**. This facility is a Minor facility. Total emissions from this source are 3.8 tons of VOC per year. The plan approval will contain recordkeeping and operating restrictions to keep the facility operating within the allowable emissions and all applicable air quality requirements.

09-0027F: Fres-co System USA, Inc. (3005 State Road, Telford, PA 18969) for addition of three printing stations to their existing Press 202 and a laminating station to existing Press 204 of its Telford facility in West Rockhill Township, **Bucks County**. This plant is a Title V facility. This installation and modification will result in 16.8 tons per year of VOC emissions. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

09-0177: North Penn Polishing and Plating, Inc. (40 West Park Avenue, Sellersville, PA 18960) for installation of a batch vapor cleaning machine (degreaser) at their facility in Sellersville Borough, **Bucks County** which is a non-Title V facility. The new batch vapor cleaning machine will replace an existing, less efficient degreaser. Therefore, emissions are expected to decrease from batch vapor cleaning operations. The solvent to be used in the new batch vapor cleaning machine is Techtride NPB DG. Techtride NPB DG is a VOC solution, containing no more than 2% of HAPs. Emissions shall be minimized through the use of a power controlled cover and a secondary condenser. Emissions of VOCs are estimated at 3.12 tons per year. HAP emissions are estimated at 0.06 ton per year. The Plan Approval and Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within these emission rates and all applicable air quality requirements.

46-0054A: Abington Memorial Hospital (1200 Old York Road, Abington, PA 19001) for installation of two 1,500 kW and 600 kW Caterpillar emergency diesel generators at their facility in Abington Township, **Montgomery County**. The facility is a non-Title V facility with site-wide emission limits for applicable criteria air pollutants. Due to the site-wide emission limits, no emission increase at the facility is expected. The Plan

Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

35-317-004: Polarized Meat Company, Inc. (107 Keystone Industrial Park, Dunmore, PA 18512) for installation of an air cleaning device to control emissions from two cooking ovens at their site in the Keystone Industrial Park, Dunmore Borough, **Lackawanna County**. This facility is a non-Title V facility. The malodorous emissions from the facility will not be detected past the property of the person on whose land the source is being operated. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.

24-083F: Carbone of America Industrial Corp. (215 Stackpole Street, St. Marys, PA 15857) for construction of Carbon Baking Kiln No. 34 with a thermal oxidizer and connecting to an existing scrubber in St. Marys City, **Elk County**. This installation will not result in NSR or PSD applicability. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- This source is subject to 25 Pa. Code §§ 123.1, 123.13(c), 123.31 and 123.41.
- Combined SO_x emissions from CBH Kilns 27, 33 and 34 shall not exceed the following:
 - 500 ppmv instantaneous.
 - Three #/hr 30-day rolling average.
 - Six tpy based on 12-month rolling total.
- Stack test for SO_x emissions and the installation of a Department approved SO_x CEM.
 - The permittee shall monitor the following for the scrubber:
 - Pressure drop.
 - Scrubber gas flow rate.
 - Scrubber liquid pressure and flow rate.
 - Scrubber liquid pH.
 - Outlet gas temperature.

The thermal oxidizer shall be operated, at a minimum, during the pitch-off cycle at a minimum temperature of 750°C. The pitch-off cycle is defined as kiln temperature of between 200°C and 600°C.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

26-00057: Matt Canestrone Contracting, Inc. (P. O. Box 234, Belle Vernon, PA 15012) renewal for operation of a transloading facility which accepts coal refuse and fly ash in Luzerne Township, **Fayette County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to 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 an application is available for inspection at the district mining office indicated before an 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 certification.

Written comments, 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 district mining office indicated before an application 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.

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. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the 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; the application number; a brief summary of the issues to be raised by the requestor

at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

49860102T2 and NPDES Permit No. PA0224413. Farragut Anthracite Co. (100 Lehigh Avenue, Mt. Carmel, PA 17851), transfer of an existing anthracite surface mine operation from Mid-Valley Coal Sales, Inc. and addition of NPDES permit for discharge of treated mine drainage in Coal Township, **Northumberland County**, affecting 814.6 acres. Receiving streams: Shamokin Creek. Application received June 24, 2004.

54840106R4. City of Philadelphia Trustee, Girard Estates (21 South 12th Street, Philadelphia, PA 19107), renewal of an existing anthracite surface mine operation in Butler and West Mahanoy Townships, **Schuylkill County**, affecting 447.6 acres. Receiving streams: None. Application received June 28, 2004.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

61990102 and NPDES Permit No. PA0228036. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127), renewal of an existing bituminous surface strip operation in Clinton and Venango Townships, **Venango and Butler Counties**, affecting 40.7 acres. Receiving streams: unnamed tributary to Scrubgrass Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received June 28, 2004.

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum of 0.5 ml/l applied to surface runoff resulting from a precipitation event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

16990104 and NPDES Permit No. PA0241563. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767), renewal of an existing bituminous surface strip operation in Porter Township, **Clarion County**, affecting 208.5 acres. Receiving streams: two unnamed tributaries to Leatherwood Creek, one unnamed tributary to West Fork to Leatherwood Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received June 28, 2004.

33040101 and NPDES Permit No. PA0242497. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767), revision to a proposed bituminous surface strip operation in Perry Township, **Jefferson County**, affecting 114.5 acres. Receiving streams: Perryville Run and Nicely Run and unnamed tributaries to Mahoning Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Revision to include a post-mining land use from forestland to unmanaged natural habitat. Application received May 14, 2004.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56040103 and NPDES Permit No. PA0249581. Fieg Brothers (3070 Stoystown Road, Stoystown, PA 15563-8164), commencement, operation and restoration of a bituminous surface mine in Southampton Township, **Somerset County**, affecting 55.8 acres. Receiving streams: unnamed tributaries to North Branch Jennings Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received June 23, 2004.

Noncoal Applications Received

Effluent Limits—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

35940301T. Carrier Coal Enterprises (400 Mill Street, Dunmore, PA 18512), transfer of an existing red ash bank removal operation from Telco Coal Operations,

Inc. in Mayfield Borough, **Lackawanna County**, affecting 16.5 acres. Receiving streams: None. Application received June 24, 2004.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should 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 FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E39-437. Heritage Building Group, Inc., 3326 Old York Road, Suite A 100, Furlong, PA 18925 in Upper Macungie Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To place and maintain fill in the floodway of Schafer Run, to construct and maintain two precast concrete arch bridge roadcrossings of a tributary to Schafer Run (HQ-CWF), the first having a 24-foot span in a 6-foot underclearance and the second having a 28-foot span in a 5.75-foot underclearance and to construct and maintain five outfall structures in the floodway to a tributary to Schafer Run. The project is on the north side of Mosser

Road between Twin Ponds Road and Grim Road (Topton, PA Quadrangle N: 8.5 inches; W: 0.3 inch).

E39-438. City of Allentown, 641 South Tenth Street, Allentown, PA 18103 in City of Allentown, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing outfall structure and to construct and maintain an outfall structure consisting of a 24-inch diameter polyethylene pipe with a flared end section in the floodway of the Little Lehigh Creek (HQ-CWF). The project is approximately 600 feet southeast of the intersection of Martin Luther King Drive and South Tenth Street (Allentown East, PA Quadrangle N: 17.65 inches; W: 13.75 inches).

E39-439. City of Allentown—Water Resources, 112 Union Street, Allentown, PA 18102-4910 in Upper Macungie Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a channel change consisting of rock lining and minor realignment of 200 feet of roadside channel for the purpose of improving safety along Schantz Road and to repair and maintain approximately 1,000 feet of concrete channel with repairs consisting of removing and replacing concrete in a 300-foot section for the purpose of preventing contamination of Schantz spring and aquifer. The channel is a tributary to Cedar Creek (HQ-CWF) basin. The project is on the south side of Schantz Road beginning approximately 0.1 mile east of Cetronia Road (Allentown West, PA Quadrangle N: 14.5 inches; W: 7.6 inches).

E39-440. Borough of Emmaus, 28 South Fourth Street, Emmaus, PA 18049-3802 in Emmaus Borough, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a prefabricated wooden pedestrian bridge having a 40-foot span in a 1-foot underclearance across Liebert Creek (HQ-CWF). The project is in the Emmaus Borough Community Park on the north side of Shimerville Road approximately 0.2 mile east of the Pennsylvania Turnpike (Allentown West, PA Quadrangle N: 4.5 inches; W: 1.7 inches).

E48-352. Signature Homes, 610 Farm Lane, Doylestown, PA 18901 in Forks Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing outfall structure and to construct and maintain a 30-inch by 45-inch RCP stormwater outfall structure and associated energy dissipator in the floodway of Bushkill Creek (HQ-CWF). This work is associated with a proposed 26-lot plan residential development, known as Upstream Estates, on the east side of SR 2019 (Bushkill Drive), south of its intersection with Newlins Mill Road (Easton, PA-NJ Quadrangle N: 19.0 inches; W: 17.0 inches).

EA66-003NE. United States Fish and Wildlife Service, Attn: Dave Putnam, 315 South Allen Street, Suite 322, State College, PA 16801-4850 in Forkston Township, **Wyoming County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain streambank stabilization measures consisting of log vanes along approximately 250 feet of the North Branch Mehoopany Creek at the Frank Minor property. This project is being constructed under section 105.12(a)(16) for restoration activities. The project is approximately 0.25 mile west of the intersection of SR 0087 and SR 3001 (Jenningsville, PA Quadrangle N: 6.75 inches; W: 0.5 inch).

E35-377. Homestead Golf Course, R. R. 1, Box 40, Carbondale, PA 18407 in Fell Township, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain four wooden pedestrian bridges, each having a 45-foot span and a 4-foot underclearance across Fall Brook (CWF) and to construct and maintain bank stabilization consisting of dumped R-7 rock along 500 feet of Fall Brook for the purpose of repairing damages to the Homestead Golf Course occurring from September 2003 flooding. The project is on the north side of SR 0106 approximately 1.5 miles southeast of SR 0247 (Carbondale, PA Quadrangle N: 5.5 inches; W: 18.2 inches).

E54-316. Schuylkill County, 401 N. Second Street, Pottsville, PA 17901-2528 in Port Clinton Borough, **Schuylkill County**, U. S. Army Corps of Engineers, Philadelphia District.

To maintain a three-span bridge across Little Schuylkill Creek (CWF) (County Bridge 123) with work consisting of underpinning of pier 2, placing rock scour protection at the upstream ends of piers 1 and 2 and the construction of a temporary construction of a temporary construction road crossing. The project is at the Broad Street Bridge, approximately 0.1 mile west of SR 0061 (Auburn, PA Quadrangle N: 14.5 inches; W: 3.7 inches)

E54-315. Schuylkill County, 401 N. Second Street, Pottsville, PA 17901-2528 in North Union Township, **Schuylkill County**, U. S. Army Corps of Engineers, Baltimore District.

To maintain a three-span concrete T-beam bridge across Catawissa Creek (CWF) (County Bridge 100) with work consisting of removing a 35-foot wide by 160-foot long gravel bar upstream and downstream of the center span, filling a 25-foot wide by 25-foot wide scour hole downstream of the right end span and constructing a temporary construction road crossing. The project is at the Labenberg Road (T-453) Bridge approximately 200 feet west of SR 0339 (Nuremberg, PA Quadrangle N: 3.1 inches; W: 12.1 inches)

EA35-003NE. Thornhurst Country Club Estates, 143 Country Club Estates, Thornhurst, PA 18424 in Lehigh Township, **Lackawanna County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove a flood damaged bridge over Pond Creek (HQ-CWF). The project site is on an access driveway off Bear Creek Road to the Pepperoni Brothers Restaurant. The project is being constructed under waiver of permit requirements, section 105.12(a)(11) (Thornhurst, PA Quadrangle N: 15.5 inches; W: 15.5 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E05-325: David J. Baker, 871 Potter Creek Road, New Enterprise, PA 16664 and **John C. Johnston**, 1210 Poplar Avenue, Hollidaysburg, PA 16648 in Woodbury Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a stream rehabilitation project beginning just upstream of the T-607 bridge (New Enterprise, PA Quadrangle N: 13.95 inches; W: 2.85 inches) and continuing to a point (New Enterprise, PA Quadrangle N: 4.6 inches; W: 3.15 inches) approximately 1,800 feet upstream involving the placement of a total of 731 feet of riprap and topsoil at various locations on both left and right stream banks for the purpose of restoring the proper channel width, reducing local bank scour and

to establish a riparian buffer on Potter Creek (HQ-CWF, perennial) in Woodbury Township, Bedford County.

E36-784: Mount Joy Township Authority, 157 Merts Drive, Elizabethtown, PA 17022 in Mount Joy Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain an expansion to an existing sanitary sewer pump station within the floodway of a UNT to Donegal Creek (CWF) on the Elizabethtown, PA Quadrangle (Latitude: 40° 08' 18"; Longitude: 76° 33' 22") in Mount Joy Township, Lancaster County.

E01-249: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Germany and Mount Joy Townships, **Adams County**, ACOE Baltimore District.

To remove the existing single-span bridge and then to construct and maintain a two-span bridge with an overall clear span of 173.96 feet on a 70 degree skew with an underclearance of 8 feet over Alloway Creek (WWF) and related improvements on SR 2012, Section B04, Segment 0040, Offset 0000 about 3.0 miles west of Littlestown Borough (Taneytown, PA Quadrangle N: 21.1 inches; W: 3.0 inches) in Germany and Mount Joy Townships, Adams County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E41-538. Grays Run Club, 2316 Yale Avenue, Camp Hill, PA 17011. Grays Run Stabilization in McIntyre Township, **Lycoming County**, ACOE Baltimore District (Trout Run, PA Quadrangle N: 20 inches; W: 4.2 inches).

The proposed project involves a stream stabilization project of 250 linear feet of Grays Run. The project proposes to repair unstable banks, improve channel stability and reduce sediment production. The project is proposing to incorporate slope reduction of the existing embankments and install in-stream rock structures to reduce near bank stresses and redirect velocities into the center of the channel. All work is intended to only disturb areas within the active stream channel and floodplain.

E57-105. Muncy Creek Watershed Association, Inc., P. O. Box 47, Muncy, PA 17756. Upper Muncy Creek Restoration Project in Davidson and Laporte Townships, **Sullivan County**, ACOE Baltimore District (Sonestown, PA Quadrangle N: 17.1 inches; W: 10.3 inches).

The proposed project involves a stream restoration project involving 6 miles of Muncy Creek. The project proposes to repair unstable channels and bank failures, improve channel stability and reduce sediment production. The project is proposing to incorporate slope reduction of the existing embankments and install in-stream rock structures to reduce near bank stresses and redirect velocities into the center of the channel. All work is intended to only disturb areas within the active stream channel and floodplain. The upstream limit of work is approximately 120 linear feet upstream of the confluence of Peters Creek and the lower limit is approximately 1,310 linear feet upstream of the Muncy Creek Bridge in the Town of Nordmont.

E59-459. Farmington Township, R. R. 2, Box 800, Lawrenceville, PA 16929. Culvert addition in Farmington Township, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 15.3 inches; W: 3.2 inches).

To construct and maintain an 8.5-foot diameter by 30-foot long culvert adjacent to an existing 7-foot diameter by 30-foot long culvert in Thornbottom Creek (WWF)

on Pleasant Valley Road approximately 0.1 mile west of the intersection of Pleasant Valley Road with Thornbottom Road. A stone headwall with wings will be constructed at the inlet to the culverts and 10 linear feet by 25 feet wide by 10 feet high R-7 riprap and geotextile stabilization will be placed at the outlet end. The project will not impact wetlands while impacting approximately 45 feet of waterway and less than 0.02 acre of earth disturbance.

E59-460. Department of Conservation and Natural Resources, Bureau of Forestry, 262 Sizerville Road, Emporium, PA 15834. Pedestrian trail along Pine Creek in Delmar and Elk Townships, **Tioga County**, ACOE Baltimore District (Tiadaghton, PA Quadrangle N: 5 inches; W: 12.1 inches).

The permit application proposes to stabilize the banks of Pine Creek (HQ-CWF) in two locations. The first location proposes to riprap 300 linear feet of stream bank with R-7 riprap. The slopes will follow the approximate existing contours of a 1 to 1 slope. The second site proposes to install 200 linear feet of R-7 riprap along with three rock deflectors constructed in accordance with the General Permit 3 guidelines. The deflectors are proposed to be constructed out of R-7 riprap and shall have toe protection in-between each structure on the downstream side to prevent future erosion of the banks.

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

E02-1470. Animal Friends, Inc., 2643 Penn Avenue, Pittsburgh, PA 15222. Replace Glen Lane Bridge in Ohio Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 4.0 inches; W: 11.7 inches) (Latitude: 40° 31' 21" and Longitude: 80° 04' 44"). The applicant proposes to remove the existing bridge (Glen Lane Bridge) and to construct and maintain a new bridge having a span of 115.0 feet with a minimum underclearance of 8.0 feet across the channel of Lowries Run (TSF) to provide access to the proposed animal shelter/hospital. The project is on the south side of Camp Horne Road, just south from the intersection of Camp Horne Road and Glen Road and will impact approximately 55.0 linear feet of stream channel.

E65-850. Dominion Transmission, Inc., P. O. Box 66, Route 22, Delmont, PA 15626. Oakford Storage Pool Bridge in Penn and Hempfield Townships, **Westmoreland County**, Pittsburgh ACOE District (Greensburg, PA Quadrangle N: 17.9 inches; W: 10.7 inches) (Latitude: 40° 20' 53" and Longitude: 79° 34' 35"). The applicant proposes to remove the existing structure and to construct and maintain a 52.0-foot long, 12.0-foot by 5.0-foot concrete arch box culvert in Brush Creek (TSF) for the purpose of providing access to an existing gas well. The project is off of Route 766, approximately 600 feet south of its intersection with Route 66.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E10-397. Lawrence W. and Victoria L. Pacey, 103 Pointe Drive, Valencia, PA 16059-2125. Pacey Bridge Project in Middlesex Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 12.5 inches; W: 9.9 inches).

To construct and maintain a pedestrian bridge having a clear span of 32.66 feet and an instream length of 6.0 feet across Glade Run (WWF) at a point approximately 1,500 feet southeast of the intersection of SR 0228 and Park Road, south of Park Road.

E10-398. Robert W. Barr, 149 Weston Lane, Sarver, PA 16055. Barr residence driveway crossing in Buffalo Township, **Butler County**, ACOE Pittsburgh District (Curtisville, PA Quadrangle N: 18.21 inches; W: 1.89 inches).

To remove the existing temporary road crossing constructed under General Permit No. 08-10-03-611 and to construct and maintain a single span bridge having an approximate clear span of 20 feet, an instream length of 20 feet and a minimum under clearance of 5 feet at a point across Sarver Run (HQ-TSF) approximately 1,800 feet northwest of the intersection of SR 0228 and SR 0356, 200 feet south of Coal Hollow Road.

E24-237. Donald Wassel, R. D. 8, Box 298A, Greensburg, PA 15601. Trout Run Camp pedestrian footbridge in Benezette, **Elk County**, ACOE Baltimore District (Weedville, PA Quadrangle N: 13.1 inches; W: 2.2 inches).

To maintain the existing cable supported pedestrian bridge having a 91-foot span length, a 40-inch instream width and an approximate 10-foot minimum clearance over Trout Run (TSF) at a point approximately 4,000 feet northwest of the intersection of SR 0555 and Front Street.

E33-222. Department of Transportation, District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. SR 28, Section 513 roadway widening project in Pinecreek and Warsaw Townships, **Jefferson County**, ACOE Pittsburgh District.

To conduct the following activities associated with the realignment and widening of SR 28, Section 513 extending north of I-80:

1. Remove the existing culvert and to install and maintain a 116-foot long, 48-inch diameter reinforced concrete pipe stream enclosure and fill 0.091 acre of adjoining wetland (Brookville, PA Quadrangle N: 11.5 inches; W: 2.4 inches).

2. Fill 0.091 acre of wetlands associated with widening of the roadway approximately 800 feet east of T-434 (Milliron Road) (Brookville, PA Quadrangle N: 11.2 inches; W: 3.3 inches).

Project proposes contribution to the Wetland Replacement Fund for the total of 0.182 acre of wetland impact.

E42-309. Elk County Fishermen, 6231 Shawmut Road, Ridgway, PA 15853. Twomile Run AMD wetland treatment system in Sergeant Township, **McKean County**, ACOE Pittsburgh District (Hazel Hurst, PA Quadrangle N: 7.1 inches; W: 3.1 inches).

To construct and maintain an acid mine drainage treatment system along Twomile Run within the Upper Clarion River Watershed (HQ-CWF) consisting of: anaerobic vertical flow wetland cells, a flushing pond, limestone channel intakes and outfalls, a check dam and other appurtenant structures along with an access roadway having two minor road crossings all at a point approximately 13,750 feet southwest of the intersection of SR 0146 and the Wilcox/Clermont Road. This project will have a de minimis impact to 0.047 acre of PEM wetlands.

E43-313. Glenn R. Moore, 167 Tieline Road, Grove City, PA 16127. Tieline Road driveway culvert in Pine Township, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 5.5 inches; W: 4.6 inches).

The applicant proposes to construct and maintain an approximately 14-foot long, 18-foot wide by 5.5-foot high pipe arch culvert in Swamp Run (CWF, perennial) in

support of a private access driveway and a single family residence on Tieline Road approximately 1.7 miles northwest of the intersection of SR 8 and SR 58. The project proposes to directly affect a total of approximately 30 linear feet of stream channel.

E61-269, William T. Hufnagel, 32 Agnes Street, Coraopolis, PA 15108. Hufnagel Cottage along Porcupine Run in President Township, **Venango County**, ACOE Pittsburgh District (President, PA Quadrangle N: 11.0 inches; W: 6.6 inches).

The applicant proposes to replace and maintain a recently existing seasonal residence having a length of approximately 48 feet and a width of approximately 30 feet partially within the floodway of the left bank of Porcupine Creek (EV, perennial) (President, PA Quadrangle N: 11.0 inches; W: 6.6 inches) in President Township, Venango County approximately 1.0 mile southeast of the intersection of U. S. Route 62 and SR 2023. This application is the result of a compliance action. This project proposes to directly affect a surface area of approximately 1,200 square feet within the floodway.

E61-267, William Wetzel, P. O. Box 53, Ridgway, PA 15853-0053. Porcupine Creek water obstructions in President Township, **Venango County**, ACOE Pittsburgh District (President, PA Quadrangle N: 10.2 inches; W: 6.4 inches).

The applicant proposes to replace an existing retaining wall having a length of approximately 70 feet and to replace and maintain a bridge abutment on the left bank of Porcupine Creek (EV, perennial) and to maintain a deck, fill and house within the floodway and to maintain an existing pedestrian bridge having a clear span of 52 feet approximately 1.2 miles southeast of the intersection of U. S. Route 62 and SR 2023. This application is the result of a compliance action and is at a seasonal residence. This project proposes to directly affect 70 linear feet of stream.

E62-399, North Penn Pipe and Supply, 2351 Dorcon Road, Warren, PA 16365. Stream enclosure replacement in Mead Township, **Warren County**, ACOE Pittsburgh District (Warren, PA Quadrangle N: 13.9 inches; W: 0.5 inch).

The applicant proposes to remove the existing structure and to construct and maintain a 200-foot long, 8-foot diameter CMP stream enclosure in Ott Run (CWF, perennial) at the North Penn Pipe and Supply pipe yard approximately 0.7 mile northwest of the intersection of U. S. Route 6 and SR 59. The current structure is deteriorated and the fill above the structure is sinking in several places in the pipe yard resulting in a potentially unsafe condition and loss of usable yard space for the business. The Department issued Emergency Permit No. EP6204601 on June 10, 2004, to construct the stream enclosure and the applicant is continuing with the permitting process. The project proposes to directly affect a total of approximately 220 linear feet of stream channel.

E43-314, Mercer County Board of Commissioners, 503 Mercer County Courthouse, Mercer, PA 16137. T-607 bridge over an unnamed tributary to Fox Run in Jackson Township, **Mercer County**, ACOE Pittsburgh District (Jackson Center, PA Quadrangle N: 8.7 inches; W: 3.6 inches).

The applicant proposes to remove the existing structure and to construct and maintain a plank beam bridge (County Bridge No. 2106) having a clear span of 24.5 feet and a minimum underclearance of 5 feet on a 90 degree skew across an unnamed tributary to Fox Run (TSF,

perennial) on T-607 (Fox Mine Road) approximately 2.3 miles northeast of the intersection of U. S. Interstate 79 and U. S. Route 62. The project includes construction of wingwalls, riprap protection and roadway approach work and a de minimis wetland impact consisting of 0.005 acre of PSS wetland and 0.034 acre of PEM wetland. The project proposes to directly affect a total of approximately 50 linear feet of stream channel and 0.039 acre of wetland (de minimis): 0.005 acre of PSS and 0.034 acre of PEM wetland.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D44-011EA, Reedsville Milling Company, Inc., P. O. Box 477, Reedsville, PA 17084. Brown Township, **Mifflin County**, ACOE Baltimore District.

Project proposes to breach and remove an unnamed dam across Tea Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is approximately 500 feet east of the intersection of Toll Gate Road (SR 1005) and SR 655 (Burnham, PA Quadrangle N: 7.7 inches; W: 14.0 inches).

EA26-002, James V. Weimer, 399 Boxwood Road, Smithfield, PA 15478. Nicholson Township, **Fayette County**, ACOE Pittsburgh District.

Project proposes to construct, operate and maintain a nonjurisdictional dam across an unnamed tributary to York Run (WWF) in Nicholson Township, Fayette County. The proposed dam will inundate 187.5 feet of stream channel and will have no direct or indirect impacts to wetlands. The proposed dam will be approximately 2,200 feet northwest of the intersection of New Geneva Rd. (SR 3006) and Boxwood Rd. (T 464) (Smithfield, PA Quadrangle N: 10.6 inches; W: 13.8 inches).

WATER QUALITY CERTIFICATIONS REQUESTS

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Certification Request initiated by Federal Highway Administration (FHWA) in cooperation with National Park Service (NPS), Eastern Federal Lands, Highway Division, 21400 Ridgetop Circle, Sterling, VA 20166-6511. Project PRA-DEWA 14(5)—replacement of Toms Creek Bridge, on U. S. Route 209 at Milepost 4.9 and road construction from Milepost 16.1 to 17.7 on U. S. Route 209 in Pike County, ACOE Philadelphia District (Flatbrookville, PA Quadrangle N: 22.65 inches; W: 10.75 inches) (bridge).

Project Description: In cooperation with the NPS, the Eastern Federal Lands Highway Division of the FHWA is currently preparing plans for Project PRA-DEWA 14(5). This project consists of milling and overlay of the existing U. S. Route 209 from Milepoint 16.1 to Milepoint 17.7. There will also be drainage repair, minor shoulder widening and work at Conashaugh Creek, including repairs to culvert joints, headwalls and wing walls. This project also includes a bridge replacement at approximately Milepoint 4.9 over Toms Creek; this will include milling and overlay of both approaches. The total project area is 17 acres and the total disturbed area is an estimated 8 acres.

The improvements to the roadway are as follows: mill existing asphalt pavement; rubblize existing Portland cement concrete pavement and widen with aggregate base where needed; and overlay with Superpave hot asphalt concrete pavement, 7.2-meter wide plus 1.5-meter wide

shoulders. The replacement of the bridge over Toms Creek, regarding the land and the construction of the new, longer single-span bridge.

Project Location: Project PRA-DEWA 14(5) is in Pike County, within the limits of Dingman, Lehman and Delaware Townships, as well as the Delaware Water Gap National Recreation Area. All work will be conducted on U. S. Route 209. The replacement of Toms Creek Bridge, spanning Toms Creek, will occur at Milepost 4.9 and road reconstruction will occur between Milepost 16.1 and Milepost 17.7.

Categorical Exclusion Summary: In accordance with NPS procedures, it has been determined that the environmental action associated with the proposed bridge replacement and road reconstruction is a Categorical Exclusion.

Compliance with section 7 of the Endangered Species Act and section 106 of the Historical Preservation Act has been completed. A letter of concurrence received on August 27, 2002, from the Fish and Wildlife Service, determined that there was no adverse effect on threatened and endangered species and their habitats. An NPS Assessment of Effect on cultural resources form was completed on September 5, 2002, for Section 106 compliance with a determination of no effect on cultural resources with a condition of archeological monitoring during construction. To address concerns regarding water quality, the construction plans include specifications for implementing, maintaining and inspecting sediment control measures during construction and the stabilization of disturbed areas.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an 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 should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060470 Sewage	Geisinger Foundation/Marworth Lily Lake Road Waverly, PA 18471	Lackawanna County North Abington Township	UNT to Ackerly Creek 4F	Y
PA0061051 Sewage	Farda Associates, Inc. c/o The Summit Resort P. O. Box 130 Tannersville, PA 18372	Monroe County Pocono Township	UNT to Pocono Creek 1E	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0024082 Sewage	Municipal Authority of Westmoreland County P. O. Box 730 Greensburg, PA 15601	Westmoreland County Avonmore Borough	Kiskiminetas River	Y
PA0032085 Sewage	Department of Conservation and Natural Resources Prince Gallitzin State Park 966 Marina Road Patton, PA 16668	Cambria County White Township	Beaverdam Run	Y
PA0092932 Sewage	Berardo Maragni 1056 Mount Pleasant Road Greensburg, PA 15601	Westmoreland County Hempfield Township	Unnamed tributary of Brush Creek	Y
PA0110922 Sewage	Camp Allegheny, Inc. 100 Camp Allegheny Drive Stoystown, PA 15563	Somerset County Stonycreek Township	Unnamed tributary to Calendars Run	Y
PA0205281 Sewage	New Sewickley Township Municipal Authority 233 Miller Road Rochester, PA 15074-2759	Beaver County New Sewickley Township	Unnamed tributary of North Fork Big Sewickley Creek	Y
PA0205729 Sewage	Estate of Lois A. Grose 4141 Henderson Road Hickory, PA 15340	Washington County Blaine Township	Wolf Run	Y
PA0218201 Sewage	RoxCoal, Inc. 1576 Stoystown Road P. O. Box 149 Friedens, PA 15541	Somerset County Shade Township	Coal Run	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0102911	Penn Lakes Girl Scout Council Camp Lend-A-Hand 5681 Route 6N Edinboro, PA 16412	Sadsbury Township Crawford County	Unnamed tributary to Conneaut Outlet 16-D	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PA322202, Sewage, **Blue Ridge Peat Farm, Inc.**, R. R. 1, Box 292A, White Haven, PA 18661. This proposed facility is in Barrett Township, **Monroe County**.

Description of Proposed Activity: Issuance of NPDES permit.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l) Maximum Daily</i>
		<i>Maximum Daily</i>	<i>Average Monthly</i>	
CBOD				Monitor and Report
COD				Monitor and Report
Oil and Grease				Monitor and Report

Parameter	Average Monthly	Mass (lb/day) Maximum Daily	Average Monthly	Concentration (mg/l) Maximum Daily
pH				Monitor and Report
Total Suspended Solids				Monitor and Report
Total Phosphorus				Monitor and Report
Total Kjeldahl Nitrogen				Monitor and Report
Iron (Dissolved)				Monitor and Report

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

NPDES Permit No. PA0252638, Sewage, P. O. Box 813, Star Junction, PA 15401. This proposed facility is in Perry Township, **Fayette County**.

Description of Proposed Action/Activity: Discharge of treated wastewater from the proposed Perry Township Municipal Authority sewage treatment plant.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0239496, Sewage, **Forest Area School District, West Forest Elementary Secondary School**, 210 Vine Street, Tionesta, PA 16353-9707. This proposed facility is in Hickory Township, **Forest County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Allegheny River in Watershed 16-F.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

WQM Permit No. 3904401, Sewerage, **Parkland School District**, 2219 North Cedar Crest Boulevard, Allentown, PA 18104. This proposed facility is in South Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

WQM Permit No. 4504404, Sewerage, **Department of General Services**, 18th and Herr Streets, Harrisburg, PA 17125. This proposed facility is in Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

WQM Permit No. 6404402, Sewerage, **B'nai B'rith**, 2020 K Street, NW, Washington, D. C. 20006. This proposed facility is in Buckingham Township, **Wayne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

WQM Permit No. 0201405-A1, Sewerage, **Urban Redevelopment Authority**, 200 Ross Street, Pittsburgh, PA 15219-2069. This proposed facility is in City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Sewer extension to serve South Water Street.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 2504412, Sewerage, **John W. Britton**, 9620 Donation Road, Waterford, PA 16441. This proposed facility is in Summit Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 2704402, Sewerage, **Forest Area School District, West Forest Elementary Secondary School**, 210 Vine Street, Tionesta, PA 16353-9707. This proposed facility is in Hickory Township, **Forest County**.

Description of Proposed Action/Activity: This project is for the enlargement of an existing sewage treatment facility to accommodate the proposed additional students at the West Forest Elementary Secondary School.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI011504091	West Whiteland Township Boot Road Park 222 North Pottstown Pike Exton, PA 19341	Chester	West Whiteland Township	Valley Creek EV-MF Broad Run HQ-CWF-MF

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903046	CM Development Corp. 5865 Hanoverville Rd. Bethlehem, PA 18017	Lehigh	City of Allentown	Trout Creek HQ-CWF
PAS10S013R	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe	Stroud Township Stroudsburg Borough	Brodhead and Cherry Creeks HQ-CWF
PAI024804006	Jaindl Land Co. 3150 Coffeetown Rd. Orefield, PA 18069	Northampton	Hanover and Lower Nazareth Townships	Monocacy Creek HQ-CWF
PAI024804010	Modern Concrete, Inc. 2863 Brodhead Rd. Bethlehem, PA 18020	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI024804009	City of Bethlehem 10 E. Church St. Bethlehem, PA 18018	Northampton and Lehigh	City of Bethlehem	Monocacy Creek HQ-CWF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030104001	Department of Defense 100 Boundary Channel Drive Arlington, VA 22202	Adams	Carroll Valley Borough Hamiltonban and Liberty Townships	Tom's Creek HQ-CWF

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041803006	Kuber Hospitality LLC 31 Comfort Inn Lane Mill Hall, PA 17751	Clinton	Porter Township	Fishing Creek HQ-CWF

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

Beaver County Conservation District: 1000 Third Street, Suite 202, Beaver, PA 15009-2026, (724) 774-7090.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050404001	South Side Area School District 4949 SR 151 Hookstown, PA 15050	Beaver	Greene Township	Little Traverse Creek WWF Tributary to Service Creek HQ-CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
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 Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage

PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Whitehall Township Lehigh County	PAG2003904010	Michael D. Hobel 5100 Stone Terrace Dr. Whitehall, PA 18052	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Weisenberg Township Lehigh County	PAG2003904013	Brian Goldstein 34 Brookside Dr. Feasterville, PA 19053	Mill Creek CWF, MF	Lehigh County Conservation District (610) 391-9583
Smithfield Township Monroe County	PAG2004503005	Union Motor Lodge P. O. Box 188 Delaware Water Gap, PA 18327	Cherry Creek CWF	Monroe County Conservation District (570) 629-3060
North Manheim Township Schuylkill County	PAG2005404013	Aurther L. Raudenbush 1038 W. Market St. Schuylkill Haven, PA 17972	Mahanoy Creek CWF	Schuylkill County Conservation District (570) 622-3742
Washington Township Schuylkill County	PAG2005404006	Bret Habecker 625 Seidels Run Leesport, PA 19533	UNT to Lower Little Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
Wayne Township Schuylkill County	PAG2005404010	Sefton Polak 113 E. Main St. Schuylkill Haven, PA 17972	Lower Little Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
Little Meadows Borough Susquehanna County	PAG2005804002	Little Meadows Borough Charlie Fahringer P. O. Box 434 Little Meadows, PA 18836	Apalachin Creek CWF	Susquehanna County Conservation District (570) 278-4600
Cameron County Shippen Township	PAG2041204001	Department of Conservation and Natural Resources 262 Sizerville Road Emporium, PA 15834	Driftwood Branch Sinnemahoning Creek TS	Northcentral Regional Office 208 W. 3rd St. Williamsport, PA 17701 (570) 327-3574
Lycoming County Muncy Township	PAG2004104007	A & B Bldg. Assoc. Inc. William C. Brown 800 West Fourth St. Williamsport, PA 17701	Dry Run/Carpenters Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Beaver County Vanport Township	PAG2000404010	Associated Medical Specialists c/o David Crozier 114 Woodlawn Drive Beaver, PA 15009	Unnamed tributary to the Ohio River WWF	Beaver County Conservation District (724) 774-7090
Cambria County Adams Township	PAG2001104003	Diocese of Altoona/Johnstown 126 Logan Boulevard Hollidaysburg, PA 16648	Otto Run CWF	Cambria County Conservation District (814) 472-2120
Fayette County North Union Township	PAG2002604021	Fairchance Construction Co. P. O. Box 535 Fairchance, PA 15436	Unnamed tributary to Cove Run WWF	Fayette County Conservation District (724) 438-4497
Somerset County Somerset Township	PAG2005604006	Tableland Services, Inc. 535 East Main Street Somerset, PA 15501	Unnamed tributary to East Branch of Coxes Creek TSF	Somerset County Conservation District (814) 445-4652

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Washington County Centerville Borough	PAG2006303024	Alvin Stein 1290 Maple Street Crescent, PA 15046	Monongahela River WWF	Washington County Conservation District (724) 228-6774
Washington County Bentleyville Borough	PAG2006304015	Mental Health Association of Washington County 15 South College St. Washington, PA 15301	Pigeon Creek WWF	Washington County Conservation District (724) 228-6774

General Permit Type—PAG-3

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Allentown City Lehigh County	PAR202213	Olson Technologies, Inc. 132 Linden Street Allentown, PA 18102	Lehigh River WWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Gallitzin Township Cambria County	PAG046130	Tony and Sally Wojtarowicz 15125 Kingsway Drive New Berlin, WI 53151	UNT to Glenwhite Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Summit Township Erie County	PAG048973	John W. Britton 9620 Donation Road Waterford, PA 16441	Unnamed tributary to Walnut Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jackson Township Butler County	PAG048574	Albert G. Albanowski III 7963 Franklin Road Evans City, PA 16033	Unnamed tributary to Breakneck Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Lackawannock Township Mercer County	PAG048602	Wade Plymire 2113 Mercer-West Middlesex Road Mercer, PA 16137	Unnamed tributary West Branch Little Neshannock Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-7

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Antrim Township Franklin County	PAG070003 PAG070005	Synagro Mid-Atlantic, Inc. 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	Weller Farm	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Ayr Township Fulton County	PAG070003 PAG070005	Synagro Mid-Atlantic, Inc. 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	R & R Farms	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Antrim Township Franklin County	PAG080002 PAG080003 PAG080006 PAG080008 PAG082201 PAG082203 PAG083501 PAG083502 PAG083506 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083825 PAG089903 PAG089904 PAG089905	Synagro Mid-Atlantic, Inc. 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	Weller Farm	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Ayr Township Fulton County	PAG080002 PAG080003 PAG080006 PAG080008 PAG082201 PAG082203 PAG083501 PAG083502 PAG083506 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083825 PAG089903 PAG089904 PAG089905	Synagro Mid-Atlantic, Inc. 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	R & R Farms	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-470

General Permit Type—PAG-13

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132271	Dalton Borough P. O. Box 95 Dalton, PA 18414	Lackawanna	Dalton Borough	Ackerly Creek CWF	Y

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an 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 should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 6704509 MA, Minor Amendment, Public Water Supply.

Applicant	Dallastown YOE Municipal Authority
Municipality	Dallastown
County	York
Type of Facility	Project involves renovations and repairs to the 200,000-gallon Lion's Park Storage Tank.
Consulting Engineer	Kirt L. Ervin U S Engineering LLC 4 Sunrise Court Highland, IL 62249
Permit to Construct Issued	June 30, 2004

Permit No. 6704510 MA, Minor Amendment, Public Water Supply.

Applicant	Dallastown YOE Municipal Authority
Municipality	Dallastown

County	York
Type of Facility	Project involves renovations and repairs to the 250,000-gallon Park Street Standpipe.
Consulting Engineer	Kirt L. Ervin U S Engineering LLC 4 Sunrise Court Highland, IL 62249
Permit to Construct Issued	June 30, 2004
<i>Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.</i>	
Permit No. 1700502, Public Water Supply.	
Applicant	Department of Corrections
Township or Borough	Karthaus Township
County	Clearfield
Responsible Official	Robert A. Calik, Chief Engineer Department of Corrections P. O. Box 598 Camp Hill, PA 17001-0598
Type of Facility	PWS—Operation.
Consulting Engineer	David J. Brenneman, P. E. Department of Conservation and Natural Resources Bureau of Facility & Design 400 Market Street Harrisburg, PA 17101-8451
Application Issued	June 23, 2004
Description of Action	Authorizing operation of two raw water storage tanks, a finished water storage tank, a finished water booster pumping system, a section of water line to provide additional chlorine contact time and a small amount of raw and finished water transmission line.
Permit No. Minor Amendment, Public Water Supply.	
Applicant	Department of Corrections
Township or Borough	Karthaus Township
County	Clearfield
Responsible Official	Robert A. Calik, Chief Engineer Department of Corrections P. O. Box 598 Camp Hill, PA 17001-0598
Type of Facility	PWS—Operation.
Consulting Engineer	David J. Brenneman, P. E. Department of Conservation and Natural Resources Bureau of Facility & Design 400 Market Street Harrisburg, PA 17101-8451
Application Issued	June 23, 2004
Description of Action	Authorizing operation of two raw water storage tanks, a finished water storage tank, a finished water booster pumping system, a section of water line to provide additional chlorine contact time and a small amount of raw and finished water transmission line.

Permit No. Minor Amendment, Public Water Supply.
 Applicant **Perry Township Municipal Authority**
 Township or Borough Perry Township
 County **Snyder**
 Responsible Official Roger Womer, Chairperson
 Perry Township Municipal Authority
 R. R. 2 Box 37
 Mount Pleasant Mills, PA 17853
 Type of Facility PWS—Construction.
 Application Issued June 25, 2004
 Description of Action Construction of an interconnection with the Church Hill Estates water system, a finished water storage tank and modifications to the disinfection facilities.

Permit No. Minor Amendment, Public Water Supply.
 Applicant **Mansfield University**
 Township or Borough Mansfield Borough
 County **Tioga**
 Responsible Official Benjamin W. Jones
 Director of Facilities
 Management and Operations
 Mansfield University
 Brooks Maintenance Building
 Mansfield, PA 16933
 Type of Facility PWS—Construction.
 Application Issued June 25, 2004
 Description of Action Substitution of liquid form corrosion control products for the dry products.

Permit No. 0895501-T2, Public Water Supply.
 Applicant **Hagadorn's Hillside Acres MHP**
 Township or Borough Ridgebury Township
 County **Bradford**
 Responsible Official William Hagadorn
 P. O. Box 366
 Towanda, PA 18848
 Type of Facility PWS—Transfer of Permit.
 Application Issued May 28, 2004
 Description of Action Transfer of Hanson Park Inc. to Hagadorn's Hillside Acres Mobile Home Park. Including special conditions for operation.

Permit No. 4988504-T2, Public Water Supply.
 Applicant **Community Banks**
 Township or Borough Delaware Township
 County **Northumberland**
 Responsible Official Raymond Granger, Vice President, Special Assets
 Community Banks
 6700 Derry Street
 Harrisburg, PA 17111
 Type of Facility PWS—Transfer of Permit.

Application Issued Date May 18, 2004
 Description of Action Authorization of operation of the public water system of Spring Lake Village Mobile Home Park. Including special conditions.

Permit No. 4902502-T1, Public Water Supply.
 Applicant **Community Banks**
 Township or Borough Delaware Township
 County **Northumberland**
 Responsible Official Raymond Granger, Vice President, Special Assets
 Community Banks
 6700 Derry Street
 Harrisburg, PA 17111
 Type of Facility PWS—Transfer of Permit.
 Application Issued Date May 18, 2004
 Description of Action Authorization of operation of the public water system of Spring Lake Village Mobile Home Park. Including special conditions.

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

Operations Permit issued to Municipal Authority of the Borough of Oakmont, P. O. Box 73, 721 Allegheny Avenue, Oakmont, PA 15139-1901, PWS ID 5020036, Oakmont Borough, **Allegheny County** on June 24, 2004, for the operation of facilities approved under Construction Permit No. 0203501.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

WA 28-161B, Water Allocations, **Borough of Chambersburg, Franklin County**. The right to withdraw up to a maximum of 6.0 mgd from the Conococheague Creek at an existing intake approximately 1.8 miles downstream of the confluence of Birch Run and the Conococheague Creek. Consulting Engineer: Gene C. Koontz, P. E., Gannett Fleming, Inc. Permit issued June 25, 2004.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

Borough or Township	Borough or Township Address	County
South Londonderry Township	20 W. Market St. Campbelltown, PA 17010	Lebanon

Plan Description: The approved plan provides for the expansion of the Campbelltown East WWTP to a capacity of 0.513 MGD. The plan also provides for the construction of a force main and pump station to transfer sewage flow from the Campbelltown West sewer service area to the Campbelltown East sewer service area. In addition, the Plan provides for the construction of a gravity sewer line to serve the Stone Knoll area. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location: The proposed conveyance system improvement projects are in Garden Heights, 27th and West Chestnut Avenue and Pleasant Valley.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Altoona City	1301 12th Street Altoona, PA 16601	Blair

Plan Description: The approved plan provides for the replacement of approximately 16,000 linear feet of gravity sewer to serve existing customers in three separate areas of the collection system within the city. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Jackson Township	P. O. Box 48 Millerton, PA 16936	Tioga

Plan Description: The approved plan changes the previously approved plan by changing the collection alternatives and adding service areas to Alder Run, Jackson Center, Walnut Grove and Switchback Roads. In addition, the approved treatment plant will be increased 10,000 gpd to accommodate these new flows. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Deer Township	Box 2 Russellton, PA 15076	Allegheny

Plan Description: The approved plan provides for a proposed sewage treatment plant to service a single family home along McIntyre Road and the discharge point can be at Latitude: 40° 38' 18.65" and Longitude: 79° 54' 34.3" on the Valencia topographic map. The treated effluent will be discharged to Deer Creek (CWF). The Department's review of the Sewage Facilities Plan update revision has not identified any significant environmental impacts resulting from this proposal.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Interim Response

Mazzaro-McKees Rocks Landfill, Kennedy Township, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing a response action for the Mazzaro-McKees Rocks Landfill (Site) along McKees Rocks Road in Kennedy Township, Allegheny County. The Site consists of an abandoned landfill used for the disposal of industrial and municipal waste from the 1940s to 1972.

An unknown quantity of industrial waste was dumped or buried at the Site. Several exposed drums containing various wastes are present at the Site. Adjacent to the exposed drums are several mounded areas that are suspected to contain numerous additional drums. Hazardous substances have been detected at the Site in past sampling events. Contaminants may be leaving the Site through ground and surface water. The Site currently poses a substantial threat to public health, safety and the environment.

The Department has considered several alternatives for a response at the site including: (1) no action; (2) restricting the Site; and (3) conducting an investigation.

The Department has determined that conducting a further investigation at the Site is the appropriate alternative. The Department chose this alternative because it complies with section 501(a) of the HSCA (35 P. S. § 6020.501(a)) and is the only alternative that is protective of human health and the environment. An investigation would provide the Department with the information required to determine if additional remediation efforts are necessary at the Site to protect human health and the environment. The Department's proposed action is intended to fully characterize the Site and enable the Department to determine the most appropriate method to remediate the Site.

This notice is being provided under section 506(b) of the HSCA (35 P. S. § 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment Monday through Friday from 8 a.m. to 4 p.m. at the Department's Southwest Regional Office in Pittsburgh.

The administrative record will be open for comment from July 17, 2004, until October 17, 2004. Persons may submit written comments into the record during this time only by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing on August 26, 2004, at 6:30 p.m. at the Kennedy Township Municipal Building, 340 Forest Grove Rd., Coraopolis, PA 15108. Persons wishing to present comments may register before August 26, 2004, with Helen Humphreys Short, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4000.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call

Helen Humphreys Short at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and 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 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 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 analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse 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. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Hinterlieter Residence, Kenneth Township, **Chester County**. Jason Plucinski, React Environmental Service, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Rich Hinterleiter, 820 Burrows Run Rd., Chadds Ford, PA 19317 has submitted a Final Report concerning remediation of site soil contaminated with fuel oil no. 2. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

Keystone Floor Products, Bensalem Township, **Bucks County**. Erik Stephens, Manko, Gold, Katcher &

Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, Philadelphia, PA 19004 on behalf of Keystone Floor Products, 2969 Samuel Dr., Bensalem, PA 19020 has submitted a Remedial Investigation, Remedial Assessment and Cleanup Reports concerning remediation of site soil and groundwater contaminated with lead, heavy metals, PAH and pesticides. The report is intended to document remediation of the site to meet the Site Specific Standard.

Rosemont Estates, Upper Providence Township, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Penn International Land Co., Inc., 900 E. 8th Ave., Suite 300, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Site Specific Standard.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

West Shore Office Center, East Pennsboro Township, **Cumberland County**. Marshall Miller and Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Senate Avenue Associates, 4601 Presidents Drive, Suite 140, Lanham, MD 20706, submitted a Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to the Statewide Health Standard.

Federal Mogul Corporation, City of Lancaster, **Lancaster County**. Environmental Strategies Consulting LLC, 300 Corporate Center Drive, Suite 200, Moon Township, PA 15108, on behalf of Federal Mogul Corporation, 26555 Northwestern Highway, Southfield, MI 48034, submitted a revised combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site the Site-Specific Standard.

Former BOC Gases, East Petersburg Borough, **Lancaster County**. ENSR International, Suite 100, 2005 Cabot Boulevard West, Langhorne, PA 19047, on behalf of Auto-Metrics of Lancaster, 1800 West State Street, East Petersburg, PA 17520, submitted a final report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standards.

Former Phillips Office Equipment, Hampden Township, **Cumberland County**. Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Ephrata, PA 17522, on behalf of The Phillips Group, 501 Fulling Mill Road, Middletown, PA 17057, submitted a Final Report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standards.

Warren Keller Property, Heidelberg Township, **Lebanon County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of Warren Keller, 17 St. Joseph Drive, Lebanon, IL 62254, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The report was submitted within 90 days of a release and is intended to document remediation of the site to the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration 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 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 act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of 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. 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 refuse 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. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Former Corell Steel Site, Bristol Township, **Bucks County**. Michael Dvorak, STD Associates, L. P., 1027 Conshohocken Road, Conshohocken, PA 19428, has sub-

mitted a Final Report concerning the remediation of site soil contaminated with drums of waste material. The Final Report demonstrated attainment of the Special Industrial Area requirements and was approved by the Department on June 29, 2004.

Thelma McGrail Trust, Parkesburg Borough, **Chester County**. William F. Beers, Tetrahedron Consultants, Inc., P. O. Box 152, Oxford, PA 19363, on behalf of Thelma H. McGrail Trust, Daniel A. Winters, Trustee, 205 Chadds Ford Professional Center, Chadds Ford, PA 19317 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics and PCB. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 25, 2004.

Former Exxon Station No. 2-7497, Horsham Township, **Montgomery County**. Jennifer L. O'Reilly, P. G., Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan/Final Report concerning the remediation of site soil and groundwater contaminated with BTEX. The combined Remedial Investigation/Risk Assessment/Cleanup Plan/Final Report demonstrated attainment of the Statewide Health Standard and Special Industrial Area requirements and was approved by the Department on June 21, 2004.

United Transportation Corp., Morton Borough, **Delaware County**. Kurt J. Spiess, Environmental Management Group, Inc., 5066R West Chester Pike, P. O. Box 129, Edgemont, PA 19028 on behalf of United Transportation Corp., 501 Highland Ave., Morton, PA 19070, has submitted a Final Report concerning the remediation of site groundwater contaminated with vinyl chloride and MTBE. The Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on June 25, 2004.

J. W. Maxwell & Son, Inc., Downingtown Borough, **Chester County**. James Arthur, Environmental Standards, Inc., 1140 Valley Forge Rd., P. O. Box 810, Valley Forge, PA 19482-0810 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil and unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 7, 2004.

Valley Forge General Hospital, Operable Unit 1, Schuylkill Township, **Chester County**. Scott McClelland, URS Corp., 7101 Wisconsin Ave., Suite 700, Bethesda, MD 20814 on behalf of Kristine Carson, General Services Administration, Property Disposal Div., (4PR) 401 W. Peachtree St., Suite 2528, Atlanta, GA has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, inorganics and other organics. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on June 29, 2004.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Fogel Commercial Refrigeration Co., Topton Borough and Longswamp Township, **Berks County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of East Penn Manufacturing Co., Deka Road, Lyon Station, PA 19536, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics and PAHs. The site is

being remediated as a Special Industrial Area. The report was approved by the Department on May 24, 2004.

Kutztown University Maintenance Facility, Maxatawny Township, **Berks County**. Spotts, Stevens and McCoy, Inc., 1047 North Park Road, Reading, PA 19610-0307, on behalf of Kutztown University, Old Main 7, Kutztown, PA 19530, submitted a combined Remediation Investigation and Final Report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil. The combined report demonstrated attainment of a combination of the Statewide Health and Site-Specific Standards and was approved by the Department on June 23, 2004.

New Franklin Elementary School, Guilford Township, **Franklin County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112-3377, on behalf of Chambersburg Area School District, 482 South Main Street, Chambersburg, PA 17201, submitted a Final Report concerning remediation of site soils and groundwater contaminated with fuel oil no. 2. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 30, 2004.

Homewood Retirement Center of the United Church of Christ, Inc., Martinsburg Borough and North Woodbury Township, **Blair County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Homewood Retirement Center of The UCC, Inc., 430 South Market Street, Martinsburg, PA 16662, submitted a Final Report concerning remediation of site groundwater contaminated with lead and BTEX. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 1, 2004.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permits issued, revised or withdrawn 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.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. PAD002330165. East Penn Manufacturing, Inc., Deka Road, Lyon Station, PA 19536, Richmond Township, **Berks County**. On February 15, 2002, the Department received an application for a hazardous waste permit from East Penn for the storage of spent lead-acid batteries. The Department has completed its review of the permit application and has issued a draft permit. As required by 25 Pa. Code § 270a.80(d)(2), the Department is providing this public notice.

Persons wishing to comment on the draft permit are invited to submit a statement to the Southcentral Regional Office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer, a concise statement to inform the regional office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this

action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 101439. Brunner Landfill, Joseph J. Brunner, Inc., 278 Brunner Road, Zelenople, PA 16063. Operation of a municipal waste landfill in New Sewickley Township, **Beaver County**. Permit renewal issued in the regional office on June 30, 2004.

Permit ID No. 101619. Brunner Recycling Facility, Joseph J. Brunner Inc., 278 Brunner Road, Zelenople, PA 16063. Operation of a municipal waste processing facility in Harmony Township, **Beaver County**. Permit renewal issued in the regional office on June 30, 2004.

AIR QUALITY

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 Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

46-302-226GP: Montgomery County Geriatric and Rehabilitation Center (1600 Black Rock Road, Upper Providence, PA 19468) on June 28, 2004, to operate two natural gas fired boilers in Upper Providence Township, **Montgomery County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

45-310-029GP3: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on June 30, 2004, to construct and operate a portable stone crushing plant and associated air cleaning device at their Chestnut Ridge Sand Plant in Ross Township, **Monroe County**.

45-310-030GP3: Digg-It Corp. (946 Springbrook Avenue, Moosic, PA 18507) on June 30, 2004, to construct and operate a portable stone crushing plant and associated air cleaning device at their Sullivan Trail Junior High School, Tobyhanna Township, **Monroe County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

GP3-21-03063: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) on June 28, 2004, for portable nonmetallic mineral processing plants under GP3 in Penn Township, **Cumberland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.

25-985: Chase Manufacturing Co. (9 Pennsylvania Avenue, Corry, PA 16407) on June 30, 2004, to renew a burn off oven permit in Corry, **Erie County**.

10-021: Indspec Chemical Corp. (133 Main Street, Petrolia, PA 16050) on June 30, 2004, to install a storage tank in Petrolia, **Butler County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

23-0065: General Chemical, LLC (6100 Philadelphia Pike, Marcus Hook, PA 19061) on July 2, 2004, to operate a 55,000 PPH, 200 psig steam boiler in Marcus Hook Borough, **Delaware County**.

46-0024D: McNeil Consumer and Specialty Pharmaceuticals (7050 Camp Hill Road, Fort Washington, PA 19034) on July 2, 2004, to operate a 25 mmBtu/hr boiler in Whitmarsh Township, **Montgomery County**.

09-0156A: Jolly Gardener Products, Inc. (500 East Pumping Station, Quakertown, PA 1895) on July 2, 2004, to operate three diesel fired engines in Richland Township, **Bucks County**.

23-0025A: Fibre Metal Prod Co. (US Route 1, Brinton Lake Rd., Concordville, PA 19331) on July 2, 2004, to operate a paint booth in Concord Township, **Delaware County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

01-05016E: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214-0914) on June 25, 2004, to replace a crusher with a 240-ton per hour crusher and install related conveyors, hopper and bucket elevator, all controlled by existing fabric filter baghouses, at their Charmian facility in Hamiltonban Township, **Adams County**.

06-03102A: City of Reading (815 Washington Street, Reading, PA 19601) on July 1, 2004, to modify their wastewater treatment plant controlled by three wetted packed bed scrubbers and an enclosed ground flare at their facility in the City of Reading, **Berks County**.

21-05012A: MH Technologies, LLC (One Mountain Street, Mount Holly Springs, PA 17065-1406) on June 25, 2004, for restarting a 13 million Btu/hr boiler. M. H. Technologies, Inc. produces electrical insulation paper at their production facility in Mt. Holly Springs Borough, **Cumberland County**.

36-05027C: R. R. Donnelley and Sons Co. (216 Greenfield Road, Lancaster, PA 17601) on July 1, 2004, to install a rotogravure printing press at their Lancaster East facility in Lancaster City, **Lancaster County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

32-00297D: Creps United Publications (1163 Water Street, P. O. Box 746, Indiana, PA 15701) on July 1, 2004, to install a new 48-inch by 21-inch Goss C548 heatset web offset lithographis printing press and a second

regenerative thermal oxidizer at their Christy Park Drive Facility, White Township, **Indiana County**.

32-00376A: Robindale Energy Services, Inc. (1001 Broad Street, Suite 130, Johnstown, PA 15906) on July 6, 2004, to allow the installation of a new coal crusher (rated at 225 tons/hr) powered by a diesel engine (rated at 340 hp) and assorted supporting equipment at the Dilltown Facility, Brushvalley Township, **Indiana County**. Plant will be used to reclaim an old coal refuse pile at a rate of up to 200,000 tons per year.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.

43-011D: Greenville Metals, Inc. (99 Crestview Drive Extension, Transfer, PA 16154) on June 8, 2004, for a minor modification of a plan approval to change the sulfur dioxide emission limit for the MnS Exothermic Reaction Process at their Greenville Metals site in Pymatuning Township, **Mercer County**.

10-340B: Eagle Printing Co. Inc. (114 West Diamond Street, Butler, PA 16001) on June 11, 2004, to modify Plan Approval 10-340A in Butler, **Butler County**.

10-319B: Main Steel Polishing Co., Inc. (6 Whitney Drive, Harmony, PA 16037) on June 24, 2004, to install a Roto Clone Dust Collector in the City of Harmony, **Butler County**.

10-309C: MultiServ (Route 8 South, Butler, PA 16001) on June 28, 2004, to modify to Plan Approval 10-309B in Butler, **Butler County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

15-0027D: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) on June 30, 2004, to operate a coating line No. 7 in Tredyffrin Township, **Chester County**.

15-0027F: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) on June 24, 2004, to operate two dust collectors in Tredyffrin Township, **Chester County**.

15-0090A: National Service Industries (1420 Peachtree Street NE, Atlanta, PA 30309) on June 30, 2004, to operate flexographic and offset presses in Uwchlan Township, **Chester County**.

15-0115B: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) on June 30, 2004, to operate three emergency generators in West Goshen Township, **Chester County**.

23-0089: FPL Energy Marcus Hook, LP (P. O. Box 426, Delaware Avenue and Green Street, Marcus Hook, PA 19061) on June 30, 2004, to operate a 750 mW combined cycle in Marcus Hook Borough, **Delaware County**.

46-313-147: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on June 30, 2004, to operate a refrigerated condenser in Douglass Township, **Montgomery County**.

09-0110A: Riverside Construction Materials, Inc. (355 Newbold Road, Fairless Hills, PA 19030) on July 2, 2004, to operate cement handling in Bristol Township, **Bucks County**.

46-0027: Ortho McNeil Pharmaceutical (Welsh and McKean Roads, Spring House, PA 19477) on June 30, 2004, to operate a 1.5 mW emergency electric generator in Lower Gwynedd Township, **Montgomery County**.

46-0037E: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on July 2, 2004, to operate a sodium reduction process in Douglass Township, **Montgomery County**.

46-0037M: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on June 30, 2004, to operate a large scrubber in Douglass Township, **Montgomery County**.

46-0037P: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on June 30, 2004, to operate an acid gas scrubber in Douglass Township, **Montgomery County**.

46-0037I: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on June 30, 2004, to operate building 55, Ta/Nb production in Douglass Township, **Montgomery County**.

46-0027A: Ortho McNeil Pharmaceutical (Welsh and McKean Roads, Spring House, PA 19477) on July 2, 2004, to amend selective catalytic reduction process in Lower Gwynedd Township, **Montgomery County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

39-318-111: Gateway Industrial Services (805 Harrison Street, Allentown, PA 18103) on June 30, 2004, to construct two paint spray booths and drying oven and the associated air cleaning device at their facility in Allentown, **Lehigh County**. The Plan Approval has been extended.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05024A: Reliant Energy Mid-Atlantic Power Holdings, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on July 1, 2004, to modify a coal handling operation controlled by covers and wet suppression at their Titus Station in Cumru Township, **Berks County**. This plan approval was extended.

67-02004: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on July 3, 2004, to operate three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area to be controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York County**. This plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

17-399-020: Eagle Environmental II, LP (11 New Street, Englewood Cliffs, NJ 07632) on July 1, 2004, to construct a residual waste landfill and mine spoil/coal crushing, screening and conveying operation (Royal Oak Residual Waste Landfill) until December 21, 2005, in Chest Township, **Clearfield County**. The plan approval has been extended.

41-00010D: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) on July 1, 2004, to operate a modified thermal foundry sand reclamation system and associated air cleaning devices (two fabric collectors) on a temporary

basis, until October 29, 2004, in Muncy Borough and Muncy Creek Township, **Lycoming County**. The plan approval has been extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

65-302-071: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on June 30, 2004, for installation of two boilers at their Monessen Coke Works in Monessen, **Westmoreland County**. This plan approval was extended.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.

61-185A: Heath Oil Co. (Route 8, Barkeyville, PA 16038) on May 31, 2004, to install a portable oil refinery in Barkeyville, **Venango County**.

24-083E: Carbone of America—Graphite Materials Division (1032 Trout Run Road, St. Marys, PA 15857) on June 30, 2004, to install a scrubber in Benzinger Township, **Elk County**.

24-083D: Carbone of America—Graphite Materials Division (1032 Trout Run Road, St. Marys, PA 15857) on June 30, 2004, to install a scrubber in Benzinger Township, **Elk County**.

25-090B: Zurn Industries, Inc. (1301 Raspberry Street, Erie, PA 16502) on June 30, 2004, to modify the cupola and install a scrubber in Erie, **Erie County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.

09-00125: Naceville Materials (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on July 2, 2004, to operate a State-only Operating Permit in Plumstead Township, **Bucks County**.

46-00148: Pottstown Plating Works (Washington Street and Industrial Highway, Pottstown, PA 19464) on July 2, 2004, to operate a State-only Operating Permit in Pottstown Borough, **Montgomery County**.

46-00021: Tyco Healthcare Retail Group, Inc. (601 Allendale Road, King of Prussia, PA 19406) in Upper Merion Township, **Montgomery County**, for an Administrative Amendment to State-only (Synthetic Minor) Operating Permit SMOP-46-00021. The Administrative Amendment increases the pressure drop range for the final filter chambers of the facility's sanitary paper product production equipment. The following changes have been addressed in the amended State-only Operating Permit:

The following source, fuel material location and emission point, along with corresponding permit map, conditions and emission restrictions, have been omitted:

101 Onan Emergency Generator, FML02 Onan Emergency Generator Diesel Fuel Tank and S04 Onan Emergency Generator Stack.

- NOx emission restrictions for the emergency generators and fire pump have been added to the permit.

- The source throughput value for the lighting and alarm systems emergency generator has been changed from 2.77 gal/hr to 6.6 gal/hr.

- The source throughput value for the fire pump has been changed from 1.58 gal/hr to 4.8 gal/hr.

- The following source, fuel material location and emission point, along with corresponding Permit Map, conditions and emission restrictions, have been added:

104 Telephone and Computer Systems Emergency Generator, FML05 Telephone and Computer Systems Emergency Generator Diesel Fuel Tank and W02 Telephone and Computer Systems Emergency Generator Stack.

- The pressure drop range for the final filter chambers has been changed from 2 inches to 4 inches of water to 0.5 inch to 9 inch of water.

- The source throughput value for the adult incontinence diaper production equipment has been changed from 7,359 lb/hr to 9,897 lb/hr.

- Production line/dust collection system nos. 55 and 71 have been added to the adult incontinence diaper production equipment.

- The source throughput value for the baby diaper production equipment has been changed from 9,235 lb/hr to 12,967 lb/hr.

- Production line/dust collection system nos. 66 and 67 have been added to the baby diaper production equipment.

- The dust collection system no. for the leg cuts production area of the production scrap room equipment has been changed from 14 to 12.

Administrative Amendment of State-only Operating Permit SMOP-46-00021 is issued under the Air Pollution Control Act and 25 Pa. Code.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

28-03014: Union Tools (400 Means Hollow Road, P. O. Box 69, Shippensburg, PA 17257) on June 25, 2004, for sawmill operations in Southampton Township, **Franklin County**.

36-03044: G/S/M Industrial, Inc. (596 West Trout Run Road, Ephrata, PA 17522) on June 30, 2004, to operate a fabricated metal products plant in Ephrata Township, **Lancaster County**.

36-05076: Lancaster General Hospital (555 North Duke Street, P. O. Box 3555, Lancaster, PA 17604-3555) on June 29, 2004, to operate their medical and surgical hospital facility in the City of Lancaster, **Lancaster County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

67-05043: Crown Cork and Seal Co.—USA, Inc. (1650 Broadway, Hanover, PA 17331) to operate a can manufacturing facility in Penn Township, **York County**. On July 1, 2004, the Title V operating permit was amended to include Plan Approval 67-05043B to construct a second welder with a flange/beader for Can Assembly Line No. 3. This is Revision No. 1 of the operating permit.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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); and 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 and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application 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).

Coal Permit Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

22851304R3. S & M Coal Company (1744 East Grand Avenue, Tower City, PA 17980), renewal of an underground mine operation in Wiconisco Township, **Dauphin County**, affecting 4.2 acres. Receiving streams: None. Application received March 11, 2002. Renewal issued June 28, 2004.

49931601R2. Black Creek Breaker Company (R. R. 2, Box 630, Shamokin, PA 17872), renewal of a coal preparation plant operation in West Cameron Township, **Northumberland County**, affecting 5.7 acres. Receiving streams: None. Application received December 9, 2003. Renewal issued July 1, 2004.

California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.

30841316 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** and related NPDES permit to install the 4 South No. 3 Air Shaft. Surface Acres Proposed 10.9. Receiving streams: unnamed tributary to South Fork Dunkard Fork (WWF). Permit issued June 25, 2004.

30841317 and NPDES Permit No. PA0213537. Consol Pennsylvania Coal Company (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County**, to install an airshaft and add an NPDES point. Surface Acres Proposed 13.6. Receiving streams: unnamed tributary of Templeton Fork (TSF). Permit issued June 30, 2004.

30841317 and NPDES Permit No. PA0213537. Consol Pennsylvania Coal Company (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County**, to add acreage to install a ventilation borehole. Surface Acres Proposed 0.5. No additional discharges. Permit issued June 30, 2004.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

24890102 and NPDES Permit No. PA0207331. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824), renewal of an existing bituminous strip and auger operation in Horton Township, **Elk County**, affecting 316.0 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributaries to Mead Run. Application received May 4, 2004. Permit issued June 25, 2004.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17753050 and NPDES Permit No. PA0044822. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847), renewal of an existing bituminous surface mine-tipple refuse disposal permit in Karthaus Township, **Clearfield County**, affecting 687.6 acres. Receiving streams: unnamed tributaries to Saltlick Run, to Saltlick Run, unnamed tributaries to Mosquito Creek, unnamed tributaries to West Branch Susquehanna River, Saltlick Run, Mosquito Creek all to West Branch Susquehanna River. Application received February 27, 2004. Permit issued June 29, 2004.

Noncoal Permit Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

34040801. Margaret Allen (R. R. 2, Box 390, Port Royal, PA 17082), commencement, operation and restoration of a quarry operation in Milford Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: None. Application received April 15, 2004. Permit issued June 28, 2004.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

08030807. Robert E. Harkness (R. R. 2, Box 233A-A1, Towanda, PA 18848), commencement, operation and restoration of a small industrial minerals (flagstone) permit in Standing Stone Township, **Bradford County**, affecting 3 acres. Receiving streams: unnamed tributary, tributary to King Creek. Application received September 3, 2003. Application returned: June 24, 2004.

08040804. Jeffery Osmun (5890 Potters Lane, Pipersville, PA 18947), commencement, operation and restoration of a small industrial minerals (flagstone/shale) permit in Tuscarora Township, **Bradford County**, affecting 5 acres. Receiving streams: Mill Creek, tributary to Tuscarora Creek. Application received April 22, 2004. Permit issued June 29, 2004.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151-161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

48044024. J. Roy's, Inc. (Box 125, Bowmansville, PA 17505), construction blasting at Raubsville Spec House in Williams Township, **Northampton County**, with an expiration date of June 2, 2005. Permit issued June 30, 2004.

35044008. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting at Roba's Tree

Farm in North Abington Township, **Lackawanna County**, with an expiration date of June 3, 2005. Permit issued June 30, 2004.

09044015. Blooming Glen Contractors (P. O. Box 391, Blooming Glen, PA 18911) and **Douglas Explosives** (P. O. Box 77, Philipsburg, PA 16868), construction blasting at Pennridge Airport Tie-Down Apron in Perkasio Borough and East Rockhill Township, **Bucks County**, with an expiration date of July 22, 2005. Permit issued June 30, 2004.

21044045. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Prologistics Project—Shippensburg in Southampton Township, **Cumberland County**, with an expiration date of June 30, 2005. Permit issued June 30, 2004.

09044016. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting at Smith School and Deep Run Roads in Bedminster Township, **Bucks County**, with an expiration date of July 23, 2005. Permit issued June 30, 2004.

48044027. MF Ronca & Sons (179 Mikron Road, Bethlehem, PA 18020), construction blasting at Starlite Estates in Palmer Township, **Northampton County**, with an expiration date of October 24, 2004. Permit issued July 1, 2004.

21044047. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting at ProLogis Warehouse in Southampton Township, **Cumberland County**, with an expiration date of December 31, 2004. Permit issued July 1, 2004.

22044018. ABEL Construction Company, Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at South Point Meadows in Derry Township, **Dauphin County**, with an expiration date of December 28, 2004. Permit issued July 1, 2004.

46044022. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting at Harrington Village in Franconia Township, **Montgomery County**, with an expiration date of July 28, 2005. Permit issued July 1, 2004.

23044003. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting at WAWA Site in Concord Township, **Delaware County**, with an expiration date of July 28, 2005. Permit issued July 1, 2004.

64044006. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting at Wal-lenpaupack Lake Estates in Paupack Township, **Wayne County**, with an expiration date of June 30, 2005. Permit issued July 1, 2004.

15044026. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at East Coventry Sanitary Sewer in East Coventry Township, **Chester County**, with an expiration date of July 28, 2005. Permit issued July 1, 2004.

22044019. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Amber Fields Phase 4 in Lower Paxton Township, **Dauphin County**, with an expiration date of July 30, 2005. Permit issued July 1, 2004.

67044034. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Felton Sewer Project in Felton Borough and Chanceford Town-

ship, **York County**, with an expiration date of January 31, 2005. Permit issued July 1, 2004.

21044049. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting at ProLogis Warehouse in Southampton Township, **Cumberland County**, with an expiration date of July 31, 2005. Permit issued July 1, 2004.

40044007. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting at Scoot Kresge, 606 Meadow Run, Bear Creek in Bear Creek Township, **Luzerne County**, with an expiration date of July 2, 2004.

38044010. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at Lebanon Valley Business Park in South Lebanon Township, **Lebanon County**, with an expiration date of July 28, 2005. Permit issued July 2, 2004.

36044064. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting at Ammon Weaver Chicken House in Ephrata Township, **Lancaster County**, with an expiration date of November 14, 2004. Permit issued July 2, 2004.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.

65044005. MJM Mechanical, Inc. (51 Bridge St., Suite 217, Pittsburgh, PA 15223), blasting activity permit for construction of Dick's Sporting Goods in Smithton Township, **Westmoreland County**. The expected duration of blasting is 30 days. Permit issued June 29, 2004.

Persons aggrieved by an 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 should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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 (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an 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 should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E39-430. City of Allentown—Water Department, 435 Hamilton Street, Allentown, PA 18101-1699. City of Allentown, **Lehigh County**, Army Corps of Engineers Philadelphia District, Subbasin 2C.

To remove an existing building and to construct and maintain a 42-foot by 125-foot storage building in the left side floodway of the Little Lehigh Creek (HQ-CWF) and to construct and maintain a 42-foot by 125-foot storage building in the left side floodway fringe of the Little Lehigh Creek. The project is at the city's Water Distribution Facility on the east side of Martin Luther King Drive near its intersection with 15th Street (Allentown East, PA Quadrangle N: 17.25 inches; W: 14.70 inches).

E39-428. Southern Lehigh Public Library Association, 6339 Beverly Hills Road, Coopersburg, PA 18036.

Upper Saucon Township, **Lehigh County**, Army Corps of Engineers Philadelphia District, Subbasin 2C.

To maintain an existing road crossing of a tributary to Saucon Creek (CWF, intermittent) consisting of a 48-inch diameter reinforced concrete pipe; to place and maintain 1 foot to 6 feet of fill in the floodway of and along 500 feet of the right bank of the tributary; to construct and maintain a 15-inch diameter outfall pipe with a rock apron in the floodway of the tributary; and to construct and maintain a 12-foot wide outfall channel in the floodway of the tributary for the purpose of constructing the Southern Lehigh Public Library. The project is on the south side of Preston Road approximately 0.25 mile east of Old Bethlehem Pike (Allentown East, PA Quadrangle N: 6.6 inches; W: 1.9 inches). The project proposes to directly affect 0.3 acre of floodway.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E06-535: Joseph A. Piccone, Inc., 501 Route 113, Chester Springs, PA 19425 in Caernarvon Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain: (1) two stream and associated wetland crossings, the western crossing consists of three 78-foot, 6-foot 1-inch diameter pipe arch culverts with 0.069 acre of wetland fill and three 53-foot long, 6-foot 1-inch pipe arch culverts and 0.17 acre for the eastern fill in and along a tributary to East Branch Conestoga River (WWF); (2) an 8-inch PVC sanitary sewer line crossing and an 8-inch water line crossing; and (3) place fill in 0.44 acre of wetland at a point upstream of the Pennsylvania Turnpike for the purpose of constructing the Tri-County Mall (Morgantown, PA Quadrangle N: 6.8 inches; W: 1.8 inches) in Caernarvon Township, Berks County. The permittee is required to provide a minimum of 0.68 acre of replacement wetland. The permit has been amended to include the following Special Condition: Any provision to the contrary notwithstanding, the terms and conditions of the Consent Order and Agreement between the Department, Joseph A. Piccone, Inc. and Defenders of Wildlife are incorporated in and are a part of this permit. The Consent Order and Agreement is incorporated herein as if fully set forth in this Special Condition. The permit term is extended until all conditions of paragraph 3 of the Corrective Action of the Consent Order and Agreement are fully complied with by the permittee.

E21-315: Logans Run Associates, 15 Central Boulevard, Camp Hill, PA 17011 in East Pennsboro Township, **Cumberland County**, ACOE Baltimore District.

To: (1) fill and maintain 0.26 acre of wetlands; (2) to install and maintain one 23-foot long 36-inch by 22-inch corrugated metal arch pipe; and (3) to install and maintain one 18-inch corrugated metal storm sewer and one 8-inch PVC sanitary sewer line, to cross wetlands and an unnamed tributary to the Conodoguinet Creek (WWF), for the purpose of completing construction on the Penn Valley Development, approximately 0.6 mile north of Wertsville Road (SR 0944) and along the west side of Salt Road (Harrisburg West, PA Quadrangle N: 7.95 inches; W: 11.1 inches) in East Pennsboro Township, **Cumberland County**.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

E12-150. James McCollam, 8538 Schwalm Drive, Jamestown, PA 16134. Camp addition in Lumber Township, **Cameron County**, ACOE Baltimore District (Cameron, PA Quadrangle N: 7.75 inches; W: 11.25 inches).

The permit authorizes the construction, operation and maintenance of a 12-foot by 22-foot addition to an existing camp. The addition will be 32 inches above poured concrete footers placed at grade. This permit was issued under section 105.13(e) "Small Projects."

E17-394. Westover Borough, P. O. Box 199, Westover, PA 16692-0199. Westover Borough wastewater collection and treatment facilities in Westover Borough, **Clearfield County**, ACOE Baltimore District (Westover, PA Quadrangle N: 0.83 inch; W: 6.34 inches).

To construct, operate and maintain eight sanitary sewer crossings Chest Creek and its tributaries, a treated effluent outfall and five manholes along Chest Creek and a wastewater treatment facility within the 100-year floodplain of Chest Creek in association with the Westover Borough wastewater collection and treatment project. The construction, operation and maintenance of the wastewater collection and treatment facilities may require in-stream or floodplain activity at locations that are as follows:

<i>Wastewater Treatment Appurtenance</i>	<i>Regulated Water</i>	<i>Water Quality Designation</i>	<i>Latitude Coordinates</i>	<i>Longitude Coordinates</i>
Treatment Plant	Chest Creek Floodplain	CWF	40° 45' 20.0"	78° 40' 7.8"
Outfall Structure	Chest Creek	CWF	40° 45' 22.0"	78° 40' 2.0"
Manhole No. 50	Chest Creek Floodplain	CWF	40° 45' 10.0"	78° 40' 6.0"
Manhole No. 51	Chest Creek Floodplain	CWF	40° 45' 11.0"	78° 40' 4.0"
Manhole No. 52	Chest Creek Floodplain	CWF	40° 45' 10.0"	78° 40' 3.0"
Sanitary Sewer Crossing	Unnamed tributary	CWF	40° 45' 17.5"	78° 40' 8.4"
Sanitary Sewer Crossing	Unnamed tributary	CWF	40° 45' 14.3"	78° 40' 14.36"
Sanitary Sewer Crossing	Unnamed tributary	CWF	40° 45' 13.7"	78° 40' 18.3"
Sanitary Sewer Crossing	Unnamed tributary	CWF	40° 45' 14.6"	78° 40' 26.9"
Sanitary Sewer Crossing	Chest Creek	CWF	40° 45' 11.0"	78° 40' 5.0"
Sanitary Sewer Crossing	Unnamed tributary	CWF	40° 45' 11."	78° 40' 3.0"
Sanitary Sewer Crossing	Unnamed tributary	CWF	40° 45' 9.63"	78° 39' 53"
Sanitary Sewer Crossing	Unnamed tributary	CWF	40° 45' 9.5"	78° 39' 49.4"
Manhole No. 80	Chest Creek Floodplain	CWF	40° 45' 4.0"	78° 40' 2.0"
Manhole No. 81	Chest Creek Floodplain	CWF	40° 45' 2.0"	78° 40' 2.0"

Construction and maintenance work for sanitary sewer line crossings of Chest Creek and its tributaries shall be

completed during stream low flow and dry work conditions by boring, dam and pumping or diverting stream

flow around the work area. Since Chest Creek is a wild trout fishery, no construction or future repair work shall be completed in or along the stream channels between October 1 and December 31 without prior written permission from the Fish and Boat Commission. Since Chest Creek is also a stocked trout fishery, no construction or future repair work shall be completed in or along the stream channels between March 1 and June 15 without prior written permission from the Fish and Boat Commission. This permit also authorizes construction, operation, maintenance and removal of temporary construction access roads, causeways, cofferdams and rock stream diversions for construction of sanitary sewer lines crossing the waterways. Rock used for temporary structures shall only be clean nonpolluting rock. Upon completion of each specific maintenance project, all temporary structures shall be completely removed with the stream banks restored to original contours and elevations. This permit does not authorize any temporary or permanent impact to wetlands; the permittee shall ensure no wetlands are impacted in association with the project. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-535. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0442 Little Muncy Creek bridge replacement in Moreland Township, **Lycoming County**, ACOE Susquehanna River Basin District (Hughesville, PA Quadrangle N: 9.65 inches; W: 5.875 inches).

To remove an existing two-span concrete bridge and construct and maintain a single span prestressed concrete box beam bridge having a clear span of 95 feet, with a minimum underclearance of 15.6 feet on a skew of 90° over Little Muncy Creek, along SR 0442, 7 miles east of Muncy and to construct, maintain and remove a temporary causeway consisting of clean R-7 rock, all of which is in Moreland Township, Lycoming County.

E49-274. Marlin W. Snyder, 19 South Market Street, Elysburg, PA 17824. Water obstruction and encroachment permit in Ralpho Township, **Northumberland County**, ACOE Susquehanna River Basin District (Shamokin, PA Quadrangle N: 20.71 inches; W: 7.01 inches).

To remove an existing concrete block, concrete decked bridge and construct and maintain a 28-foot long by 5-foot long pressure treated wood footbridge over and unnamed tributary to Shamokin Creek (CWF). The project is along SR 0054 approximately 0.15 mile south of SR 0487 and SR 0054 intersection in Ralpho Township, **Northumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E49-275. Clarence E. Bailey, 331 Stone School Road, Northumberland, PA 17857. Water obstruction and encroachment joint permit application in Upper Augusta Township, **Northumberland County**, ACOE Susquehanna River Basin District (Northumberland, PA Quadrangle N: 1.31 inches; W: 4.85 inches).

To construct and maintain a concrete dock measuring 17 feet wide by 5 feet high by 60 feet long in the floodway of the Susquehanna River, 0.24 mile north of Sunbury on Packers Island, Upper Augusta Township, Northumberland County. This project proposes to have a minimal impact on the floodway of the Susquehanna River (WWF). This permit was issued under section 105.13(e) "Small Projects."

E59-450. Wellsboro Municipal Authority, 28 Crafton Street, Wellsboro, PA 16901. Brownlee raw water convey-

ance line replacement in Charleston and Duncan Townships, **Tioga County**, ACOE Baltimore District (Antrim, PA Quadrangle N: 10.3 inches; W: 1.3 inches).

To remove the existing clay tile water conveyance line and replace it with a 12-inch ductile iron conveyance pipe in the Charleston Creek (WWF) watershed. This permit authorizes ten temporary wetland impacts totaling 0.59 acre and two intermittent stream crossings. Total linear feet of impact is 860 linear feet of wetlands and 60 linear feet of stream. This project is 4 miles from the intersection of SR 3009 and SR 6 (Antrim, PA Quadrangle N: 10.3 inches; W: 1.3 inches) Duncan Township, Tioga County.

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

E02-1465. Borough of Lincoln, 45 Abes Way, Elizabeth, PA 15037-3024. Stream bank protection in Coursin Hollow Run in Lincoln Borough, **Allegheny County**, Pittsburgh ACOE District (McKeesport, PA Quadrangle N: 11.7 inches; W: 17.1 inches) (Latitude: 40° 18' 52" and Longitude: 80° 15' 36"). To construct and maintain approximately 1,218.0 linear feet of stream bank protection in the channel and along the left bank of an unnamed tributary to the Monongahela River (locally known as Coursin Hollow Run) (WWF) for the purpose of preventing stream bank erosion and protecting Coursin Hollow Road. The project is on the north side of Coursin Hollow Road, just upstream from the mouth of the stream. The project will impact 1,218.0 linear feet of stream channel and will consist of a concrete wall 904.0 feet in length, vegetative slope projection 137.0 feet in length and rip-rap protection 177.0 feet in length.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E10-384. David K. Mason, 887 Ekastown Road, Sarver, PA 16055. Mason House outfall project in Clinton Township, **Butler County**, ACOE Pittsburgh District (Curtisville, PA Quadrangle N: 18.5 inches; W: 6.75 inches).

To construct and maintain a 4-inch diameter outfall as part of a single family residence small flow treatment facility discharging to an unnamed tributary to Little Buffalo Creek (HQ-TSF) at a point approximately 700 feet northwest of the intersection of SR 356 and SR 228.

E10-387. Jesture Venture, L. P., 100 Heaven Lane, Mars, PA 16046-3118. Briar Creek residential development in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden, PA Quadrangle N: 18.45 inches; W: 3.25 inches).

To construct and maintain an aluminum plate arch culvert having an instream length of 108 feet, a clear span of 23 feet and a rise of 7.5 feet to be within an unnamed tributary to Brush Creek (WWF) at a point approximately 1,300 feet northeast of Glen Eden Road (SR 3024) within the Briar Creek subdivision and to place fill in 0.05 acre of wetlands. The applicant is not required to provide replacement wetlands for this de minimis impact.

E20-534. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301. Existing natural gas pipeline TL-406 in Conneaut, East Fairfield, Sadsbury, Summit, Union and Vernon Townships, **Crawford County**, ACOE Pittsburgh District (Harmonsburg, PA Quadrangle N: 3.7 inches; W: 6.49 inches).

The applicant proposed requesting a permit to operate and maintain an existing 10-inch diameter natural gas

pipeline TL-406 in Conneaut, East Fairfield, Sadsbury, Summit, Union and Vernon Townships, Crawford County from the Cochranon interconnection with the Tennessee Gas Company approximately 800 feet west of the intersection of U. S. Route 322 and Powell Road (Cochranon, PA Quadrangle N: 6.8 inches; W: 10.9 inches) to the Pennsylvania/Ohio border (Leon, OH-PA Quadrangle N: 21.1 inches; W: 2.7 inches) approximately 1.8 feet miles northwest of U. S. Route 6 and the Pennsylvania/Ohio border.

Dominion Transmission, Inc. currently has Permits 11325-1 to 11325-21 which authorized the construction of a 10-inch gas pipeline (TL-406) under the bed and across the channel of various streams in Conneaut, East Fairfield, Summit, Union and Vernon Townships, Crawford County. Rather than issuing a new permit, Permits 11325-1 to 11325-21 are amended to include the following:

To operate and maintain an existing 10-inch diameter natural gas pipeline TL-406 in Crawford County from the Cochranon interconnection with the Tennessee Gas Company approximately 800 feet west of the intersection of U. S. Route 322 and Powell Road (Cochranon, PA Quadrangle N: 6.8 inches; W: 10.9 inches) to the Pennsylvania/Ohio border (Leon, OH-PA Quadrangle N: 21.1 inches; W: 2.7 inches) approximately 1.8 feet miles northwest of U. S. Route 6 and the Pennsylvania/Ohio border. The project crosses and includes the crossing of the following streams and nonexceptional value wetlands (wetland crossings based on NWI maps) as described in the application: UNT to French Creek (perennial) (WWF) (N 41° 32' 11", W 80° 5' 7"), UNT to French Creek (intermittent) (WWF) (N 41° 32' 20", W 80° 5' 29"), French Creek (perennial) (WWF) (N 41° 32' 40", W 80° 6' 13"), UNT to Conneaut Inlet (intermittent) (WWF) (N 41° 32' 54", W 80° 6' 41"), UNT to French Creek (intermittent) (N 41° 33' 7", W 80° 7' 13"), UNT to French Creek (intermittent) (N 41° 33' 21", W 80° 7' 37"), UNT to French Creek (intermittent) (N 41° 34' 15", W 80° 9' 42"), UNT to French Creek (intermittent) (N 41° 35' 3", W 80° 11' 23"), UNT to Watson Run (intermittent) (WWF) (N 41° 35' 46", W 80° 12' 40"), UNT to Watson Run (intermittent) (N 41° 36' 6", W 80° 13' 10"), UNT to Watson Run (intermittent) (N 41° 36' 13", W 80° 13' 24"), UNT to Watson Run (intermittent) (N 41° 36' 46", W 80° 14' 16"), UNT to Watson Run (intermittent) (N 41° 14' 49", W 80° 14' 49"), Watson Run (perennial) (WWF) (N 41° 37' 24", W 80° 15' 26"), UNT to Watson Run (perennial) (WWF) (N 41° 37' 36", W 80° 15' 50"), UNT to Conneaut Lake (perennial) (HQ-WWF) (N 41° 38' 8", W 80° 16' 44"), UNT to Conneaut Lake (perennial) (N 41° 38' 29", W 80° 17' 26"), UNT to Conneaut Lake (perennial) (N 41° 38' 38", W 80° 17' 41"), UNT to Conneaut Lake (perennial) (N 41° 38' 57", W 80° 18' 18"), Inlet Run (perennial) (HQ-WWF) (N 41° 39' 6", W 80° 18' 47"), UNT to Inlet Run (perennial) (HQ-WWF) (N 41° 39' 9", W 80° 18' 54"), UNT to Conneaut Creek (perennial) (WWF, MF) (N 41° 39' 53", W 80° 20' 39"), Conneaut Creek (perennial) (WWF, MF) (N 41° 40' 8", W 80° 21' 13"), UNT to Conneaut Creek (perennial) (N 41° 40' 17", W 80° 21' 35"), UNT to Conneaut Creek (perennial) (N 41° 40' 23", W 80° 21' 49"), UNT to Conneaut Creek (perennial) (N 41° 40' 35", W 80° 22' 16"), UNT to Conneaut Creek (perennial) (N 41° 40' 54", W 80° 22' 54"), UNT to Linesville Creek (perennial) (WWF) (N 41° 41' 46", W 80° 25' 0"), Linesville Creek (perennial) (WWF) (N 41° 41' 59", W 80° 25' 23"), Linesville Creek (perennial) (N 41° 42' 1", W 80° 25' 26"), UNT to Linesville Creek (perennial)

(N 41° 42' 15", W 80° 25' 50"), UNT to Linesville Creek (perennial) (N 41° 42' 16", W 80° 25' 53"), UNT to Linesville Creek (perennial) (N 41° 42' 16", W 80° 25' 53"), UNT to Paden Creek (perennial) (WWF) (N 41° 42' 38", W 80° 26' 46"), UNT to Paden Creek (perennial) (N 41° 43' 2", W 80° 27' 34"), UNT to Paden Creek (perennial) (N 41° 43' 7", W 80° 27' 49"), Paden Creek (perennial) (WWF) (N 41° 42' 38", W 80° 28' 20"), Wetland TL-406-CRA-001 (PSS) (N 41° 32' 38", W 80° 6' 1"), Wetland TL-406-CRA-002 (PSS) (N 41° 32' 38", W 80° 6' 1"), Wetland TL-406-CRA-002 (PSS) (N 41° 32' 40", W 80° 6' 7"), Wetland TL-406-CRA-003 (PSS) (N 41° 36' 8", W 80° 13' 14"), Wetland TL-406-CRA-004 (PFO/PSS) (N 41° 36' 29", W 80° 13' 47"), Wetland TL-406-CRA-005 (PFO) (N 41° 36' 38", W 80° 13' 59"), Wetland TL-406-CRA-006 (PEM/PFO/PSS) (N 41° 37' 24", W 80° 15' 26"), Wetland TL-406-CRA-007 (PEM) (N 41° 38' 55", W 80° 18' 12"), Wetland TL-406-CRA-008 (PFO) (N 41° 41' 59", W 80° 25' 23"), Wetland TL-406-CRA-009 (PFO) (N 41° 43' 19", W 80° 28' 19") and Wetland TL-406-CRA-010 (PFO/PSS) (N 41° 44' 22", W 80° 30' 57").

This includes maintenance of the pipeline under the stream bed and across the channel of the French Creek (N 41° 32' 40", W 80° 6' 13") at a point approximately 800 feet south of the intersection of U. S. Route 322 and SR 2005 in East Fairfield and Union Townships, Crawford County. Fees under Permit No. 11325-1 will be maintained.

E25-684, Bay Harbor Marina Limited Partnership, 9620 Donation Road, Waterford, PA 16441. Cherry Street Marina rehabilitation in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 1.1 inches; W: 13.7 inches).

The applicant proposes to maintain a small craft marina including maintenance dredging in Presque Isle Bay, Lake Erie at the foot of Cherry Street approximately 2.4 miles east of the base of the Presque Isle Peninsula and to conduct rehabilitation of the marina to: (1) fill approximately 0.52 acre at the southeast end of the marina for realignment purposes and to construct and maintain a parking lot; (2) remove the existing breakwall across the center of the marina having an area of approximately 0.16 acre and to remove the existing docks and to install and maintain three approximately 770-foot long floating docks and a row of additional slips along the west wall of the marina; and (3) install and maintain a riprap wall at the southern end of the marina having an area of approximately 0.178 acre. The project proposes to directly affect a net total of approximately 0.538 acre of Presque Isle Bay (WWF, perennial). Permit E25-684 replaces the facility's Permit No. E25-13T-1.

E27-044A, Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. T-345 Kellettville Bridge across Tionesta Creek and SR 666 improvements in Kingsley Township, **Forest County**, ACOE Pittsburgh District (Kellettville, PA Quadrangle N: 8.2 inches; W: 0.9 inch).

To amend on behalf of Forest County, DEP Permit No. E27-044, which authorized Forest County to construct and maintain the Kellettville Bridge, having two clear, normal spans of 140 feet and 120 feet and an underclearance of 17 feet, 4 inches, across Tionesta Creek on T-345 east of SR 666. The proposed amendment is to realign the west approach of the bridge beginning at the west abutment and extending to SR 666. Realignment will fill a total of approximately 0.43 acre of the flood plain of

Tionesta Creek, including impact to a de minimis area of wetland (0.0037 acre).

E33-218, Jefferson County Commissioners, 155 Main Street, Jefferson Place, Brookville, PA 15825. JC-10 (T-542) bridge replacement project in Winslow Township, **Jefferson County**, ACOE Pittsburgh District (DuBois, PA Quadrangle N: 22.7 inches; W: 17.0 inches).

To remove the existing steel "pony" truss bridge having a normal clear span of 87 feet, a curb to curb width of 13 feet and a skew of 90 degrees and to construct and maintain a steel plate girder bridge having a normal clear span of 148 feet, a curb to curb width of 26 feet, a skew of 75 degrees and to fill approximately 0.035 acre of wetlands all at a point along Township Road 542 across Sandy Lick Creek (TSF) approximately 700 feet south of SR 950. Replacement of the de minimis 0.035 acre of wetlands will not be required.

E33-220, Punxsutawney Borough, 301 East Mahoning Street, Punxsutawney, PA 15767. Center Alley outfall/headwall in Borough of Punxsutawney, **Jefferson County**, ACOE Pittsburgh District (Punxsutawney, PA Quadrangle N: 12.3 inches; W: 16.2 inches).

To construct and maintain a 24-inch diameter storm sewer with a concrete endwall at a point approximately 400 feet southwest of the intersection of SR 36 and Grace Way just south of Water Street and discharging to the Mahoning Creek (WWF).

E33-221, Department of Transportation, District 10-0, Bells Mills Bridge No. 2 in McCalmont Township, **Jefferson County**, ACOE Pittsburgh District (Reynoldsville, PA Quadrangle N: 2.0 inches; W: 3.3 inches).

To remove the existing concrete arch bridge having a single clear span of 31 feet, an under clearance of 8 feet, an approximate instream length of 17 feet and is set at a 75 degree left skew and to place fill within approximately 0.043 acre of emergent/scrub-shrub wetlands and to construct and maintain a precast concrete box culvert having a clear span of 26 feet, an effective under clearance of 7 feet, an instream length of 40 feet and is set at a 75 degree skew carrying SR 2019, Section 551 across Bug Run (CWF) at Segment 0050, Offset 0797.

E37-155, Lawrence County. Hilltown Bridge replacement in Mahoning, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 3.0 inches; W: 14.5 inches).

To remove the existing two-span steel through truss bridge having clear spans of 129 and 153 feet and maximum underclearance of 21 feet and to construct and maintain a three-span precast concrete box beam bridge consisting of two spans each at 86.5 feet and one span at 103 feet, an under clearance of 16.5 feet and an instream length of 32 feet 10 1/2 inches at a point across the Mahoning River (WWF) along Churchill Road (T-324) in Mahoning Township, Lawrence County.

E37-157, North Beaver Township Supervisors, 861 Mount Jackson Road, New Castle, PA 16102. T-361 (Moravia-Petersburg Road) bridge replacement in North Beaver Township, **Lawrence County**, ACOE Pittsburgh District (Bessemer, PA Quadrangle N: 6.4 inches; W: 15.1 inches).

The applicant proposes to remove the existing structure and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 31.54 feet and a minimum underclearance of 7.06 feet on a 72 degree skew across Sugar Creek (HQ-CWF, perennial) on

T-361 (Moravia-Petersburg Road) approximately 1.6 miles northwest of the intersection of U. S. Interstate 76 and SR 551. The project includes rip-rap protection of the abutments and roadway straightening including to fill 0.044 acre (de minimis) of PEM and PSS wetland. The project proposes to directly affect 0.044 acre of PEM and PSS wetlands and approximately 55 linear feet of stream.

Major Amendment E42-275A, Bradford Properties, LP, 609 Alexander Street, Pittsburgh, PA 15220-5503. Bradford Wal-Mart in Foster, **McKean County**, ACOE Pittsburgh District (Derrick City, PA Quadrangle N: 18.8 inches; W: 15.5 inches).

The original permit giving its consent to fill 0.29 acre of wetlands (PEM and PEM/PSS), install and maintain approximately 150 feet of bank stabilization and create 0.3 acre of replacement wetlands is to be amended giving consent to regrade the failed wetland mitigation area to original contours providing vegetative plantings to achieve stabilization and to create additional floodplain by grading an area approximately 200 feet long ranging from 10 to 15 feet in width and re-establishing stabilization with "live stakes" and an appropriate seed mix all to be along the north bank of Foster Brook (CWF) at the Wal-Mart retail center east of East Main Street approximately 1,000 feet north of its intersection with SR 346. The developer will be required to make payment of \$5,000 to the wetland replacement fund in lieu of recreating the failed wetland.

E43-304, Nancy Bires, Hermitage School District, 411 North Hermitage Road, Hermitage, PA 16148-3316. West Branch Pine Hollow Run stream restoration in Hermitage City, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 20.8 inches; W: 10.9 inches).

To construct and maintain a stream restoration project within West Branch Pine Hollow Run (WWF) for the purposes of: stream bank stabilization, improved sediment transport, establishment of riparian buffers and improved aquatic habitat while implementing a natural stream channel design approach consisting of the following construction activities: channel relocation, stream and floodway excavation and filling and the installation of cross vanes all beginning at a point approximately 2,300 feet northwest of the intersection of SR 62 and SR 18 and extending north approximately 1,930 feet to SR 3014 (Highland Road).

E61-266, Department of Conservation and Natural Resources, Bureau of Forestry, Forest District No. 8, 158 South 2nd Avenue, Clarion, PA 16214. Dennison Run ford crossing in Clinton Township, **Venango County**, ACOE Pittsburgh District (Kennerdell, PA Quadrangle N: 4.29 inches; W: 13.28 inches).

To remove the existing ford crossing consisting of deteriorated gabion baskets and to construct and maintain a reinforced concrete low flow crossing consisting of five low flow channels approximately 8 feet wide and 2 feet high and having a steel grate deck, an instream length of 17 feet, concrete approach slabs on both sides and is at a point within Dennison Run (EV) approximately 250 feet west of the mouth at the Allegheny River.

E62-393, Connie Holden and Dana Holden, P. O. Box 292, Six Mile Road, Tiona, PA 16352-0292. Sixmile Run culvert in Mead Township, **Warren County**, ACOE Pittsburgh District (Clarendon, PA Quadrangle N: 2.6 inches; W: 5.0 inches).

The applicant proposes to remove the existing structure and to construct and maintain a 30-foot long, 6-foot

diameter steel culvert in Sixmile Run (HQ CWF, perennial) approximately 1.8 miles northeast of the intersection of U. S. Route 6 and Six Mile Road. The project has been constructed. The existing structure was damaged during the storm of July 21, 2003. The project includes riprap protection of the culvert and adjacent stream banks. The project proposes to directly affect a total of approximately 70 linear feet of stream channel.

E62-394, Warren Electric Cooperative, Inc., P. O. Box 208, Youngsville, PA 16371. Akeley Substation expansion project in Pine Grove Township, **Warren County**, ACOE Pittsburgh District (Russell, PA Quadrangle N: 16.1 inches; W: 1.0 inch).

To place approximately 700 square feet of fill averaging 6 feet deep within a palustrine forested wetland for the purpose of expanding the existing Akeley Electric Substation 0.2 mile east of SR 0062 along the south side of Cable Hollow Road.

E62-396, Department of Conservation and Natural Resources, Cornplanter State Forest District No. 14, 323 North State Street, North Warren, PA 16365-4867. Anders Run Trail bridge replacement in Brokenstraw Township, **Warren County**, ACOE Pittsburgh District (Youngsville, PA Quadrangle N: 13.5 inches; W: 4.75 inches).

The applicant proposes to construct and maintain a steel stringer hiking trail bridge having a clear span of 38 feet and an underclearance of 8.4 feet on a 90 degree skew across Anders Run (CWF, perennial) on the Anders Run Hiking Trail approximately 2.0 miles southwest of the intersection of U. S. Route 6 and U. S. Route 62.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

EA02-006CO. Houston-Starr Company, 300 Brushton Avenue, Pittsburgh, PA 15221. Monroeville Borough, **Allegheny County**, ACOE Pittsburgh District.

Project proposes to construct, operate and maintain a nonjurisdictional dam (Detention Basin 2) and to modify an existing nonjurisdictional dam (Detention Basin 1). The dams are across a tributary to Simpson Run in Monroeville Borough, Allegheny County. Detention basin 2 will impact approximately 100 linear feet of stream channel for stormwater management purposes. The embankment of Detention Basin 1 will be lowered so the reservoir will have a maximum depth of 14.27 feet. The dams are approximately 3,300 feet southwest of the intersection of Saunders Road (SR 2100) and Meadowbrook Road (Murrysville, PA Quadrangle N: 4.95 inches; W: 15.95 inches).

D06-041EA. Game Commission, 1601 Elmerton Avenue, P. O. Box 67000, Harrisburg, PA 17106-7000. Heidelberg and Marion Townships, **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove Charming Forge Dam across Tulpehocken Creek (TSF), to eliminate a public safety hazard and for stream and fishery restoration. The dam is immediately upstream of Charming Forge Road Bridge (SR 3037) approximately 1,000 feet southeast of the intersection of T 512 and SR 3037 (Strausstown, PA Quadrangle N: 2.2 inches; W: 6.5 inches).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
04-31-001	Gerald Bumgardner Bumgardner & Flasher, Inc. R. R. 1, Box 100 Mount Union, PA 17066	Huntingdon	Shirley Township	1 AST storing heating oil	20,000 gallons
				1 AST storing kerosene	10,000 gallons

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

During June 2004, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Gerald Aubrey	1517 Daws Road Blue Bell, PA 19422	Testing
William Barroner	R. R. 2 Box 231A Williamsburg, PA 16693	Testing
William Carter, Jr.	759 East Parker Street	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
	Langhorne, PA 19047	
Certified Radon Measurements	123 Grouse Court Venetia, PA 15367	Testing
Don Cessna	407 West Sample Street Ebensburg, PA 15931	Testing
Donald Dietrich	131 Shire Lane Wernersville, PA 19565	Testing
Gregory Gibson	P. O. Box 733 Tannersville, PA 18372	Testing
James F. Andrews Enterprises	353 Loveville Road Warriors Mark, PA 16877	Mitigation
Carl Johanson	6050 Ruhl Road Fairview, PA 16415	Testing
Timothy Kennedy	P. O. Box 492 Dallas, PA 18612	Testing
Harry Lehman Delaware Valley Radon Tech.	3589 Gray Fox Drive Chalfont, PA 18914	Mitigation
Gerald Mutter	657 Walnut Street Easton, PA 18042	Testing
Roman Paul	P. O. Box 731 Valley Forge, PA 19482	Testing
Peter Piazza	1133 Brookside Drive Greensburg, PA 15601	Testing
Pocono Environmental Labs	301 Route 940 Mount Pocono, PA 18344	Testing
Quality Home Services of Delaware Valley, Inc.	700 Braxton Road Ridley Park, PA 19078	Testing
Swindell Enterprises, Inc.	227 Locust Street, Box 12 Alum Bank, PA 15521	Testing
Michael Tokarczyk	753 Lutzville Road Everett, PA 15537	Mitigation
David Welker	12 James Street Mill Hall, PA 17751	Testing
Dennis Workman	P. O. Box 100 Kimberton, PA 19442	Testing

Proposals for Demonstration or Implementation of New or Innovative In-Situ or Ex-Situ Treatment or Abatement Technologies or Enhanced Metals Recovery for Acid Mine Drainage

Through Bid No. OSM PA(AMD-04), the Department of Environmental Protection is soliciting proposals for demonstration or implementation of new or innovative in-situ or ex-situ treatment or abatement technologies or enhanced metals recovery for acid mine drainage. Letters requesting the Request for Proposal must be received by 2 p.m. on August 16, 2004, and shall be sent to Joseph H. Schueck, Chief, Division of Acid Mine Drainage Abatement, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476, fax (717) 783-0470. Individuals with questions should contact Joseph H. Schueck, (717) 783-5633, jschueck@state.pa.us.

Request for Comment and Notice of Public Meeting for Proposed Total Maximum Daily Loads (TMDLs) for the Montour Run Watershed in Allegheny County

Greensburg District Mining Office: Watershed Manager; Armbrust Professional Center; R. D. 2, Box 603-C, Greensburg, PA 15601.

The Department of Environmental Protection (Department) is holding a public meeting on July 20, 2004, at 7:30 p.m. in the Commissioner's Meeting Room, Robinson Township Municipal Building, 1000 Churchill Road, Pittsburgh, PA to

discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. One stream segment in the Montour Run Watershed has been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to metals and pH from AMD. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
36684	Montour Run	36.9

The proposed plan provides calculations of the stream's total capacity to accept metals and acidity and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum (Al)	0.75	Total Recoverable
Iron (Fe)	1.50	30-day average; Total Recoverable
Manganese (Mn)	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the mid 19th and throughout the 20th centuries. The effects of this are still present. There is one waste load allocation for an active mine in the watershed. All of the remaining allocations made in the TMDL are load allocations (LA) that are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation (MCS) to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected in 2002 and 2003.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet or to obtain directions to the meeting place, contact Ron Horansky, Armbrust Professional Center, R. D. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5538, rhoransky@state.pa.us.

The TMDL can be viewed and printed by accessing the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by September 16, 2004. Persons who plan to make a presentation at the public meeting should notify the Department by 12 p.m. on July 20, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Request for Comment and Notice of Public Meeting Proposed Total Maximum Daily Loads (TMDLs) for the Moon Run Watershed in Allegheny County

Greensburg District Mining Office: Watershed Manager, Armbrust Professional Center, R. D. 2, Box 603-C, Greensburg, PA 15601.

The Department is holding a public meeting on July 20, 2004, at 7:30 p.m. in the Commissioner's Meeting Room, Robinson Township Municipal Building, 1000 Churchill Road, Pittsburgh, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. One stream segment in the Moon Run Watershed has been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to metals and pH from AMD. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
36730	Moon Run	6.6

The proposed plan provides calculations of the stream's total capacity to accept metals and acidity and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum (Al)	0.75	Total Recoverable
Iron (Fe)	1.50	30-day average; Total Recoverable
Manganese (Mn)	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th and early 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are LA that are made to nonpoint sources of pollution.

The TMDL was developed using MCS to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected in 2002 and 2003.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet or to obtain directions to the meeting place, contact Ron Horansky, Armbrust Professional Center, R. D. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5538, rhoransky@state.pa.us.

The TMDL can be viewed and printed by accessing the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by September 16, 2004. Persons who plan to make a presentation at the public meeting should notify the Department by 12 p.m. on July 20, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 04-1301. Filed for public inspection July 16, 2004, 9:00 a.m.]

State Water Plan Statewide Water Resources Committee Meeting

The State Water Plan Statewide Water Resources Committee has scheduled a meeting at 10 a.m. on July 22, 2004, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105 to discuss the development of the State Water Plan.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1302. Filed for public inspection July 16, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Chambersburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chambersburg Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously

listed address or phone number, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-1303. Filed for public inspection July 16, 2004, 9:00 a.m.]

Application of Gastroenterologists Ambulatory Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gastroenterologists Ambulatory Surgical Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. Gastroenterologists Ambulatory Surgical Center has also requested an exception to the requirements of 28 Pa. Code § 569.2(a) (relating to fire safety standards) and 28 Pa. Code Chapter 571, Appendix A (relating to alternative construction guidelines).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-1304. Filed for public inspection July 16, 2004, 9:00 a.m.]

Application of UPMC St. Margaret for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating

to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 7.2.A4 (relating to handwashing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-1305. Filed for public inspection July 16, 2004, 9:00 a.m.]

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from March 1, 2004, through May 31, 2004. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities should be addressed to the Division of Acute and Ambulatory Care, Sandra Knoble, Director, P. O. Box 90, Harrisburg, PA 17108. Inquiries regarding long-term care facilities should be addressed to the Division of Nursing Care Facilities, William Bordner, Director, P. O. Box 90, Harrisburg, PA 17108. Persons requiring special assistance for speech and/or hearing impairment should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

Exception Requests—Hospitals

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Ephrata Community Hospital	28 Pa. Code § 51.23	PET scanning	2/14/2004	granted
Pottstown Memorial Medical	28 Pa. Code § 51.23	PET scanning	4/10/2004	granted
Riddle Memorial Hospital	28 Pa. Code § 107.2	medical staff membership	3/13/2004	granted
UPMC Bedford Memorial	28 Pa. Code § 107.2	medical staff membership	6/12/2004	granted
Abington Memorial Hospital	28 Pa. Code § 107.26(b)(2)	tissue committee	3/13/2004	granted
UPMC Rehabilitation Hospital	28 Pa. Code § 107.32	meetings and attendance	5/22/2004	denied
Indiana Regional Medical Center	28 Pa. Code § 107.62	oral orders—radiology	5/1/2004	granted
St. Luke's Hospital—Bethlehem	28 Pa. Code § 107.62	oral orders—speech path	11/8/2003	granted
Corry Memorial Hospital	28 Pa. Code § 107.62(b)	oral orders, radiology	2/14/2004	granted/ denied
Good Shepherd Rehabilitation	28 Pa. Code § 107.62(b)	oral orders—PA, speech therapist	3/13/2004	granted
Good Shepherd Specialty	28 Pa. Code § 107.62(b)	oral orders—PA, speech therapist	3/13/2004	granted
Holy Spirit Hospital	28 Pa. Code § 107.64	administration of drugs—medical	3/13/2004	withdrawn
St. Luke's Hospital—Bethlehem	28 Pa. Code § 107.64	administration of drugs	4/24/2004	granted
St. Luke's Hospital—Allentown	28 Pa. Code § 107.64	administration of drugs	4/24/2004	granted
St. Luke's Hospital—Allentown	28 Pa. Code § 153.1	minimum standards	11/22/2003	granted
Montrose General Hospital	28 Pa. Code § 153.1	minimum standards	11/8/2003	granted
Carlisle Regional Medical Center	28 Pa. Code § 153.1	minimum standards	2/14/2004	granted
Washington Hospital	28 Pa. Code § 153.1	minimum standards	4/24/2004	granted
Lancaster General Hospital	28 Pa. Code § 153.1	minimum standards	5/1/2004	granted
Lewistown Hospital	28 Pa. Code § 153.1	minimum standards	5/1/2004	granted
Lancaster General Hospital	28 Pa. Code § 153.1	minimum standards	5/22/2004	not needed
Albert Einstein Healthcare	28 Pa. Code § 153.1	minimum standards	6/12/2004	not needed
Temple University Hospital	28 Pa. Code § 153.1	minimum standards	6/26/2004	granted

Exception Requests—Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Zitelli South Ambulatory Surgical	28 Pa. Code § 553	governing body—recordkeeping	3/13/2004	granted
John A. Zitelli Ambulatory	28 Pa. Code § 553	governing body—recordkeeping	3/13/2004	granted
Zitelli South Ambulatory Surgical	28 Pa. Code § 555	medical staff—recordkeeping	3/13/2004	granted
John A. Zitelli Ambulatory	28 Pa. Code § 555	medical staff—recordkeeping	3/13/2004	granted
Zitelli South Ambulatory Surgical	28 Pa. Code § 557	QA and Improvement—record	3/13/2004	granted
John A. Zitelli Ambulatory	28 Pa. Code § 557	QA and Improvement—record	3/13/2004	granted
Zitelli South Ambulatory Surgical	28 Pa. Code § 563	medical records—recordkeeping	3/13/2004	granted
John A. Zitelli Ambulatory	28 Pa. Code § 563	medical Records—recordkeeping	3/13/2004	granted/ denied
Berks Plastic Surgery Institute	28 Pa. Code § 571.1	minimum standards	4/3/2004	granted/ denied
Main Line Spin	28 Pa. Code § 571.1	minimum standards	6/12/2004	granted
West Shore Endoscopy Center	28 Pa. Code § 571.2(d)	elevators	4/10/2004	granted
Main Line Spine	28 Pa. Code § 571.2(d)	elevators	6/12/2004	granted

Exception Requests—Nursing Care Facilities

Brethren Village	28 Pa. Code § 201.3	definitions	2/28/04	granted
Tel Hai Retirement Community	28 Pa. Code § 201.3	definitions	3/6/04	granted
Montgomery Cty Geriatric & Rehab Center	28 Pa. Code § 201.3	definitions	3/6/04	granted
Regina Community Nsng Center	28 Pa. Code § 201.3	definitions	3/6/04	granted
Landis Homes	28 Pa. Code § 201.3	definitions	3/6/04	granted
Attleboro Nsng & Rehab Center	28 Pa. Code § 201.3	definitions	3/6/04	granted
Cathedral Village	28 Pa. Code § 201.3	definitions	3/6/04	granted
Fairmount Homes	28 Pa. Code § 201.3	definitions	3/6/04	granted
Dr. Arthur Clifton McKinley Health Center	28 Pa. Code § 201.3	definitions	4/3/04	granted
Highland View	28 Pa. Code § 201.3	definitions	4/3/04	granted
Conestoga View	28 Pa. Code § 201.3	definitions	4/3/04	granted
Pine Run Health Care Center	28 Pa. Code § 201.3	definitions	4/3/04	granted
Phoebe Home	28 Pa. Code § 201.3	definition	4/17/04	granted
Arbutus Park Manor	28 Pa. Code § 201.3	definition	4/17/04	granted
Beacon Ridge, A Choice Community	28 Pa. Code § 201.3	definition	4/17/04	granted
The Communities at Indian Haven	28 Pa. Code § 201.3	definition	4/17/04	granted
Nottingham Village	28 Pa. Code § 201.3	definition	5/1/04	granted
St. John Specialty Care Center	28 Pa. Code § 201.3	definitions	5/22/04	granted
Barnes-Kasson County Hospital	28 Pa. Code § 201.3	definitions	5/22/04	granted
Wesbury United Methodist Comm	28 Pa. Code § 201.3	definitions	5/22/04	granted
Phoebe Berks Health Care Center	28 Pa. Code § 201.3	definitions	5/29/04	granted
St. Francis Country House	28 Pa. Code § 201.3	definitions	5/29/04	granted
Christ The King Manor	28 Pa. Code § 201.5	nurse aide definition	4/17/04	granted
Transitional Care Center at St. Clair Hospital	28 Pa. Code § 201.18(e)	management	4/3/04	temp granted
Somerset Hospital Center for Health	28 Pa. Code § 201.18(e)	management	5/29/04	temp granted
Overlook Medical Clinic	28 Pa. Code § 205.6(a)	function of building	2/28/04	granted
Friendship Ridge	28 Pa. Code § 205.6(a)	function of building	11/29/03	granted
Preston Residence	28 Pa. Code § 205.6(a)	function of building	2/28/04	granted
Park Lane at Bellingham, Inc.	28 Pa. Code § 205.6(a)	function of building	2/28/04	granted
Health Care Center at White Horse Village	28 Pa. Code § 205.6(a)	function of building	3/6/04	denied
New Eastwood Care & Rehab Center	28 Pa. Code § 205.6(a)	function of building	3/6/04	granted
Dock Terrace	28 Pa. Code § 205.6(a)	function of building	4/3/04	granted
Grandview Health Homes, Inc	28 Pa. Code § 205.6(a)	function of building	4/3/04	granted
Sugar Creek Rest	28 Pa. Code § 205.6(a)	function of building	4/3/04	not needed
Sena Kean Manor	28 Pa. Code § 205.6(a)	function of building	4/3/04	granted
Fairview Manor	28 Pa. Code § 205.6(a)	function of building	4/10/04	granted
Warren Manor	28 Pa. Code § 205.6(a)	function of building	4/10/04	granted
Willowbrooke Court at Fort Washington Estates	28 Pa. Code § 205.6(a)	function of building	4/10/04	granted
Bradford Manor	28 Pa. Code § 205.6(a)	function of building	4/10/04	denied
Corry Manor	28 Pa. Code § 205.6(a)	function of building	4/10/04	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Homewood at Martinsburg, PA, Inc.	28 Pa. Code § 205.6(a)	function of building	4/17/04	denied
Manor Care Health Services—Allentown	28 Pa. Code § 205.6(a)	function of building	4/17/04	granted
Harmar Village Care Center	28 Pa. Code § 205.6(a)	function of building	5/1/04	granted
Mahoning Valley Nursing And Rehab Center	28 Pa. Code § 205.6(a)	function of building	5/1/04	granted
Liberty Nursing and Rehab Center	28 Pa. Code § 205.6(a)	function of building	5/1/04	granted
Old Orchard Health Care Center	28 Pa. Code § 205.6(a)	function of building	5/1/04	granted
ManorCare Health Services—Kingston East	28 Pa. Code § 205.6	function of building	5/22/04	granted
ManorCare Health Services—Dallastown	28 Pa. Code § 205.6	function of building	5/22/04	granted
The Lutheran Home of Johnstown	28 Pa. Code § 205.6(a)	function of building	5/29/04	granted
Willowbrooke Court at Fort Washington Estates	28 Pa. Code § 205.7	basement or cellar	4/10/04	granted
Grandview Health Homes	28 Pa. Code § 205.25(b)	kitchen	5/29/04	granted
Providence Care Center	28 Pa. Code § 205.28(b)	nurses' station	3/6/04	granted
Overlook Medical Clinic	28 Pa. Code § 205.28(b)	nurses' station	2/28/04	granted
Hometown Nursing & Rehab Center	28 Pa. Code § 205.36(h)	bathing facilities	3/6/04	granted
Shenango Presbyterian Home	28 Pa. Code § 205.37(d)	equipment for bathrooms	4/10/04	granted
Shenango Presbyterian Home	28 Pa. Code § 205.37(d)	equipment for bathrooms	4/17/04	granted
Hamilton Arms Center	28 Pa. Code § 205.38(a)	toilet facilities	4/3/04	temp granted

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-1306. Filed for public inspection July 16, 2004, 9:00 a.m.]

Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol) as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum.

Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from a listed laboratory should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at the previously listed address or phone number. Persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000671
ALLEG CNTY CORONERS DIV OF LABS—SBSe, CBSe
542 FORBES AVENUE
ROOM 10 COUNTY OFFICE BUILDING
PITTSBURGH, PA 15219
412-350-6873

000452
ANALYTIC BIO-CHEMISTRIES INC—SBSe, CBSe
1680-D LORETTA AVENUE
FEASTERVILLE, PA 19053
215-322-9210

000266
DEPT OF PATHOLOGY & LAB MED-HUP—SSe, CSe
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
215-662-6882

000977
DRUGSCAN INC—SBSe, CBSe
1119 MEARN RD, PO BOX 2969
WARMINSTER, PA 18974
215-674-9310

000654
GUTHRIE CLINIC PATH LAB—SSe
GUTHRIE SQUARE
SAYRE, PA 18840
570-888-5858

024655
HEALTH NETWORK LABORATORIES—SBSe, CBSe
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
610-402-8150

020512
LABCORP OCCUPATIONAL TESTING SER—SBSe,
CBSe
1904 ALEXANDER DRIVE
PO BOX 12652
RESRCH TRNGL PARK, NC 27709
919-572-7465

028960
LABORATORY CORPORATION OF AMERICA
HOLDINGS—SBSe, CBSe
901 KEYSTONE INDUSTRIAL PARK
SUITE A
THROOP, PA 18512
570-346-1759

005574
MEDTOX LABORATORIES INC—SBSe, CBSe
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
612-636-7466

000504
NATIONAL MED SERVICES INC LAB—SBSe, CBSe
3701 WELSH ROAD
WILLOW GROVE, PA 19090
215-657-4900

000520
PITTSBURGH CRIMINALISTICS LABORATORY—SBSe,
CBSe

1320 FIFTH AVENUE
PITTSBURGH, PA 15219
412-391-6118

001136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBSe,
CBSe
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
703-802-6900

000482
QUEST DIAGNOSTICS OF PA INC—SBSe, CBSe
875 GREENTREE RD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
412-920-7600

025461
QUEST DIAGNOSTICS VENTURE LLC—SBSe, CBSe
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
412-920-7631

000151
ST JOSEPH QUALITY MEDICAL LAB—SBSe, CBSe
215 NORTH 12TH STREET BOX 316
READING, PA 19603
610-378-2200

007731
WESTERN RESERVE CARE SYSTEM—SSe, CSe
500 GYPSY LANE
YOUNGSTOWN, OH 44504
216-740-3794

000018
WVHCS HOSPITAL—SSe
575 NORTH RIVER STREET
WILKES BARRE, PA 18764
570-829-8111

000141
YORK HOSPITAL—SSe
1001 SOUTH GEORGE STREET
YORK, PA 17405
717-851-2345

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-1307. Filed for public inspection July 16, 2004, 9:00 a.m.]

Laboratories Approved to Determine Blood Alcohol Content

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories.

Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the analysis of serum proficiency testing specimens are ap-

proved to analyze both serum and plasma. These laboratories are also approved and designated under the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside this Commonwealth may not provide blood and/or serum and plasma alcohol testing services in this Commonwealth unless they are specifically licensed by the Department under the Clinical Laboratory Act.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised approximately semi-annually and published in the *Pennsylvania Bulletin*.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937), which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at the previously listed address or phone number. Persons who are speech or hearing impaired should use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The symbols S and B indicate the following:

S = approved for serum and plasma analyses

B = approved for blood analyses

SB = approved for serum, plasma and blood analyses

000212
ABINGTON MEMORIAL HOSPITAL-S
1200 OLD YORK ROAD
ABINGTON, PA 19001
215-576-2350

027180
ADVANCED TOXICOLOGY NETWORK-B
3560 AIR CENTER COVE SUITE 101
MEMPHIS, TN 38118
901-794-5770

000233
ALBERT EINSTEIN MEDICAL CENTER-S
5501 OLD YORK ROAD
PHILADELPHIA, PA 19141
215-456-6100

000040 ALIQUIPPA COMM HOSP PATHOLOGY DEPT-B
2500 HOSPITAL DR-PATHOLOGY DEPT
ALIQUIPPA, PA 15001
724-857-1240

000671
ALLEG CNTY CORONERS DIV OF LABS-SB
542 FORBES AVENUE
ROOM 10 COUNTY OFFICE BUILDING
PITTSBURGH, PA 15219
412-350-6873

028233
ALLEGHENY GENERAL HOSP DEPT OF LAB MED-B
320 E NORTH AVENUE
PITTSBURGH, PA 15212
412-359-6886

000077
ALLEGHENY GENERAL HOSPITAL-B
1307 FEDERAL STREET
PITTSBURGH, PA 15212
412-359-3521

000100
ALLEGHENY VALLEY HOSPITAL LAB-SB
1300 CARLISLE ST
NATRONA HEIGHTS, PA 15065
724-224-5100

000119
ALTOONA HOSPITAL-SB
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
814-946-2340

000452
ANALYTIC BIO-CHEMISTRIES INC-SB
1680-D LORETTA AVENUE
FEASTERVILLE, PA 19053
215-322-9210

000041
ARMSTRONG COUNTY MEMORIAL HOSP-S
1 NOLTE DRIVE
KITTINGING, PA 16201
724-543-8122

000047
ASSOCIATED CLINICAL LABORATORIES-SB
1526 PEACH STREET
ERIE, PA 16501
814-461-2400

000320
BARNES KASSON COUNTY HOSPITAL-S
400 TURNPIKE STREET
SUSQUEHANNA, PA 18847
570-853-3135

000120
BON SECOURS-HOLY FAMILY REG HLTH-SB
2500 SEVENTH AVENUE
ALTOONA, PA 16602-2099
814-949-4495

000033
BRADFORD REGIONAL MEDICAL CENTER-SB
116-156 INTERSTATE PKWY
BRADFORD, PA 16701-0218
814-362-8247

000296
BRANDYWINE HOSPITAL-S
201 REECEVILLE ROAD ATTN: LABORATORY
COATESVILLE, PA 19320
610-383-8000

000053
BROOKVILLE HOSPITAL-S
100 HOSPITAL RD
BROOKVILLE, PA 15825
814-849-2312

000102
BROWNSVILLE GENERAL HOSPITAL LAB-S
125 SIMPSON RD
BROWNSVILLE, PA 15417
724-785-7200

000301
BUTLER MEMORIAL HOSPITAL-S
911 EAST BRADY STREET
BUTLER, PA 16001
724-284-4510

000107
CANONSBURG GENERAL HOSPITAL-SB
100 MEDICAL BOULEVARD
CANONSBURG, PA 15317
724-745-3916

000131
CARLISLE REGIONAL MEDICAL CENTER-S
246 PARKER ST
CARLISLE, PA 17013
717-249-1212

000215
CENTRAL MONTGOMERY MEDICAL CENTER-S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
215-368-2100

000132
CHAMBERSBURG HOSPITAL-S
112 NORTH SEVENTH ST
CHAMBERSBURG, PA 17201
717-267-7152

000310
CHARLES COLE MEMORIAL HOSPITAL-S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
814-274-9300

000198
CHESTER COUNTY HOSPITAL-S
701 E MARSHALL ST
WEST CHESTER, PA 19380
610-431-5182

000227
CHESTNUT HILL HOSPITAL-S
8835 GERMANTOWN AVENUE
DEPT OF PATHOLOGY
PHILADELPHIA, PA 19118
215-248-8630

000228
CHILDRENS HOSP OF PHILADELPHIA-S
ONE CHILDREN'S CENTER 34TH & CIVIC
PHILADELPHIA, PA 19104
215-590-1000

000329
CLARION HOSPITAL-SB
1 HOSPITAL DRIVE
CLARION, PA 16214
814-226-9500

000026
CLEARFIELD HOSPITAL LABORATORY-S
809 TURNPIKE AVE PO BOX 992
CLEARFIELD, PA 16830
814-768-2280

000034
COMMUNITY HOSPITAL-B
NORTH FRALEY STREET
KANE, PA 16735
814-837-4575

000166
COMMUNITY HOSPITAL OF LANCASTER-S
1100 EAST ORANGE STREET
LANCASTER, PA 17602
717-397-3711

000005
COMMUNITY MEDICAL CENTER-S
1800 MULBERRY STREET
SCRANTON, PA 18510
570-969-8000

000125
CONEMAUGH VALLEY MEMORIAL HOSP-SB
1086 FRANKLIN STREET
JOHNSTOWN, PA 15905-4398
814-534-9000

000326
CORY MEMORIAL HOSPITAL-S
612 WEST SMITH STREET
CORY, PA 16407
814-664-4641

000201
CROZER CHESTER MED CENTER-S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
610-447-2000

000209
CROZER-CHESTER MED CTR-SPRINGFLD-S
190 WEST SPROUL ROAD
SPRINGFIELD, PA 19064
610-447-2000

000204
DELAWARE COUNTY MEMORIAL HOSP-S
501 NORTH LANSDOWNE AVENUE
DREXEL HILL, PA 19026-1186
610-284-8100

000266
DEPT OF PATHOLOGY & LAB MED-HUP-SB
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
215-662-6882

000194
DOYLESTOWN HOSPITAL-S
595 WEST STATE STREET
DOYLESTOWN, PA 18901
215-345-2250

000977
DRUGSCAN INC-SB
1119 MEARNS RD, PO BOX 2969
WARMINSTER, PA 18974
215-674-9310

000027
DUBOIS REG MED CTR—WEST UNIT-S
100 HOSPITAL AVE
DUBOIS, PA 15801
814-371-2200

000175
EASTON HOSPITAL-B
250 SOUTH 21ST ST
EASTON, PA 18042-3892
610-250-4140

000332
ELLWOOD CITY HOSPITAL-S
724 PERSHING ST
ELLWOOD CITY, PA 16117
724-752-0081

000164
EPHRATA COMMUNITY HOSPITAL-S
169 MARTIN AVE PO BOX 1002
EPHRATA, PA 17522
717-733-0311

000032
ERHC ST MARYS LABORATORY-B
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
814-788-8525

000181
EVANGELICAL COMMUNITY HOSPITAL-S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
570-522-2510

000085
FORBES REGIONAL HOSPITAL-SB
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
412-858-2560

000192
FRANKFORD HOSP BUCKS CO CAMPUS-S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
215-934-5227

000341
FRANKFORD HOSPITAL-S
RED LION & KNIGHTS ROADS
PHILADELPHIA, PA 19114
215-612-4000

000236
FRANKFORD HOSPITAL FRANK DIV-S
FRANKFORD AVE & WAKELING ST
PHILADELPHIA, PA 19124
215-831-2068

000115
FRICK HOSPITAL-S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
724-547-1500

000330
FULTON COUNTY MEDICAL CENTER-S
216 SOUTH FIRST STREET
MCCONNELLSBURG, PA 17233
717-485-3155

000173
GEISINGER MEDICAL CENTER-SB
N ACADEMY RD
DANVILLE, PA 17822
570-271-6338

000019
GEISINGER WYOMING VALLEY MED CTR-S
1000 E MOUNTAIN DRIVE
WILKES BARRE, PA 18711
570-826-7830

000104
GEORGE TOLSTOI LAB-UNIONTOWN HSP-S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
724-430-5143

000237
GERMANTOWN COMM HLTH WILLOW TERR-S
ONE PENN BOULEVARD
PHILADELPHIA, PA 19144
215-951-8800

000122
GETTYSBURG HOSPITAL-SB
147 GETTYS STREET
GETTYSBURG, PA 17325
717-334-2121

000152
GNADEN HUETTEN MEMORIAL HOSP-B
11TH & HAMILTON STS
LEHIGHTON, PA 18235
610-377-1300

000299
GOOD SAMARITAN HOSPITAL-B
4TH & WALNUT STS PO BOX 1281
LEBANON, PA 17042-1218
717-270-7500

000182
GOOD SAMARITAN REGIONAL MED CTR-S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
570-621-4032

000238
GRADUATE HOSPITAL-S
1800 LOMBARD STREET
PHILADELPHIA, PA 19146
215-893-2240

000196
GRAND VIEW HOSPITAL-S
700 LAWN AVE
SELLERSVILLE, PA 18960
215-257-3611

000105
GREENE COUNTY MEMORIAL HOSPITAL-S
BONAR AVENUE
WAYNESBURG, PA 15370
724-627-2608

000654
GUTHRIE CLINIC PATH LAB-S
GUTHRIE SQUARE
SAYRE, PA 18840
570-888-5858

000239
HAHNEMANN UNIVERSITY HOSPITAL-S
BROAD & VINE STS MS 113
PHILADELPHIA, PA 19102
215-762-1783

000046
HAMOT MEDICAL CENTER-S
201 STATE STREET
ERIE, PA 16550
814-877-3131

000139
HANOVER HOSPITAL,INC.-SB
300 HIGHLAND AVE
HANOVER, PA 17331
717-637-3711

000155
HARRISBURG HOSPITAL LABORATORY-SB
SOUTH FRONT STREET
HARRISBURG, PA 17101
570-782-2832

000010
HAZLETON GENERAL HOSPITAL-SB
700 EAST BROAD
HAZLETON, PA 18201
570-501-4152

000169
HEALTH NETWORK LABORATORIES-S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
610-402-2236

000549
HEALTH NETWORK LABORATORIES-S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
610-402-8150

000600
HEALTH NETWORK LABORATORIES-S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
484-884-2259

024655
HEALTH NETWORK LABORATORIES-SB
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
610-402-8150

000103
HIGHLANDS HOSPITAL-S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
724-628-1500

000130
HOLY SPIRIT HOSPITAL-SB
503 N 21ST STREET
CAMP HILL, PA 17011-2288
717-763-2206

000052
INDIANA REGIONAL MEDICAL CENTER-S
HOSPITAL ROAD PO BOX 788
INDIANA, PA 15701-0788
724-357-7167

000135
J C BLAIR MEMORIAL HOSPITAL-S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
814-643-8645

000054
JAMESON MEMORIAL HOSPITAL-S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
724-656-4080

000240
JEANES HOSPITAL-S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
215-728-2347

000038
JEFFERSON REGIONAL MED CTR—S
565 COAL VALLEY ROAD
BIBRO BLDG 4TH FLOOR
PITTSBURGH, PA 15236
412-469-5723

000200
JENNERSVILLE REGIONAL HOSPITAL-S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
610-869-1080

000532
KENSINGTON HOSPITAL-S
136 WEST DIAMOND STREET
PHILADELPHIA, PA 19122
215-426-8100

005618
LAB CORP OF AMERICA HOLDINGS-SB
6370 WILCOX ROAD
DUBLIN, OH 43016-1296
800-282-7300

001088
LABCORP OF AMERICA HOLDINGS-SB
69 FIRST AVE PO BOX 500
RARITAN, NJ 08869
908-526-2400

022715
LABONE INC-SB
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
913-888-1770

028960
LABORATORY CORPORATION OF AMERICA
HOLDINGS-SB
901 KEYSTONE INDUSTRIAL PARK
SUITE A
THROOP, PA 18512
570-346-1759

000165
LANCASTER GENERAL HOSPITAL-S
555 N DUKE ST PO BOX 3555
LANCASTER, PA 17604
717-299-5511

000167
LANCASTER REGIONAL MED CENTER-S
250 COLLEGE AVENUE
PO BOX 3434
LANCASTER, PA 17604
717-291-8022

000114
LATROBE AREA HOSPITAL-S
121 W SECOND AVENUE
LATROBE, PA 15650
724-537-1550

000138
LEWISTOWN HOSPITAL-B
400 HIGHLAND AVENUE
LEWISTOWN, PA 17044
717-248-5411

000030
LOCK HAVEN HOSPITAL-B
24 CREE DRIVE
LOCK HAVEN, PA 17745
570-893-5000

000213
MAIN LINE CLIN LABS BRYN MAWR CP-S
130 BRYN MAWR AVENUE
BRYN MAWR, PA 19010
610-526-3554

000242
MAIN LINE CLIN LABS LANKENAU CP-S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
610-645-2615

000199
MAIN LINE CLIN LABS PAOLI MEM CP-S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
610-648-1000

000004
MARIAN COMMUNITY HOSPITAL-S
100 LINCOLN AVENUE
CARBONDALE, PA 18407
717-281-1042

000049
MEADVILLE MED CTR-LIBERTY ST-S
751 LIBERTY STREET
MEADVILLE, PA 16335
814-336-3121

000268
MEDICAL COLLEGE OF PA HOSPITAL-S
3300 HENRY AVENUE
PHILADELPHIA, PA 19129
215-842-7306

005574
MEDTOX LABORATORIES INC-SB
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
612-636-7466

000140
MEMORIAL HOSPITAL CLINICAL LAB-SB
325 S BELMONT ST PO BOX 15118
YORK, PA 17403
717-843-8623

000023
MEMORIAL HOSPITAL LAB-SB
1 HOSPITAL DRIVE
TOWANDA, PA 18848
570-265-2191

000203
MERCY FITZGERALD HOSPITAL-S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
610-237-4262

000247
MERCY HEALTH LAB/MHOP-S
54 AND CEDAR AVENUE
PHILADELPHIA, PA 19143
215-748-9181

000219
MERCY HEALTH LAB/MSH-S
2701 DEKALB PIKE
NORRISTOWN, PA 19401
610-278-2090

000336
MERCY HOSPITAL-S
746 JEFFERSON AVE
SCRANTON, PA 18510
570-348-7100

000017
MERCY HOSPITAL LABORATORY-S
25 CHURCH STREET
PO BOX 658
WILKES BARRE, PA 18765
570-826-3100

000079
MERCY HOSPITAL NORTH SHORE LAB-S
1004 ARCH STREET
PITTSBURGH, PA 15212
412-323-5766

000082
MERCY HOSPITAL OF PITTSBURGH-S
PRIDE & LOCUST STREETS
PITTSBURGH, PA 15219
412-232-7831

000113
MERCY JEANNETTE HOSPITAL-S
600 JEFFERSON AVENUE
JEANNETTE, PA 15644
724-527-9330

028436
METHODIST HOSP DIV TJUH INC ER LAB-S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
215-952-9055

000245
METHODIST HOSP DIVISION/TJUH INC-S
1900 S. BROAD STREET
PHILADELPHIA, PA 19145
215-952-9059

000231
MEYERSDALE COMMUNITY HOSPITAL-S
200 HOSPITAL DR
MEYERSDALE, PA 15552
814-634-5911

000269
MIDVALLEY HOSPITAL-S
1400 MAIN STREET
PECKVILLE, PA 18452
570-383-5520

000128
MINERS MEDICAL CENTER-S
290 HAIDA AVENUE
PO BOX 689
HASTINGS, PA 16646
814-948-7171

000108
MONONGAHELA VALLEY HOSPITAL-S
COUNTRY CLUB ROAD RT 88
MONONGAHELA, PA 15063
724-258-1109

000323
MONSOUR MEDICAL CENTER-S
70 LINCOLN WAY E
JEANNETTE, PA 15644
724-527-1511

000217
MONTGOMERY HOSPITAL LAB-S
POWELL & FORNANCE STS
NORRISTOWN, PA 19401
610-270-2173

000007
MOSES TAYLOR HOSPITAL-S
700 QUINCY AVENUE
SCRANTON, PA 18510
570-340-2100

000214
MOSS REHAB EINSTEIN AT ELKINS PARK-S
60 EAST TOWNSHIP LINE ROAD
ELKINS PARK, PA 19027
215-663-6102

000025
MOUNT NITTANY MEDICAL CENTER-B
1800 PARK AVENUE
STATE COLLEGE, PA 16803
814-234-6117

000035
MUNCY VALLEY HOSPITAL-S
215 EAST WATER ST
MUNCY, PA 17756
570-546-8282

000304
NASON HOSPITAL-B
NASON DRIVE
ROARING SPRING, PA 16673
814-224-6215

000504
NATIONAL MED SERVICES INC LAB-SB
3701 WELSH ROAD
WILLOW GROVE, PA 19090
215-657-4900

000248
NAZARETH HOSPITAL-S
2601 HOLME AVE
PHILADELPHIA, PA 19152
215-335-6245

029067
NORTHWEST TOXICOLOGY-SB
1141 EAST 3900 SOUTH
SALT LAKE CITY, UT 84124
801-293-2300

000099
OHIO VALLEY GENERAL HOSPITAL-S
25 HECKEL RD
MCKEES ROCKS, PA 15136
412-777-6161

000807
OMEGA MEDICAL LABORATORIES INC-SB
2001 STATE HILL ROAD SUITE 100
WYOMISSING, PA 19610-1699
610-378-1900

000334
PALMERTON HOSPITAL-S
135 LAFAYETTE AVE
PALMERTON, PA 18071
610-826-3141

000316
PENN STATE MILTON S HERSHEY MED CTR-S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
717-531-8353

022533
PENNSYLVANIA DEPT OF HEALTH-SB
110 PICKERING WAY
LIONVILLE, PA 19353
610-280-3464

000251
PENNSYLVANIA HOSPITAL OF THE UNIV OF PA
HLTH-S
8TH & SPRUCE STS
PHILADELPHIA, PA 19107
215-829-3541

022306
PHILIPSBURG AREA HOSPITAL-SB
210 LOCH LOMOND ROAD
PHILIPSBURG, PA 16866
814-343-8720

000197
PHOENIXVILLE HOSPITAL LABORATORY-S
140 NUTT RD DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
610-983-1612

000157
PINNACLEHLTH/COMM GEN OSTEO HOSP-S
4300 LONDONDERRY RD PO BOX 3000
HARRISBURG, PA 17109
717-657-7214

000520
PITTSBURGH CRIMINALISTICS LABORATORY-SB
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
412-391-6118

000022
POCONO MEDICAL CENTER LAB-SB
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
570-476-3544

000221
POTTSTOWN HOSPITAL COMPANY, LLC-S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
610-327-7000

000183
POTTSVILLE HOSP AND WARNE CLINIC-SB
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
570-621-5262

000300
PUNXSUTAWNEY AREA HOSPITAL-S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
814-938-4500

000315
QUEST DIAGNOSTICS CLINICAL LABS INC-SB
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
215-957-9300

027461
QUEST DIAGNOSTICS INC-SB
400 EGYPT ROAD
NORRISTOWN, PA 19403
610-631-4219

001136
QUEST DIAGNOSTICS NICHOLS INSTITUTE-SB
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
703-802-6900

000482
QUEST DIAGNOSTICS OF PA INC-SB
875 GREENTREE RD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
412-920-7600

025461
QUEST DIAGNOSTICS VENTURE LLC-SB
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
412-920-7631

000150
READING HOSPITAL & MED CTR-S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
610-988-8080

000206
RIDDLE MEMORIAL HOSPITAL-S
BALTIMORE PIKE HIGHWAY 1
MEDIA, PA 19063
610-566-9400

000243
ROXBOROUGH MEMORIAL HOSPITAL-S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
215-487-4394

000171
SACRED HEART HOSPITAL-S
4TH & CHEW STS
ALLENTOWN, PA 18102
610-776-4727

00087
SAINT CLAIR MEMORIAL HOSPITAL-S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
412-561-4900

000174
SAINT LUKES HOSPITAL-S
801 OSTRUM ST
BETHLEHEM, PA 18015
610-954-4558

000328
SAINT MARY MEDICAL CENTER-S
LANGHORNE - NEWTOWN RD
LANGHORNE, PA 19047
215-710-2162

000048
SAINT VINCENT HEALTH CENTER-S
232 WEST 25TH STREET
ERIE, PA 16544
814-452-5383

000101
SEWICKLEY VALLEY HOSPITAL LAB-S
BLACKBURN RD & FITCH DRIVE
SEWICKLEY, PA 15143
412-741-6600

000064
SHARON REGIONAL HEALTH SYSTEM-SB
740 EAST STATE STREET
SHARON, PA 16146
724-983-3911

000039
SOLDIERS & SAILORS MEM HOSP-S
CENTRAL AVE
WELLSBORO, PA 16901
570-723-0133

000297
SOMERSET HOSPITAL CENTER FOR HEALTH-B
225 S CENTER AVE
SOMERSET, PA 15501
814-443-5000

022376
SPECIALTY LABORATORIES-S
2211 MICHIGAN AVENUE
SANTA MONICA, CA 90404
310-828-6543

000151
ST JOSEPH QUALITY MEDICAL LAB-SB
215 NORTH 12TH STREET BOX 316
READING, PA 19603
610-378-2200

000261
ST JOSEPH'S HOSPITAL-DIV NPHS-S
16TH ST & GIRARD AVE
PHILADELPHIA, PA 19130
215-787-9000

000318
ST LUKES HOSP ALLENTOWN CAMPUS-S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
610-770-8300

000195
ST LUKES QUAKERTOWN HOSPITAL-S
11TH ST & PARK AVE PO BOX 9003
QUAKERTOWN, PA 18951
215-538-4681

029015
STERLING REFERENCE LABORATORIES-SB
624 MARTIN LUTHER KING JR WAY
TACOMA, WA 98405
253-552-1551

000094
SUBURBAN GENERAL HOSPITAL PITTSBURGH-S
100 SOUTH JACKSON AVENUE
BELLEVUE, PA 15202
412-734-6000

000207
TAYLOR HOSPITAL DIV OF CCMC-S
175 E CHESTER PIKE
RIDLEY PARK, PA 19078
610-595-6450

000249
TEMPLE EAST INC NE-S
2301 EAST ALLEGHENY AVENUE
PHILADELPHIA, PA 19134
215-291-3671

000193
TEMPLE LOWER BUCKS HOSPITAL LAB-S
501 BATH ROAD
BRISTOL, PA 19007
215-785-9200

000235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS-S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
215-427-7333

000265
TEMPLE UNIVERSITY HOSPITAL-S
3401 N BROAD ST
PHILADELPHIA, PA 19140
215-707-4353

- 000205
THE MEDICAL CENTER BEAVER PA-SB
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009-9700
724-728-7000
- 000241
THOMAS JEFFERSON UNIVERSITY HOSP-S
125 SOUTH 11TH ST 204 PAVILION
PHILADELPHIA, PA 19107
215-955-6374
- 000051
TITUSVILLE AREA HOSPITAL-S
406 WEST OAK STREET
TITUSVILLE, PA 16354
814-827-1851
- 000313
TYLER MEMORIAL HOSPITAL-S
880 SR 6 W
TUNKHANNOCK, PA 18657-6149
570-836-4705
- 000124
TYRONE HOSPITAL-SB
CLAY AVENUE EXTENSION
TYRONE, PA 16686
814-684-0484
- 000061
UNITED COMMUNITY HOSPITAL-SB
631 NORTH BROAD STREET EXT
GROVE CITY, PA 16127
724-450-7125
- 000258
UNIVERSITY OF PENNA MED CTR-PRESBYTERIAN-S
51 NORTH 39TH ST 5TH FLR RM 530
DEPARTMENT OF PATHOLOGY & LAB
PHILADELPHIA, PA 19104-2640
215-662-3435
- 000121
UPMC BEDFORD MEMORIAL-SB
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
814-623-3506
- 000096
UPMC BRADDOCK-S
400 HOLLAND AVENUE
BRADDOCK, PA 15104
412-636-5291
- 000059
UPMC HORIZON GREENVILLE-SB
110 NORTH MAIN STREET
GREENVILLE, PA 16125
724-588-2100
- 000057
UPMC HORIZON SHENANGO-SB
2200 MEMORIAL DRIVE
FARRELL, PA 16121
724-981-3500
- 000126
UPMC LEE REGIONAL HOSPITAL-SB
320 MAIN STREET
JOHNSTOWN, PA 15901
814-533-0130
- 000098
UPMC MCKEESPORT LABORATORY-S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
412-664-2233
- 000058
UPMC NORTHWEST-SB
1 SPRUCE STREET
FRANKLIN, PA 16323
814-437-7000
- 000084
UPMC PASSAVANT-S
9100 BABCOCK BLVD
PITTSBURGH, PA 15237
412-367-6700
- 005784
UPMC PASSAVANT LABORATORY CRANBERRY-S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
724-772-5370
- 000083
UPMC PRESBYTERIAN SHADYSIDE CP PUH-S
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
412-648-6000
- 000091
UPMC SAINT MARGARET HOSPITAL-S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
412-784-4000
- 000092
UPMC SHADYSIDE-S
5230 CENTRE AVENUE
GROUND FLOOR WEST WING
PITTSBURGH, PA 15232
412-623-5950
- 000093
UPMC SOUTH SIDE-S
2000 MARY STREET
PITTSBURGH, PA 15203
412-488-5731
- 000622
WARMINSTER HOSPITAL-S
225 NEWTOWN ROAD
WARMINSTER, PA 18974
215-441-6700
- 000066
WARREN GENERAL HOSPITAL-SB
2 CRESCENT PARK
WARREN, PA 16365
814-723-3300
- 000111
WASHINGTON HOSPITAL-S
155 WILSON AVE
WASHINGTON, PA 15301
724-223-3136
- 000298
WAYNE MEMORIAL HOSPITAL-S
601 PARK STREET
HONESDALE, PA 18431
570-253-1300
- 000133
WAYNESBORO HOSPITAL-S
501 E MAIN STREET
WAYNESBORO, PA 17268
717-765-3403

000095
WESTERN PENNSYLVANIA HOSPITAL-S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
412-578-5779

007731
WESTERN RESERVE CARE SYSTEM-S
500 GYPSY LANE
YOUNGSTOWN, OH 44504
216-740-3794

000112
WESTMORELAND REGIONAL HOSPITAL-S
532 W PITTSBURGH ST
GREENSBURG, PA 15601
724-832-4365

000037
WILLIAMSPORT HOSP & MED CENTER-SB
777 RURAL AVENUE
WILLIAMSPORT, PA 17701-3198
570-321-2300

000106
WINDBER MEDICAL CENTER-B
600 SOMERSET AVE
WINDBER, PA 15963
814-467-6611

000018
WVHCS HOSPITAL-SB
575 NORTH RIVER STREET
WILKES BARRE, PA 18764
570-829-8111

025064
WVU HOSPITAL CLINICAL LABS-S
1 MEDICAL CENTER DR PO BOX 8009
MORGANTOWN, WV 26506-8009
304-598-4241

000141
YORK HOSPITAL-SB
1001 SOUTH GEORGE STREET
YORK, PA 17405
717-851-2345

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-1308. Filed for public inspection July 16, 2004, 9:00 a.m.]

Laboratories Approved to Determine Urine Controlled Substance Content

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating

to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol) as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from a listed laboratory should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at the previously listed address or phone number. Persons who are speech or hearing impaired may use V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000212
ABINGTON MEMORIAL HOSPITAL-S
1200 OLD YORK ROAD
ABINGTON, PA 19001
215-576-2350

027908
ACM MEDICAL LABORATORY-SC
160 ELMGROVE PARK
ROCHESTER, NY 14624
716-429-2264

023114
ACT LAB SERVICES INC-SC
345 DRESHER ROAD
HORSHAM, PA 19044
215-674-0420

027180
ADVANCED TOXICOLOGY NETWORK-SC
3560 AIR CENTER COVE SUITE 101
MEMPHIS, TN 38118
901-794-5770

000233
ALBERT EINSTEIN MEDICAL CENTER-S
5501 OLD YORK ROAD
PHILADELPHIA, PA 19141
215-456-6100

000040
ALIQUIPPA COMM HOSP PATHOLOGY DEPT-S
2500 HOSPITAL DR-PATHOLOGY DEPT
ALIQUIPPA, PA 15001
724-857-1240

000671
ALLEG CNTY CORONERS DIV OF LABS-S
542 FORBES AVENUE
ROOM 10 COUNTY OFFICE BUILDING
PITTSBURGH, PA 15219
412-350-6873

028233
ALLEGHENY GENERAL HOSP DEPT OF LAB MED-S
320 E NORTH AVENUE
PITTSBURGH, PA 15212
412-359-6886

000077
ALLEGHENY GENERAL HOSPITAL-S
1307 FEDERAL STREET
PITTSBURGH, PA 15212
412-359-3521

000119
ALTOONA HOSPITAL-S
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
814-946-2340

026620
AMMON ANALYTICAL LABORATORY-SC
1622 SOUTH WOOD AVENUE
LINDEN, NJ 07036
908-862-4404

000452
ANALYTIC BIO-CHEMISTRIES INC-SC
1680-D LORETTA AVENUE
FEASTERVILLE, PA 19053
215-322-9210

000047
ASSOCIATED CLINICAL LABORATORIES-SC
1526 PEACH STREET
ERIE, PA 16501
814-461-2400

000320
BARNES KASSON COUNTY HOSPITAL-S
400 TURNPIKE STREET
SUSQUEHANNA, PA 18847
570-853-3135

021553
BENDINER & SCHLESINGER INC-SC
47 THIRD AVENUE
NEW YORK, NY 10003
212-254-2300

027615
BIOLOGICAL SPECIALTY CORPORATION-S
2165 NORTH LINE STREET
COLMAR, PA 18915
215-997-8771

027616
BIOLOGICAL SPECIALTY CORPORATION-S
3671 HULMEVILLE ROAD
BENSALEM, PA 19020
215-245-9855

027617
BIOLOGICAL SPECIALTY CORPORATION-S
502 PENN STREET
READING, PA 19602
610-375-9862

022757
BIOREFERENCE LABORATORIES INC-SC
481B EDWARD H ROSS DRIVE
ELMWOOD PARK, NJ 07407
201-791-3600

000120
BON SECOURS-HOLY FAMILY REG HLTH-S
2500 SEVENTH AVENUE
ALTOONA, PA 16602-2099
814-949-4495

000033
BRADFORD REGIONAL MEDICAL CENTER-S
116-156 INTERSTATE PKWY
BRADFORD, PA 16701-0218
814-362-8247

000296
BRANDYWINE HOSPITAL-S
201 REECEVILLE ROAD ATTN: LABORATORY
COATESVILLE, PA 19320
610-383-8000

000102
BROWNSVILLE GENERAL HOSPITAL LAB-S
125 SIMPSON RD
BROWNSVILLE, PA 15417
724-785-7200

000301
BUTLER MEMORIAL HOSPITAL-S
911 EAST BRADY STREET
BUTLER, PA 16001
724-284-4510

000107
CANONSBURG GENERAL HOSPITAL-S
100 MEDICAL BOULEVARD
CANONSBURG, PA 15317
724-745-3916

000131
CARLISLE REGIONAL MEDICAL CENTER-S
246 PARKER ST
CARLISLE, PA 17013
717-249-1212

000751
CEDAR CREST EMERGICENTER-S
1101 SOUTH CEDAR CREST BOULEVARD
ALLENTOWN, PA 18103
610-433-4260

000215
CENTRAL MONTGOMERY MEDICAL CENTER-S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
215-368-2100

000132
CHAMBERSBURG HOSPITAL-S
112 NORTH SEVENTH ST
CHAMBERSBURG, PA 17201
717-267-7152

000310
CHARLES COLE MEMORIAL HOSPITAL-S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
814-274-9300

000198
CHESTER COUNTY HOSPITAL-S
701 E MARSHALL ST
WEST CHESTER, PA 19380
610-431-5182

000227
CHESTNUT HILL HOSPITAL-S
8835 GERMANTOWN AVENUE
DEPT OF PATHOLOGY
PHILADELPHIA, PA 19118
215-248-8630

000228
CHILDRENS HOSP OF PHILADELPHIA-S
ONE CHILDREN'S CENTER 34TH & CIVIC
PHILADELPHIA, PA 19104
215-590-1000

000329
CLARION HOSPITAL-S
1 HOSPITAL DRIVE
CLARION, PA 16214
814-226-9500

024916
CLINICAL SCIENCE LABORATORY INC-SC
51 FRANCIS AVENUE
MANSFIELD, MA 02048
508-339-6106

000166
COMMUNITY HOSPITAL OF LANCASTER-S
1100 EAST ORANGE STREET
LANCASTER, PA 17602
717-397-3711

000005
COMMUNITY MEDICAL CENTER-S
1800 MULBERRY STREET
SCRANTON, PA 18510
570-969-8000

000125
CONEMAUGH VALLEY MEMORIAL HOSP-S
1086 FRANKLIN STREET
JOHNSTOWN, PA 15905-4398
814-534-9000

025256
CORPORATE HEALTH SERVICES-S
295 NORTH KERRWOOD DRIVE
HERMITAGE, PA 16148
724-346-6425

000326
CORRY MEMORIAL HOSPITAL-S
612 WEST SMITH STREET
CORRY, PA 16407
814-664-4641

000201
CROZER CHESTER MED CENTER-S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
610-447-2000

000363
DE JOHN MED LABORATORY INC-S
1570 GARRETT ROAD
UPPER DARBY, PA 19082
610-626-2112

000204
DELAWARE COUNTY MEMORIAL HOSP-S
501 NORTH LANSDOWNE AVENUE
DREXEL HILL, PA 19026-1186
610-284-8100

000266
DEPT OF PATHOLOGY & LAB MED-HUP-SC
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
215-662-6882

028893
DOMINION DIAGNOSTICS LLC-SC
211 CIRCUIT DRIVE
NORTH KINGSTOWN, RI 02852
401-667-0800

000194
DOYLESTOWN HOSPITAL-S
595 WEST STATE STREET
DOYLESTOWN, PA 18901
215-345-2250

000977
DRUGSCAN INC-SC
1119 MEARNES RD, PO BOX 2969
WARMINSTER, PA 18974
215-674-9310

000175
EASTON HOSPITAL-S
250 SOUTH 21ST ST
EASTON, PA 18042-3892
610-250-4140

000164
EPHRATA COMMUNITY HOSPITAL-S
169 MARTIN AVE PO BOX 1002
EPHRATA, PA 17522
717-733-0311

000031
ERHC RIDGWAY LABORATORY-S
94 HOSPITAL STREET
RIDGWAY, PA 15853
814-788-8525

000032
ERHC ST MARYS LABORATORY-S
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
814-788-8525

000181
EVANGELICAL COMMUNITY HOSPITAL-S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
570-522-2510

021431
FITNESS FOR DUTY CENTER-S
PA POWER & LIGHT CO PO BOX 467
BERWICK, PA 18603
570-542-3336

000085
FORBES REGIONAL HOSPITAL-S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
412-858-2560

000192
FRANKFORD HOSP BUCKS CO CAMPUS-S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
215-934-5227

000341
FRANKFORD HOSPITAL-S
RED LION & KNIGHTS ROADS
PHILADELPHIA, PA 19114
215-612-4000

000236
FRANKFORD HOSPITAL FRANK DIV-S
FRANKFORD AVE & WAKELING ST
PHILADELPHIA, PA 19124
215-831-2068

000115
FRICK HOSPITAL-S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
724-547-1500

020644
FRIENDS HOSPITAL-S
4641 ROOSEVELT BOULEVARD
PHILADELPHIA, PA 19124-2399
215-831-4771

009163
FRIENDS MEDICAL LAB INC-SC
5820 SOUTHWESTERN BLVD
BALTIMORE, MD 21227
412-247-4417

024914
GAUDENZIA ERIE INC-S
414 WEST 5TH STREET
ERIE, PA 16507
814-459-4775

000173
GEISINGER MEDICAL CENTER-SC
N ACADEMY RD
DANVILLE, PA 17822
570-271-6338

000019
GEISINGER WYOMING VALLEY MED CTR-S
1000 E MOUNTAIN DRIVE
WILKES BARRE, PA 18711
570-826-7830

000237
GERMANTOWN COMM HLTH WILLOW TERR-S
ONE PENN BOULEVARD
PHILADELPHIA, PA 19144
215-951-8800

026799
GHHA OCCUPATIONAL HEALTH CENTER LAB-S
1000 ALLIANCE DRIVE
HAZLETON, PA 18202
570-459-1028

000152
GNADEN HUETTEN MEMORIAL HOSP-S
11TH & HAMILTON STS
LEHIGHTON, PA 18235
610-377-1300

000299
GOOD SAMARITAN HOSPITAL-S
4TH & WALNUT STS PO BOX 1281
LEBANON, PA 17042-1218
717-270-7500

000182
GOOD SAMARITAN REGIONAL MED CTR-S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
570-621-4032

000238
GRADUATE HOSPITAL-S
1800 LOMBARD STREET
PHILADELPHIA, PA 19146
215-893-2240

025957
GRAHAM-MASSEY ANALYTICAL LABS-SC
60 TODD ROAD
SHELTON, CT 06484
203-926-1100

000654
GUTHRIE CLINIC PATH LAB-S
GUTHRIE SQUARE
SAYRE, PA 18840
570-888-5858

000239
HAHNEMANN UNIVERSITY HOSPITAL-S
BROAD & VINE STS MS 113
PHILADELPHIA, PA 19102
215-762-1783

000139
HANOVER HOSPITAL, INC.-S
300 HIGHLAND AVE
HANOVER, PA 17331
717-637-3711

000155
HARRISBURG HOSPITAL LABORATORY-S
SOUTH FRONT STREET
HARRISBURG, PA 17101
570-782-2832

000010
HAZLETON GENERAL HOSPITAL-S
700 EAST BROAD
HAZLETON, PA 18201
570-501-4152

000169
HEALTH NETWORK LABORATORIES-S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
610-402-2236

000549
HEALTH NETWORK LABORATORIES-S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
610-402-8150

000600
HEALTH NETWORK LABORATORIES-S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
484-884-2259

024655
HEALTH NETWORK LABORATORIES-SC
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
610-402-8150

000216
HOLY REDEEMER HOSPITAL-S
1648 HUNTINGDON PIKE
MEADOWBROOK, PA 19046
215-947-3000

000130
HOLY SPIRIT HOSPITAL-SC
503 N 21ST STREET
CAMP HILL, PA 17011-2288
717-763-2206

000052
INDIANA REGIONAL MEDICAL CENTER-S
HOSPITAL ROAD PO BOX 788
INDIANA, PA 15701-0788
724-357-7167

022201
INTERNATIONAL MEDICAL SYSTEMS LABS-S
660 THOMAS ROAD
EUGENIA HOSPITAL
LAFAYETTE HILL, PA 19444
610-292-0613

000135
J C BLAIR MEMORIAL HOSPITAL-S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
814-643-8645

000054
JAMESON MEMORIAL HOSPITAL-S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
724-656-4080

000240
JEANES HOSPITAL-S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
215-728-2347

000038
JEFFERSON REGIONAL MED CTR—S
565 COAL VALLEY ROAD
BIBRO BLDG 4TH FLOOR
PITTSBURGH, PA 15236
412-469-5723

000200
JENNERVILLE REGIONAL HOSPITAL-S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
610-869-1080

000312
JERSEY SHORE HOSPITAL-S
1020 THOMPSON STREET
JERSEY SHORE, PA 17740
570-398-0100

000532
KENSINGTON HOSPITAL-S
136 WEST DIAMOND STREET
PHILADELPHIA, PA 19122
215-426-8100

026008
KROLL LABORATORY SPECIALISTS-SC
1111 NEWTON STREET
GRETNA, LA 70053
504-361-8989

020512
LABCORP OCCUPATIONAL TESTING SER-SC
1904 ALEXANDER DRIVE
PO BOX 12652
RESRCH TRNGL PARK, NC 27709
919-572-7465

001088
LABCORP OF AMERICA HOLDINGS-SC
69 FIRST AVE PO BOX 500
RARITAN, NJ 08869
908-526-2400

022715
LABONE INC-SC
10101 RENNEN BOULEVARD
LENEXA, KS 66219-9752
913-888-1770

028960
LABORATORY CORPORATION OF
AMERICA HOLDINGS-SC
901 KEYSTONE INDUSTRIAL PARK
SUITE A
THROOP, PA 18512
570-346-1759

000165
LANCASTER GENERAL HOSPITAL-S
555 N DUKE ST PO BOX 3555
LANCASTER, PA 17604
717-299-5511

000167
LANCASTER REGIONAL MED CENTER-S
250 COLLEGE AVENUE
PO BOX 3434
LANCASTER, PA 17604
717-291-8022

000114
LATROBE AREA HOSPITAL-S
121 W SECOND AVENUE
LATROBE, PA 15650
724-537-1550

000138
LEWISTOWN HOSPITAL-S
400 HIGHLAND AVENUE
LEWISTOWN, PA 17044
717-248-5411

000030
LOCK HAVEN HOSPITAL-S
24 CREE DRIVE
LOCK HAVEN, PA 17745
570-893-5000

000639
MAGEE-WOMENS HOSPITAL OF UPMC HEALTH-S
300 HALKET STREET
PITTSBURGH, PA 15213
412-647-4651

000213
MAIN LINE CLIN LABS BRYN MAWR CP-S
130 BRYN MAWR AVENUE
BRYN MAWR, PA 19010
610-526-3554

000242
MAIN LINE CLIN LABS LANKENAU CP-S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
610-645-2615

000199
MAIN LINE CLIN LABS PAOLI MEM CP-S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
610-648-1000

000004
 MARIAN COMMUNITY HOSPITAL-S
 100 LINCOLN AVENUE
 CARBONDALE, PA 18407
 717-281-1042

027684
 MARWORTH-S
 BOX 36 LILLY LAKE ROAD
 WAVERLY, PA 18471
 570-563-1112

000049
 MEADVILLE MED CTR-LIBERTY ST-S
 751 LIBERTY STREET
 MEADVILLE, PA 16335
 814-336-3121

000268
 MEDICAL COLLEGE OF PA HOSPITAL-S
 3300 HENRY AVENUE
 PHILADELPHIA, PA 19129
 215-842-7306

005574
 MEDTOX LABORATORIES INC-SC
 402 WEST COUNTY ROAD D
 ST PAUL, MN 55112
 612-636-7466

000023
 MEMORIAL HOSPITAL LAB-S
 1 HOSPITAL DRIVE
 TOWANDA, PA 18848
 570-265-2191

000203
 MERCY FITZGERALD HOSPITAL-S
 1500 LANSDOWNE AVENUE
 DARBY, PA 19023
 610-237-4262

000247
 MERCY HEALTH LAB/MHOP-S
 54 AND CEDAR AVENUE
 PHILADELPHIA, PA 19143
 215-748-9181

000219
 MERCY HEALTH LAB/MSH-S
 2701 DEKALB PIKE
 NORRISTOWN, PA 19401
 610-278-2090

000336
 MERCY HOSPITAL-S
 746 JEFFERSON AVE
 SCRANTON, PA 18510
 570-348-7100

000017
 MERCY HOSPITAL LABORATORY-S
 25 CHURCH STREET
 PO BOX 658
 WILKES BARRE, PA 18765
 570-826-3100

000079
 MERCY HOSPITAL NORTH SHORE LAB-S
 1004 ARCH STREET
 PITTSBURGH, PA 15212
 412-323-5766

000082
 MERCY HOSPITAL OF PITTSBURGH-S
 PRIDE & LOCUST STREETS
 PITTSBURGH, PA 15219
 412-232-7831

000113
 MERCY JEANNETTE HOSPITAL-S
 600 JEFFERSON AVENUE
 JEANNETTE, PA 15644
 724-527-9330

000245
 METHODIST HOSP DIVISION/TJUH INC-S
 1900 S. BROAD STREET
 PHILADELPHIA, PA 19145
 215-952-9059

000128
 MINERS MEDICAL CENTER-S
 290 HAIDA AVENUE
 PO BOX 689
 HASTINGS, PA 16646
 814-948-7171

028907
 MIRMONT TREATMENT CENTER-S
 100 YEARSLEY MILL ROAD
 LIMA, PA 19063
 610-744-1400

000108
 MONONGAHELA VALLEY HOSPITAL-S
 COUNTRY CLUB ROAD RT 88
 MONONGAHELA, PA 15063
 724-258-1109

000217
 MONTGOMERY HOSPITAL LAB-S
 POWELL & FORNANCE STS
 NORRISTOWN, PA 19401
 610-270-2173

000214
 MOSS REHAB EINSTEIN AT ELKINS PARK-S
 60 EAST TOWNSHIP LINE ROAD
 ELKINS PARK, PA 19027
 215-663-6102

000025
 MOUNT NITTANY MEDICAL CENTER-S
 1800 PARK AVENUE
 STATE COLLEGE, PA 16803
 814-234-6117

000035
 MUNCY VALLEY HOSPITAL-S
 215 EAST WATER ST
 MUNCY, PA 17756
 570-546-8282

000304
 NASON HOSPITAL-S
 NASON DRIVE
 ROARING SPRING, PA 16673
 814-224-6215

000504
 NATIONAL MED SERVICES INC LAB-SC
 3701 WELSH ROAD
 WILLOW GROVE, PA 19090
 215-657-4900

000248
 NAZARETH HOSPITAL-S
 2601 HOLME AVE
 PHILADELPHIA, PA 19152
 215-335-6245

027246
 NORCHEM DRUG TESTING LABORATORY-SC
 1760 EAST ROUTE 66, SUITE 1
 FLAGSTAFF, AZ 86004
 928-526-1011

000099
OHIO VALLEY GENERAL HOSPITAL-S
25 HECKEL RD
MCKEES ROCKS, PA 15136
412-777-6161

000807
OMEGA MEDICAL LABORATORIES INC-SC
2001 STATE HILL ROAD SUITE 100
WYOMISSING, PA 19610-1699
610-378-1900

000250
PARKWAY CLINICAL LABORATORIES-S
3494 D PROGRESS DRIVE
BENSALEM, PA 19020
215-245-5112

000316
PENN STATE MILTON S HERSHEY MED CTR-S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
717-531-8353

022533
PENNSYLVANIA DEPT OF HEALTH-SC
110 PICKERING WAY
LIONVILLE, PA 19353
610-280-3464

000251
PENNSYLVANIA HOSPITAL OF THE
UNIV OF PA HLTH-S
8TH & SPRUCE STS
PHILADELPHIA, PA 19107
215-829-3541

027512
PHARMCHEM INC TEXAS DIVISION-SC
4600 N BEACH STREET
HALTOM CITY, TX 76137
817-215-8826

000197
PHOENIXVILLE HOSPITAL LABORATORY-S
140 NUTT RD DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
610-983-1612

000157
PINNACLEHLTH/COMM GEN OSTEO HOSP-S
4300 LONDONDERRY RD PO BOX 3000
HARRISBURG, PA 17109
717-657-7214

000520
PITTSBURGH CRIMINALISTICS LABORATORY-SC
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
412-391-6118

000022
POCONO MEDICAL CENTER LAB-S
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
570-476-3544

000221
POTTSTOWN HOSPITAL COMPANY, LLC-S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
610-327-7000

000183
POTTSVILLE HOSP AND WARNE CLINIC-S
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
570-621-5262

000516
PRINCETON BIOMEDICAL LABS INC-S
2921 NEW RODGERS ROAD
BRISTOL, PA 19007
215-785-5200

021648
PSYCHEMEDICS CORPORATION-SC
5832 UPLANDER WAY
CULVER CITY, CA 90230
800-522-7424

000300
PUNXSUTAWNEY AREA HOSPITAL-S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
814-938-4500

028675
QUEST DIAGNOSTICS-SC
506 E STATE PKWY
SCHAUMBURG, IL 60173
847-885-2010

009620
QUEST DIAGNOSTICS CLIN LABS INC-SC
7600 TYRONE AVENUE
VAN NUYS, CA 91405
818-376-6195

000315
QUEST DIAGNOSTICS CLINICAL LABS INC-S
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
215-957-9300

027461
QUEST DIAGNOSTICS INC-SC
400 EGYPT ROAD
NORRISTOWN, PA 19403
610-631-4219

001136
QUEST DIAGNOSTICS NICHOLS INSTITUTE-SC
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
703-802-6900

000482
QUEST DIAGNOSTICS OF PA INC-SC
875 GREENTREE RD 4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
412-920-7600

025461
QUEST DIAGNOSTICS VENTURE LLC-SC
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
412-920-7631

024249
QUINTILES LABORATORIES LTD-SC
5500 HIGHLANDS PARKWAY SUITE 600
SMYRNA, GA 30082
770-434-8492

000150
READING HOSPITAL & MED CTR-S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
610-988-8080

025348
REDWOOD TOXICOLOGY LABORATORY-SC
3650 WESTWIND BOULEVARD
SANTA ROSA, CA 95403
707-577-7958

000206
RIDDLE MEMORIAL HOSPITAL-S
BALTIMORE PIKE HIGHWAY 1
MEDIA, PA 19063
610-566-9400

000243
ROXBOROUGH MEMORIAL HOSPITAL-S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
215-487-4394

000171
SACRED HEART HOSPITAL-S
4TH & CHEW STS
ALLENTOWN, PA 18102
610-776-4727

000087
SAINT CLAIR MEMORIAL HOSPITAL-S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
412-561-4900

000174
SAINT LUKES HOSPITAL-S
801 OSTRUM ST
BETHLEHEM, PA 18015
610-954-4558

000328
SAINT MARY MEDICAL CENTER-S
LANGHORNE-NEWTOWN RD
LANGHORNE, PA 19047
215-710-2162

024496
SCIENTIFIC TESTING LABS INC-SC
450 SOUTHLAKE BOULEVARD
RICHMOND, VA 23236
804-378-9130

028471
SECON A DIVISION OF CIVIGENICS-S
316 MECCA DRIVE
LAFAYETTE, LA 70508
337-291-9501

000101
SEWICKLEY VALLEY HOSPITAL LAB-S
BLACKBURN RD & FITCH DRIVE
SEWICKLEY, PA 15143
412-741-6600

000064
SHARON REGIONAL HEALTH SYSTEM-S
740 EAST STATE STREET
SHARON, PA 16146
724-983-3911

000039
SOLDIERS & SAILORS MEM HOSP-S
CENTRAL AVE
WELLSBORO, PA 16901
570-723-0133

000297
SOMERSET HOSPITAL CENTER FOR HEALTH-S
225 S CENTER AVE
SOMERSET, PA 15501
814-443-5000

022376
SPECIALTY LABORATORIES-S
2211 MICHIGAN AVENUE
SANTA MONICA, CA 90404
310-828-6543

000260
ST CHRISTOPHERS HOSP FOR CHILDREN-S
3601 A STREET
PHILADELPHIA, PA 19134
215-427-5337

000151
ST JOSEPH QUALITY MEDICAL LAB-SC
215 NORTH 12TH STREET BOX 316
READING, PA 19603
610-378-2200

000261
ST JOSEPH'S HOSPITAL-DIV NPHS-S
16TH ST & GIRARD AVE
PHILADELPHIA, PA 19130
215-787-9000

000318
ST LUKES HOSP ALLENTOWN CAMPUS-S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
610-770-8300

029015
STERLING REFERENCE LABORATORIES-SC
624 MARTIN LUTHER KING JR WAY
TACOMA, WA 98405
253-552-1551

000094
SUBURBAN GENERAL HOSPITAL PITTSBURGH-S
100 SOUTH JACKSON AVENUE
BELLEVUE, PA 15202
412-734-6000

000187
SUNBURY COMMUNITY HOSPITAL-S
350 N 11TH ST
SUNBURY, PA 17801
570-286-3333

000207
TAYLOR HOSPITAL DIV OF CCMC-S
175 E CHESTER PIKE
RIDLEY PARK, PA 19078
610-595-6450

024997
TECHNOW INC-S
31 INDUSTRIAL HIGHWAY
ESSINGTON, PA 19029
610-362-0610

000249
TEMPLE EAST INC NE-S
2301 EAST ALLEGHENY AVENUE
PHILADELPHIA, PA 19134
215-291-3671

000193
TEMPLE LOWER BUCKS HOSPITAL LAB-S
501 BATH ROAD
BRISTOL, PA 19007
215-785-9200

000235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS-S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
215-427-7333

000265
TEMPLE UNIVERSITY HOSPITAL-S
3401 N BROAD ST
PHILADELPHIA, PA 19140
215-707-4353

000205
THE MEDICAL CENTER BEAVER PA-S
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009-9700
724-728-7000

000241
THOMAS JEFFERSON UNIVERSITY HOSP-S
125 SOUTH 11TH ST 204 PAVILION
PHILADELPHIA, PA 19107
215-955-6374

000051
TITUSVILLE AREA HOSPITAL-S
406 WEST OAK STREET
TITUSVILLE, PA 16354
814-827-1851

023608
UHS OF FAIRMOUNT INC-S
561 FAIRTHORNE AVENUE
PHILADELPHIA, PA 19128
215-487-4078

000061
UNITED COMMUNITY HOSPITAL-S
631 NORTH BROAD STREET EXT
GROVE CITY, PA 16127
724-450-7125

000258
UNIVERSITY OF PENNA MED CTR-PRESBYTERIAN-S
51 NORTH 39TH ST 5TH FLR RM 530
DEPARTMENT OF PATHOLOGY & LAB
PHILADELPHIA, PA 19104-2640
215-662-3435

000121
UPMC BEDFORD MEMORIAL-S
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
814-623-3506

000096
UPMC BRADDOCK-S
400 HOLLAND AVENUE
BRADDOCK, PA 15104
412-636-5291

000059
UPMC HORIZON GREENVILLE-S
110 NORTH MAIN STREET
GREENVILLE, PA 16125
724-588-2100

000057
UPMC HORIZON SHENANGO-S
2200 MEMORIAL DRIVE
FARRELL, PA 16121
724-981-3500

000126
UPMC LEE REGIONAL HOSPITAL-S
320 MAIN STREET
JOHNSTOWN, PA 15901
814-533-0130

000098
UPMC MCKEESPORT LABORATORY-S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
412-664-2233

000058
UPMC NORTHWEST-S
1 SPRUCE STREET
FRANKLIN, PA 16323
814-437-7000

005784
UPMC PASSAVANT LABORATORY CRANBERRY-S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
724-772-5370

000083
UPMC PRESBYTERIAN SHADYSIDE CP PUH-SC
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582 412-648-6000

000091
UPMC SAINT MARGARET HOSPITAL-S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
412-784-4000

000092
UPMC SHADYSIDE-S
5230 CENTRE AVENUE
GROUND FLOOR WEST WING
PITTSBURGH, PA 15232
412-623-5950

000093
UPMC SOUTH SIDE-S
2000 MARY STREET
PITTSBURGH, PA 15203
412-488-5731

027225
US DRUG TESTING LABORATORIES INC-SC
1700 SOUTH MOUNT PROSPECT ROAD
DES PLAINES, IL 60018
847-375-0770

000335
VALLEY FORGE MED CTR & HOSP-S
1033 W GERMANTOWN PIKE
NORRISTOWN, PA 19403
610-539-8500

000622
WARMINSTER HOSPITAL-S
225 NEWTOWN ROAD
WARMINSTER, PA 18974
215-441-6700

000066
WARREN GENERAL HOSPITAL-S
2 CRESCENT PARK
WARREN, PA 16365
814-723-3300

000133
WAYNESBORO HOSPITAL-S
501 E MAIN STREET
WAYNESBORO, PA 17268
717-765-3403

000095
WESTERN PENNSYLVANIA HOSPITAL-S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
412-578-5779

007731
WESTERN RESERVE CARE SYSTEM-SC
500 GYPSY LANE
YOUNGSTOWN, OH 44504
216-740-3794

000112
WESTMORELAND REGIONAL HOSPITAL-S
532 W PITTSBURGH ST
GREENSBURG, PA 15601
724-832-4365

000037
WILLIAMSPORT HOSP & MED CENTER-S
777 RURAL AVENUE
WILLIAMSPORT, PA 17701-3198
570-321-2300

000018
WVHCS HOSPITAL-SC
575 NORTH RIVER STREET
WILKES BARRE, PA 18764
570-829-8111

000141
YORK HOSPITAL-S
1001 SOUTH GEORGE STREET
YORK, PA 17405
717-851-2345

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-1309. Filed for public inspection July 16, 2004, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Garvey Manor
128 Logan Boulevard
Hollidaysburg, PA 16648
Lackawanna County Health Care Center
Sturges Road
Olyphant, PA 18447-2501

Immaculate Mary Home
2990 Holme Avenue
Philadelphia, PA 19136
FAC ID # 090902

Meadowood
3205 Skippack Pike
P. O. Box 670
Worcester, PA 19490-0670
FAC ID # 392602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.25(b) and 205.32(a) (relating to kitchen; and janitor closet):

Highlands Care Center
Route 42 Main Street
Laporte, PA 18626

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone number listed previously, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-1310. Filed for public inspection July 16, 2004, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Income Limits and Copayments for the Subsidized Child Day Care Program

The purpose of this notice is to increase the income limits codified at 55 Pa. Code Chapter 3040, Appendix B (relating to subsidized child day care eligibility) under 55 Pa. Code § 3040.62(b) (relating to availability and use of the Federal Poverty Income Guidelines (FPIG)). This increase is effective May 1, 2004.

Section 3040.62(b) of 55 Pa. Code requires the Department of Public Welfare to update the copayment schedule in 55 Pa. Code Chapter 3040, Appendix B to reflect changes in the FPIG. Effective May 1, 2004, the income guidelines for the subsidized child day care program are increased due to increases in the FPIG. The copayment schedule is adjusted to reflect the increases. Chapter 3040, Appendix B of 55 Pa. Code also establishes the family copayment levels according to the family's computed annual income and lists the weekly family copayment based on the annual family income.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-392. No fiscal impact; (8) recommends adoption.

APPENDIX B
COPAYMENT CHART

FAMILY COPAYMENT SCALE

(BASED ON THE 2004 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Copay	Family Size: 1 Annual Income	
	Less than:	
\$5.00	\$7,310.01	\$7,310
\$10.00	\$7,310.01	\$9,310
\$15.00	\$9,310.01	\$11,310
\$20.00	\$11,310.01	\$13,310
\$25.00	\$13,310.01	\$15,310
\$30.00	\$15,310.01	\$17,310
\$35.00	\$17,310.01	\$19,310
\$40.00	\$19,310.01	\$21,310
\$45.00	\$21,310.01	\$21,879
\$50.00		
\$55.00		
\$60.00		
\$65.00		
\$70.00		
	200% FPIG	\$18,620

Family Size: 2 Annual Income		
Less than:		
\$10,490.01	\$10,490	
\$12,490.01	\$12,490	
\$14,490.01	\$14,490	
\$16,490.01	\$16,490	
\$18,490.01	\$18,490	
\$20,490.01	\$20,490	
\$22,490.01	\$22,490	
\$24,490.01	\$24,490	
\$26,490.01	\$26,490	
\$28,490.01	\$28,490	
\$29,352		
	200% FPIG	\$24,980

Family Size: 3 Annual Income		
Less than:		
\$11,670.01	\$11,670	
\$13,670.01	\$13,670	
\$15,670.01	\$15,670	
\$17,670.01	\$17,670	
\$19,670.01	\$19,670	
\$21,670.01	\$21,670	
\$23,670.01	\$23,670	
\$25,670.01	\$25,670	
\$27,670.01	\$27,670	
\$29,670.01	\$29,670	
\$31,670.01	\$31,670	
\$33,670.01	\$33,670	
\$35,670.01	\$36,825	
	200% FPIG	\$31,340

Weekly Copay	Family Size: 4 Annual Income	
	Less than:	
\$5.00	\$12,850.01	\$12,850
\$10.00	\$12,850.01	\$14,850
\$15.00	\$14,850.01	\$16,850
\$20.00	\$16,850.01	\$18,850
\$25.00	\$18,850.01	\$20,850
\$30.00	\$20,850.01	\$22,850
\$35.00	\$22,850.01	\$24,850
\$40.00	\$24,850.01	\$26,850
\$45.00	\$26,850.01	\$28,850
\$50.00	\$28,850.01	\$30,850
\$55.00	\$30,850.01	\$32,850
\$60.00	\$32,850.01	\$34,850
\$65.00	\$34,850.01	\$36,850
\$70.00	\$36,850.01	\$38,850
\$75.00	\$38,850.01	\$40,850
\$80.00	\$40,850.01	\$42,850
\$85.00	\$42,850.01	\$44,298
\$90.00		
\$95.00		
\$100.00		
\$105.00		
\$110.00		
\$115.00		
\$120.00		
	200% FPIG	\$37,700

Family Size: 5 Annual Income		
Less than:		
\$14,030.01	\$14,030	
\$16,030.01	\$16,030	
\$18,030.01	\$18,030	
\$20,030.01	\$20,030	
\$22,030.01	\$22,030	
\$24,030.01	\$24,030	
\$26,030.01	\$26,030	
\$28,030.01	\$28,030	
\$30,030.01	\$30,030	
\$32,030.01	\$32,030	
\$34,030.01	\$34,030	
\$36,030.01	\$36,030	
\$38,030.01	\$38,030	
\$40,030.01	\$40,030	
\$42,030.01	\$42,030	
\$44,030.01	\$44,030	
\$46,030.01	\$46,030	
\$48,030.01	\$48,030	
\$50,030.01	\$50,030	
\$51,771		
	200% FPIG	\$44,060

Family Size: 6 Annual Income		
Less than:		
\$15,210.01	\$15,210	
\$17,210.01	\$17,210	
\$19,210.01	\$19,210	
\$21,210.01	\$21,210	
\$23,210.01	\$23,210	
\$25,210.01	\$25,210	
\$27,210.01	\$27,210	
\$29,210.01	\$29,210	
\$31,210.01	\$31,210	
\$33,210.01	\$33,210	
\$35,210.01	\$35,210	
\$37,210.01	\$37,210	
\$39,210.01	\$39,210	
\$41,210.01	\$41,210	
\$43,210.01	\$43,210	
\$45,210.01	\$45,210	
\$47,210.01	\$47,210	
\$49,210.01	\$49,210	
\$51,210.01	\$51,210	
\$53,210.01	\$53,210	
\$55,210.01	\$55,210	
\$57,210.01	\$57,210	
\$59,210.01	\$59,244	
	200% FPIG	\$50,420

NOTICES

<i>Weekly Copay</i>	<i>Family Size: 7 Annual Income</i>	
\$5.00	Less than:	\$16,390
\$10.00	\$16,390.01	\$18,390
\$15.00	\$18,390.01	\$20,390
\$20.00	\$20,390.01	\$22,390
\$25.00	\$22,390.01	\$24,390
\$30.00	\$24,390.01	\$26,390
\$35.00	\$26,390.01	\$28,390
\$40.00	\$28,390.01	\$30,390
\$45.00	\$30,390.01	\$32,390
\$50.00	\$32,390.01	\$34,390
\$55.00	\$34,390.01	\$36,390
\$60.00	\$36,390.01	\$38,390
\$65.00	\$38,390.01	\$40,390
\$70.00	\$40,390.01	\$42,390
\$75.00	\$42,390.01	\$44,390
\$80.00	\$44,390.01	\$46,390
\$85.00	\$46,390.01	\$48,390
\$90.00	\$48,390.01	\$50,390
\$95.00	\$50,390.01	\$52,390
\$100.00	\$52,390.01	\$54,390
\$105.00	\$54,390.01	\$56,390
\$110.00	\$56,390.01	\$58,390
\$115.00	\$58,390.01	\$60,390
\$120.00	\$60,390.01	\$62,390
\$125.00	\$62,390.01	\$64,390
\$130.00	\$64,390.01	\$66,390
\$135.00	\$66,390.01	\$66,717
\$140.00		
\$145.00		
\$150.00		
\$155.00		
\$160.00		
\$165.00		
	200% FPIG	\$56,780

<i>Family Size: 8 Annual Income</i>		
Less than:	\$17,570	
\$17,570.01	\$19,570	
\$19,570.01	\$21,570	
\$21,570.01	\$23,570	
\$23,570.01	\$25,570	
\$25,570.01	\$27,570	
\$27,570.01	\$29,570	
\$29,570.01	\$31,570	
\$31,570.01	\$33,570	
\$33,570.01	\$35,570	
\$35,570.01	\$37,570	
\$37,570.01	\$39,570	
\$39,570.01	\$41,570	
\$41,570.01	\$43,570	
\$43,570.01	\$45,570	
\$45,570.01	\$47,570	
\$47,570.01	\$49,570	
\$49,570.01	\$51,570	
\$51,570.01	\$53,570	
\$53,570.01	\$55,570	
\$55,570.01	\$57,570	
\$57,570.01	\$59,570	
\$59,570.01	\$61,570	
\$61,570.01	\$63,570	
\$63,570.01	\$65,570	
\$65,570.01	\$67,570	
\$67,570.01	\$69,570	
\$69,570.01	\$71,570	
\$71,570.01	\$73,570	
\$73,570.01	\$74,190	
	200% FPIG	\$63,140

<i>Family Size: 9 Annual Income</i>		
Less than:	\$18,750	
\$18,750.01	\$20,750	
\$20,750.01	\$22,750	
\$22,750.01	\$24,750	
\$24,750.01	\$26,750	
\$26,750.01	\$28,750	
\$28,750.01	\$30,750	
\$30,750.01	\$32,750	
\$32,750.01	\$34,750	
\$34,750.01	\$36,750	
\$36,750.01	\$38,750	
\$38,750.01	\$40,750	
\$40,750.01	\$42,750	
\$42,750.01	\$44,750	
\$44,750.01	\$46,750	
\$46,750.01	\$48,750	
\$48,750.01	\$50,750	
\$50,750.01	\$52,750	
\$52,750.01	\$54,750	
\$54,750.01	\$56,750	
\$56,750.01	\$58,750	
\$58,750.01	\$60,750	
\$60,750.01	\$62,750	
\$62,750.01	\$64,750	
\$64,750.01	\$66,750	
\$66,750.01	\$68,750	
\$68,750.01	\$70,750	
\$70,750.01	\$72,750	
\$72,750.01	\$74,750	
\$74,750.01	\$76,750	
\$76,750.01	\$78,750	
\$78,750.01	\$80,750	
\$80,750.01	\$81,663	
	200% FPIG	\$69,500

<i>Weekly Copay</i>	<i>Family Size: 10 Annual Income</i>	
\$5.00	Less than:	\$19,930
\$10.00	\$19,930.01	\$21,930
\$15.00	\$21,930.01	\$23,930
\$20.00	\$23,930.01	\$25,930
\$25.00	\$25,930.01	\$27,930
\$30.00	\$27,930.01	\$29,930
\$35.00	\$29,930.01	\$31,930
\$40.00	\$31,930.01	\$33,930

<i>Family Size: 11 Annual Income</i>	
Less than:	\$21,110
\$21,110.01	\$23,110
\$23,110.01	\$25,110
\$25,110.01	\$27,110
\$27,110.01	\$29,110
\$29,110.01	\$31,110
\$31,110.01	\$33,110
\$33,110.01	\$35,110

<i>Family Size: 12 Annual Income</i>	
Less than:	\$22,290
\$22,290.01	\$24,290
\$24,290.01	\$26,290
\$26,290.01	\$28,290
\$28,290.01	\$30,290
\$30,290.01	\$32,290
\$32,290.01	\$34,290
\$34,290.01	\$36,290

<i>Weekly Copay</i>	<i>Family Size: 10 Annual Income</i>	
\$45.00	\$33,930.01	\$35,930
\$50.00	\$35,930.01	\$37,930
\$55.00	\$37,930.01	\$39,930
\$60.00	\$39,930.01	\$41,930
\$65.00	\$41,930.01	\$43,930
\$70.00	\$43,930.01	\$45,930
\$75.00	\$45,930.01	\$47,930
\$80.00	\$47,930.01	\$49,930
\$85.00	\$49,930.01	\$51,930
\$90.00	\$51,930.01	\$53,930
\$95.00	\$53,930.01	\$55,930
\$100.00	\$55,930.01	\$57,930
\$105.00	\$57,930.01	\$59,930
\$110.00	\$59,930.01	\$61,930
\$115.00	\$61,930.01	\$63,930
\$120.00	\$63,930.01	\$65,930
\$125.00	\$65,930.01	\$67,930
\$130.00	\$67,930.01	\$69,930
\$135.00	\$69,930.01	\$71,930
\$140.00	\$71,930.01	\$73,930
\$145.00	\$73,930.01	\$75,930
\$150.00	\$75,930.01	\$77,930
\$155.00	\$77,930.01	\$79,930
\$160.00	\$79,930.01	\$81,930
\$165.00	\$81,930.01	\$83,930
\$170.00	\$83,930.01	\$85,930
\$175.00	\$85,930.01	\$87,930
\$180.00	\$87,930.01	\$89,136
\$185.00		
\$190.00		
\$195.00		
\$200.00		
\$205.00		
\$210.00		
	200% FPIG	\$75,860

<i>Family Size: 11 Annual Income</i>		
\$35,110.01	\$37,110	
\$37,110.01	\$39,110	
\$39,110.01	\$41,110	
\$41,110.01	\$43,110	
\$43,110.01	\$45,110	
\$45,110.01	\$47,110	
\$47,110.01	\$49,110	
\$49,110.01	\$51,110	
\$51,110.01	\$53,110	
\$53,110.01	\$55,110	
\$55,110.01	\$57,110	
\$57,110.01	\$59,110	
\$59,110.01	\$61,110	
\$61,110.01	\$63,110	
\$63,110.01	\$65,110	
\$65,110.01	\$67,110	
\$67,110.01	\$69,110	
\$69,110.01	\$71,110	
\$71,110.01	\$73,110	
\$73,110.01	\$75,110	
\$75,110.01	\$77,110	
\$77,110.01	\$79,110	
\$79,110.01	\$81,110	
\$81,110.01	\$83,110	
\$83,110.01	\$85,110	
\$85,110.01	\$87,110	
\$87,110.01	\$89,110	
\$89,110.01	\$91,110	
\$91,110.01	\$93,110	
\$93,110.01	\$95,110	
\$95,110.01	\$96,609	
	200% FPIG	\$82,220

<i>Family Size: 12 Annual Income</i>		
\$36,290.01	\$38,290	
\$38,290.01	\$40,290	
\$40,290.01	\$42,290	
\$42,290.01	\$44,290	
\$44,290.01	\$46,290	
\$46,290.01	\$48,290	
\$48,290.01	\$50,290	
\$50,290.01	\$52,290	
\$52,290.01	\$54,290	
\$54,290.01	\$56,290	
\$56,290.01	\$58,290	
\$58,290.01	\$60,290	
\$60,290.01	\$62,290	
\$62,290.01	\$64,290	
\$64,290.01	\$66,290	
\$66,290.01	\$68,290	
\$68,290.01	\$70,290	
\$70,290.01	\$72,290	
\$72,290.01	\$74,290	
\$74,290.01	\$76,290	
\$76,290.01	\$78,290	
\$78,290.01	\$80,290	
\$80,290.01	\$82,290	
\$82,290.01	\$84,290	
\$84,290.01	\$86,290	
\$86,290.01	\$88,290	
\$88,290.01	\$90,290	
\$90,290.01	\$92,290	
\$92,290.01	\$94,290	
\$94,290.01	\$96,290	
\$96,290.01	\$98,290	
\$98,290.01	\$100,290	
\$100,290.01	\$102,290	
\$102,290.01	\$104,082	
	200% FPIG	\$88,580

<i>Weekly Copay</i>	<i>Family Size: 13 Annual Income</i>	
\$5.00	Less than:	\$23,470
\$10.00	\$23,470.01	\$25,470
\$15.00	\$25,470.01	\$27,470
\$20.00	\$27,470.01	\$29,470
\$25.00	\$29,470.01	\$31,470
\$30.00	\$31,470.01	\$33,470
\$35.00	\$33,470.01	\$35,470
\$40.00	\$35,470.01	\$37,470

<i>Family Size: 14 Annual Income</i>	
Less than:	\$24,650
\$ 24,650.01	\$26,650
\$26,650.01	\$28,650
\$28,650.01	\$30,650
\$30,650.01	\$32,650
\$32,650.01	\$34,650
\$34,650.01	\$36,650
\$36,650.01	\$38,650

<i>Family Size: 15 Annual Income</i>	
Less than:	\$25,830
\$25,830.01	\$27,830
\$27,830.01	\$29,830
\$29,830.01	\$31,830
\$31,830.01	\$33,830
\$33,830.01	\$35,830
\$35,830.01	\$37,830
\$37,830.01	\$39,830

NOTICES

<i>Weekly Copay</i>	<i>Family Size: 13 Annual Income</i>		<i>Family Size: 14 Annual Income</i>		<i>Family Size: 15 Annual Income</i>	
\$45.00	\$37,470.01	\$39,470	\$38,650.01	\$40,650	\$39,830.01	\$41,830
\$50.00	\$39,470.01	\$41,470	\$40,650.01	\$42,650	\$41,830.01	\$43,830
\$55.00	\$41,470.01	\$43,470	\$42,650.01	\$44,650	\$43,830.01	\$45,830
\$60.00	\$43,470.01	\$45,470	\$44,650.01	\$46,650	\$45,830.01	\$47,830
\$65.00	\$45,470.01	\$47,470	\$46,650.01	\$48,650	\$47,830.01	\$49,830
\$70.00	\$47,470.01	\$49,470	\$48,650.01	\$50,650	\$49,830.01	\$51,830
\$75.00	\$49,470.01	\$51,470	\$50,650.01	\$52,650	\$51,830.01	\$53,830
\$80.00	\$51,470.01	\$53,470	\$52,650.01	\$54,650	\$53,830.01	\$55,830
\$85.00	\$53,470.01	\$55,470	\$54,650.01	\$56,650	\$55,830.01	\$57,830
\$90.00	\$55,470.01	\$57,470	\$56,650.01	\$58,650	\$57,830.01	\$59,830
\$95.00	\$57,470.01	\$59,470	\$58,650.01	\$60,650	\$59,830.01	\$61,830
\$100.00	\$59,470.01	\$61,470	\$60,650.01	\$62,650	\$61,830.01	\$63,830
\$105.00	\$61,470.01	\$63,470	\$62,650.01	\$64,650	\$63,830.01	\$65,830
\$110.00	\$63,470.01	\$65,470	\$64,650.01	\$66,650	\$65,830.01	\$67,830
\$115.00	\$65,470.01	\$67,470	\$66,650.01	\$68,650	\$67,830.01	\$69,830
\$120.00	\$67,470.01	\$69,470	\$68,650.01	\$70,650	\$69,830.01	\$71,830
\$125.00	\$69,470.01	\$71,470	\$70,650.01	\$72,650	\$71,830.01	\$73,830
\$130.00	\$71,470.01	\$73,470	\$72,650.01	\$74,650	\$73,830.01	\$75,830
\$135.00	\$73,470.01	\$75,470	\$74,650.01	\$76,650	\$75,830.01	\$77,830
\$140.00	\$75,470.01	\$77,470	\$76,650.01	\$78,650	\$77,830.01	\$79,830
\$145.00	\$77,470.01	\$79,470	\$78,650.01	\$80,650	\$79,830.01	\$81,830
\$150.00	\$79,470.01	\$81,470	\$80,650.01	\$82,650	\$81,830.01	\$83,830
\$155.00	\$81,470.01	\$83,470	\$82,650.01	\$84,650	\$83,830.01	\$85,830
\$160.00	\$83,470.01	\$85,470	\$84,650.01	\$86,650	\$85,830.01	\$87,830
\$165.00	\$85,470.01	\$87,470	\$86,650.01	\$88,650	\$87,830.01	\$89,830
\$170.00	\$87,470.01	\$89,470	\$88,650.01	\$90,650	\$89,830.01	\$91,830
\$175.00	\$89,470.01	\$91,470	\$90,650.01	\$92,650	\$91,830.01	\$93,830
\$180.00	\$91,470.01	\$93,470	\$92,650.01	\$94,650	\$93,830.01	\$95,830
\$185.00	\$93,470.01	\$95,470	\$94,650.01	\$96,650	\$95,830.01	\$97,830
\$190.00	\$95,470.01	\$97,470	\$96,650.01	\$98,650	\$97,830.01	\$99,830
\$195.00	\$97,470.01	\$99,470	\$98,650.01	\$100,650	\$99,830.01	\$101,830
\$200.00	\$99,470.01	\$101,470	\$100,650.01	\$102,650	\$101,830.01	\$103,830
\$205.00	\$101,470.01	\$103,470	\$102,650.01	\$104,650	\$103,830.01	\$105,830
\$210.00	\$103,470.01	\$105,470	\$104,650.01	\$106,650	\$105,830.01	\$107,830
\$215.00	\$105,470.01	\$107,470	\$106,650.01	\$108,650	\$107,830.01	\$109,830
\$220.00	\$107,470.01	\$109,470	\$108,650.01	\$110,650	\$109,830.01	\$111,830
\$225.00	\$109,470.01	\$111,470	\$110,650.01	\$112,650	\$111,830.01	\$113,830
\$230.00	\$111,470.01	\$111,555	\$112,650.01	\$114,650	\$113,830.01	\$115,830
\$235.00			\$114,650.01	\$116,650	\$115,830.01	\$117,830
\$240.00			\$116,650.01	\$118,650	\$117,830.01	\$119,830
\$245.00			\$118,650.01	\$119,028	\$119,830.01	\$121,830
\$250.00					\$121,830.01	\$123,830
\$255.00					\$123,830.01	\$125,830
\$260.00					\$125,830.01	\$126,501
	200% FPIG	\$94,940	200% FPIG	\$101,300	200% FPIG	\$107,660

<i>Weekly Copay</i>	<i>Family Size: 16 Annual Income</i>	
\$5.00	Less than:	\$29,010
\$10.00	\$29,010.01	\$31,010
\$15.00	\$31,010.01	\$33,010
\$20.00	\$33,010.01	\$35,010
\$25.00	\$35,010.01	\$37,010
\$30.00	\$37,010.01	\$39,010
\$35.00	\$39,010.01	\$41,010
\$40.00	\$41,010.01	\$43,010
\$45.00	\$43,010.01	\$45,010
\$50.00	\$45,010.01	\$47,010
\$55.00	\$47,010.01	\$49,010
\$60.00	\$49,010.01	\$51,010
\$65.00	\$51,010.01	\$53,010
\$70.00	\$53,010.01	\$55,010
\$75.00	\$55,010.01	\$57,010
\$80.00	\$57,010.01	\$59,010
\$85.00	\$59,010.01	\$61,010
\$90.00	\$61,010.01	\$63,010
\$95.00	\$63,010.01	\$65,010
\$100.00	\$65,010.01	\$67,010
\$105.00	\$67,010.01	\$69,010
\$110.00	\$69,010.01	\$71,010
\$115.00	\$71,010.01	\$73,010
\$120.00	\$73,010.01	\$75,010
\$125.00	\$75,010.01	\$77,010
\$130.00	\$77,010.01	\$79,010
\$135.00	\$79,010.01	\$81,010
\$140.00	\$81,010.01	\$83,010
\$145.00	\$83,010.01	\$85,010
\$150.00	\$85,010.01	\$87,010
\$155.00	\$87,010.01	\$89,010
\$160.00	\$89,010.01	\$91,010
\$165.00	\$91,010.01	\$93,010
\$170.00	\$93,010.01	\$95,010
\$175.00	\$95,010.01	\$97,010
\$180.00	\$97,010.01	\$99,010
\$185.00	\$99,010.01	\$101,010
\$190.00	\$101,010.01	\$103,010
\$195.00	\$103,010.01	\$105,010
\$200.00	\$105,010.01	\$107,010
\$205.00	\$107,010.01	\$109,010
\$210.00	\$109,010.01	\$111,010
\$215.00	\$111,010.01	\$113,010
\$220.00	\$113,010.01	\$115,010
\$225.00	\$115,010.01	\$117,010
\$230.00	\$117,010.01	\$119,010

<i>Family Size: 17 Annual Income</i>	
Less than:	\$30,190
\$30,190.01	\$32,190
\$32,190.01	\$34,190
\$34,190.01	\$36,190
\$36,190.01	\$38,190
\$38,190.01	\$40,190
\$40,190.01	\$42,190
\$42,190.01	\$44,190
\$44,190.01	\$46,190
\$46,190.01	\$48,190
\$48,190.01	\$50,190
\$50,190.01	\$52,190
\$52,190.01	\$54,190
\$54,190.01	\$56,190
\$56,190.01	\$58,190
\$58,190.01	\$60,190
\$60,190.01	\$62,190
\$62,190.01	\$64,190
\$64,190.01	\$66,190
\$66,190.01	\$68,190
\$68,190.01	\$70,190
\$70,190.01	\$72,190
\$72,190.01	\$74,190
\$74,190.01	\$76,190
\$76,190.01	\$78,190
\$78,190.01	\$80,190
\$80,190.01	\$82,190
\$82,190.01	\$84,190
\$84,190.01	\$86,190
\$86,190.01	\$88,190
\$88,190.01	\$90,190
\$90,190.01	\$92,190
\$92,190.01	\$94,190
\$94,190.01	\$96,190
\$96,190.01	\$98,190
\$98,190.01	\$100,190
\$100,190.01	\$102,190
\$102,190.01	\$104,190
\$104,190.01	\$106,190
\$106,190.01	\$108,190
\$108,190.01	\$110,190
\$110,190.01	\$112,190
\$112,190.01	\$114,190
\$114,190.01	\$116,190
\$116,190.01	\$118,190
\$118,190.01	\$120,190

<i>Family Size: 18 Annual Income</i>	
Less than:	\$31,370
\$31,370.01	\$33,370
\$33,370.01	\$35,370
\$35,370.01	\$37,370
\$37,370.01	\$39,370
\$39,370.01	\$41,370
\$41,370.01	\$43,370
\$43,370.01	\$45,370
\$45,370.01	\$47,370
\$47,370.01	\$49,370
\$49,370.01	\$51,370
\$51,370.01	\$53,370
\$53,370.01	\$55,370
\$55,370.01	\$57,370
\$57,370.01	\$59,370
\$59,370.01	\$61,370
\$61,370.01	\$63,370
\$63,370.01	\$65,370
\$65,370.01	\$67,370
\$67,370.01	\$69,370
\$69,370.01	\$71,370
\$71,370.01	\$73,370
\$73,370.01	\$75,370
\$75,370.01	\$77,370
\$77,370.01	\$79,370
\$79,370.01	\$81,370
\$81,370.01	\$83,370
\$83,370.01	\$85,370
\$85,370.01	\$87,370
\$87,370.01	\$89,370
\$89,370.01	\$91,370
\$91,370.01	\$93,370
\$93,370.01	\$95,370
\$95,370.01	\$97,370
\$97,370.01	\$99,370
\$99,370.01	\$101,370
\$101,370.01	\$103,370
\$103,370.01	\$105,370
\$105,370.01	\$107,370
\$107,370.01	\$109,370
\$109,370.01	\$111,370
\$111,370.01	\$113,370
\$113,370.01	\$115,370
\$115,370.01	\$117,370
\$117,370.01	\$119,370
\$119,370.01	\$121,370

<i>Weekly Copay</i>	<i>Family Size: 16 Annual Income</i>	
\$235.00	\$119,010.01	\$121,010
\$240.00	\$121,010.01	\$123,010
\$245.00	\$123,010.01	\$125,010
\$250.00	\$125,010.01	\$127,010
\$255.00	\$127,010.01	\$129,010
\$260.00	\$129,010.01	\$131,010
\$265.00	\$131,010.01	\$133,010
\$270.00	\$133,010.01	\$133,974
\$275.00		
\$280.00		
\$285.00		
\$290.00		
\$295.00		
\$300.00		
	200% FPIG	\$114,020

<i>Family Size: 17 Annual Income</i>	
\$120,190.01	\$122,190
\$122,190.01	\$124,190
\$124,190.01	\$126,190
\$126,190.01	\$128,190
\$128,190.01	\$130,190
\$130,190.01	\$132,190
\$132,190.01	\$134,190
\$134,190.01	\$136,190
\$136,190.01	\$138,190
\$138,190.01	\$140,190
\$140,190.01	\$141,447
200% FPIG	\$120,380

<i>Family Size: 18 Annual Income</i>	
\$121,370.01	\$123,370
\$123,370.01	\$125,370
\$125,370.01	\$127,370
\$127,370.01	\$129,370
\$129,370.01	\$131,370
\$131,370.01	\$133,370
\$133,370.01	\$135,370
\$135,370.01	\$137,370
\$137,370.01	\$139,370
\$139,370.01	\$141,370
\$141,370.01	\$143,370
\$143,370.01	\$145,370
\$145,370.01	\$147,370
\$147,370.01	\$148,920
200% FPIG	\$126,740

<i>Weekly Copay</i>	<i>Family Size: 19 Annual Income</i>	
\$5.00	Less than:	\$32,550
\$10.00	\$32,550.01	\$34,550
\$15.00	\$34,550.01	\$36,550
\$20.00	\$36,550.01	\$38,550
\$25.00	\$38,550.01	\$40,550
\$30.00	\$40,550.01	\$42,550
\$35.00	\$42,550.01	\$44,550
\$40.00	\$44,550.01	\$46,550
\$45.00	\$46,550.01	\$48,550
\$50.00	\$48,550.01	\$50,550
\$55.00	\$50,550.01	\$52,550
\$60.00	\$52,550.01	\$54,550
\$65.00	\$54,550.01	\$56,550
\$70.00	\$56,550.01	\$58,550
\$75.00	\$58,550.01	\$60,550
\$80.00	\$60,550.01	\$62,550
\$85.00	\$62,550.01	\$64,550
\$90.00	\$64,550.01	\$66,550
\$95.00	\$66,550.01	\$68,550
\$100.00	\$68,550.01	\$70,550
\$105.00	\$70,550.01	\$72,550
\$110.00	\$72,550.01	\$74,550
\$115.00	\$74,550.01	\$76,550
\$120.00	\$76,550.01	\$78,550
\$125.00	\$78,550.01	\$80,550
\$130.00	\$80,550.01	\$82,550
\$135.00	\$82,550.01	\$84,550
\$140.00	\$84,550.01	\$86,550

<i>Family Size: 20 Annual Income</i>	
Less than:	\$33,730
\$33,730.01	\$35,730
\$35,730.01	\$37,730
\$37,730.01	\$39,730
\$39,730.01	\$41,730
\$41,730.01	\$43,730
\$43,730.01	\$45,730
\$45,730.01	\$47,730
\$47,730.01	\$49,730
\$49,730.01	\$51,730
\$51,730.01	\$53,730
\$53,730.01	\$55,730
\$55,730.01	\$57,730
\$57,730.01	\$59,730
\$59,730.01	\$61,730
\$61,730.01	\$63,730
\$63,730.01	\$65,730
\$65,730.01	\$67,730
\$67,730.01	\$69,730
\$69,730.01	\$71,730
\$71,730.01	\$73,730
\$73,730.01	\$75,730
\$75,730.01	\$77,730
\$77,730.01	\$79,730
\$79,730.01	\$81,730
\$81,730.01	\$83,730
\$83,730.01	\$85,730
\$85,730.01	\$87,730

<i>Family Size: 21 Annual Income</i>	
Less than:	\$34,910
\$34,910.01	\$36,910
\$36,910.01	\$38,910
\$38,910.01	\$40,910
\$40,910.01	\$42,910
\$42,910.01	\$44,910
\$44,910.01	\$46,910
\$46,910.01	\$48,910
\$48,910.01	\$50,910
\$50,910.01	\$52,910
\$52,910.01	\$54,910
\$54,910.01	\$56,910
\$56,910.01	\$58,910
\$58,910.01	\$60,910
\$60,910.01	\$62,910
\$62,910.01	\$64,910
\$64,910.01	\$66,910
\$66,910.01	\$68,910
\$68,910.01	\$70,910
\$70,910.01	\$72,910
\$72,910.01	\$74,910
\$74,910.01	\$76,910
\$76,910.01	\$78,910
\$78,910.01	\$80,910
\$80,910.01	\$82,910
\$82,910.01	\$84,910
\$84,910.01	\$86,910
\$86,910.01	\$88,910

<i>Weekly Copay</i>	<i>Family Size: 19 Annual Income</i>		<i>Family Size: 20 Annual Income</i>		<i>Family Size: 21 Annual Income</i>	
\$145.00	\$86,550.01	\$88,550	\$87,730.01	\$89,730	\$88,910.01	\$90,910
\$150.00	\$88,550.01	\$90,550	\$89,730.01	\$91,730	\$90,910.01	\$92,910
\$155.00	\$90,550.01	\$92,550	\$91,730.01	\$93,730	\$92,910.01	\$94,910
\$160.00	\$92,550.01	\$94,550	\$93,730.01	\$95,730	\$94,910.01	\$96,910
\$165.00	\$94,550.01	\$96,550	\$95,730.01	\$97,730	\$96,910.01	\$98,910
\$170.00	\$96,550.01	\$98,550	\$97,730.01	\$99,730	\$98,910.01	\$100,910
\$175.00	\$98,550.01	\$100,550	\$99,730.01	\$101,730	\$100,910.01	\$102,910
\$180.00	\$100,550.01	\$102,550	\$101,730.01	\$103,730	\$102,910.01	\$104,910
\$185.00	\$102,550.01	\$104,550	\$103,730.01	\$105,730	\$104,910.01	\$106,910
\$190.00	\$104,550.01	\$106,550	\$105,730.01	\$107,730	\$106,910.01	\$108,910
\$195.00	\$106,550.01	\$108,550	\$107,730.01	\$109,730	\$108,910.01	\$110,910
\$200.00	\$108,550.01	\$110,550	\$109,730.01	\$111,730	\$110,910.01	\$112,910
\$205.00	\$110,550.01	\$112,550	\$111,730.01	\$113,730	\$112,910.01	\$114,910
\$210.00	\$112,550.01	\$114,550	\$113,730.01	\$115,730	\$114,910.01	\$116,910
\$215.00	\$114,550.01	\$116,550	\$115,730.01	\$117,730	\$116,910.01	\$118,910
\$220.00	\$116,550.01	\$118,550	\$117,730.01	\$119,730	\$118,910.01	\$120,910
\$225.00	\$118,550.01	\$120,550	\$119,730.01	\$121,730	\$120,910.01	\$122,910
\$230.00	\$120,550.01	\$122,550	\$121,730.01	\$123,730	\$122,910.01	\$124,910
\$235.00	\$122,550.01	\$124,550	\$123,730.01	\$125,730	\$124,910.01	\$126,910
\$240.00	\$124,550.01	\$126,550	\$125,730.01	\$127,730	\$126,910.01	\$128,910
\$245.00	\$126,550.01	\$128,550	\$127,730.01	\$129,730	\$128,910.01	\$130,910
\$250.00	\$128,550.01	\$130,550	\$129,730.01	\$131,730	\$130,910.01	\$132,910
\$255.00	\$130,550.01	\$132,550	\$131,730.01	\$133,730	\$132,910.01	\$134,910
\$260.00	\$132,550.01	\$134,550	\$133,730.01	\$135,730	\$134,910.01	\$136,910
\$265.00	\$134,550.01	\$136,550	\$135,730.01	\$137,730	\$136,910.01	\$138,910
\$270.00	\$136,550.01	\$138,550	\$137,730.01	\$139,730	\$138,910.01	\$140,910
\$275.00	\$138,550.01	\$140,550	\$139,730.01	\$141,730	\$140,910.01	\$142,910
\$280.00	\$140,550.01	\$142,550	\$141,730.01	\$143,730	142,910.01	\$144,910
\$285.00	\$142,550.01	\$144,550	\$143,730.01	\$145,730	\$144,910.01	\$146,910
\$290.00	\$144,550.01	\$146,550	\$145,730.01	\$147,730	\$146,910.01	\$148,910
\$295.00	\$146,550.01	\$148,550	\$147,730.01	\$149,730	\$148,910.01	\$150,910
\$300.00	\$148,550.01	\$150,550	\$149,730.01	\$151,730	\$150,910.01	\$152,910
\$305.00	\$150,550.01	\$152,550	\$151,730.01	\$153,730	\$152,910.01	\$154,910
\$310.00	\$152,550.01	\$154,550	\$153,730.01	\$155,730	\$154,910.01	\$156,910
\$315.00	\$154,550.01	\$156,393	\$155,730.01	\$157,730	\$156,910.01	\$158,910
\$320.00			\$157,730.01	\$159,730	\$158,910.01	\$160,910
\$325.00			\$159,730.01	\$161,730	\$160,910.01	\$162,910
\$330.00			\$161,730.01	\$163,730	\$162,910.01	\$164,910
\$335.00			\$163,730.01	\$163,866	\$164,910.01	\$166,910
\$340.00					\$166,910.01	\$168,910
\$345.00					\$168,910.01	\$170,910
\$350.00					\$170,910.01	\$171,339
	200% FPIG	\$133,100	200% FPIG	\$139,460	200% FPIG	\$145,820

[Pa.B. Doc. No. 04-1311. Filed for public inspection July 16, 2004, 9:00 a.m.]

DEPARTMENT OF REVENUE

Adjustment of Program Service Revenue Amounts

Under section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P. S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.
- (6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1312. Filed for public inspection July 16, 2004, 9:00 a.m.]

Pennsylvania Cool 7's '04 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 Cool 7's '04.

2. *Price:* The price of a Pennsylvania Cool 7's '04 instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Cool 7's '04 instant lottery game ticket will contain seven play areas known as Game 1, Game 2, Game 3, Game 4, Game 5, Game 6, and Game 7. Each game is played separately.

(b) The play symbols and their captions located in the "YOUR SYMBOL" and "LUCKY SYMBOL" play areas for Game 1 are: Money Bag Symbol (MNYBG), Pot of Gold Symbol (PTGLD), Rabbit Foot Symbol (RBTFT), Horse Shoe Symbol (SHOE), Star Symbol (STAR) and Diamond Symbol (DIMND).

(c) The play symbols and their captions located in the "YOUR NUMBERS" and "WINNING NUMBERS" areas for Game 7; in the play areas for Game 2, Game 3 and Game 5 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), and 12 (TWELVE).

(d) The play symbols and their captions located in the "BONUS" area for Game 6 are: \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$17\$ (SVNTN), \$20\$ (TWENTY), \$77\$ (SVY SVN), \$117 (HUNSVNTN) and NO BONUS (TRY AGAIN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the play areas for Game 1, Game 4 and Game 7; in the "PRIZE" area in Game 2, Game 3 and Game 5 are: \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$77\$ (SVY SVN), \$117 (HUNSVNTN), \$700 (SVN HUN), and \$70,000 (SVY THO).

5. *Prizes:* The prizes that can be won in Game 1, Game 2, Game 3, Game 4, Game 5 and Game 7 are \$5, \$7, \$10, \$15, \$17, \$20, \$27, \$77, \$117, \$700, and \$70,000. The prizes that can be won in Game 6 are \$7, \$10, \$15, \$17, \$20, \$77, and \$117. A player can win up to 6 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,720,000 tickets will be printed for the Pennsylvania Cool 7's '04 instant lottery game.

7. *Determination of Prize Winners:*

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

(1) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$70,000 (SVY THO) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$70,000.

(2) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$700 (SVN HUN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$700.

(3) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$117 (HUNSVNTN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$77\$ (SVY SVN) appears under the matching "YOUR SYMBOL Your Symbol" play symbol, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$27\$ (TWY SVN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$27.

(6) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$17\$

(SVNTN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$17.

(8) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$7⁰⁰ (SVN DOL) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(11) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 and Game 3 are:

(1) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$70,000 (SVY THO) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$70,000.

(2) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$700 (SVN HUN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$700.

(3) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$117 (HUNSVNTN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$77\$ (SVY SVN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$27\$ (TWY SVN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$27.

(6) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$20\$ (TWENTY) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$17\$ (SVNTN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$17.

(8) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$15\$ (FIFTN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$10⁰⁰

(EGHTN) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$7⁰⁰ (SVN DOL) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$7.

(11) Holders of tickets with two 7 (SEVEN) play symbols in the same play area and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "PRIZE" area for that Game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 4 are:

(1) Holders of tickets with three matching play symbols of \$70,000 (SVY THO) in the play area, on a single ticket, shall be entitled to a prize of \$70,000.

(2) Holders of tickets with three matching play symbols of \$700 (SVN HUN) in the play area, on a single ticket, shall be entitled to a prize of \$700.

(3) Holders of tickets with three matching play symbols of \$117 (HUNSVNTN) in the play area, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets with three matching play symbols of \$77\$ (SVY SVN) in the play area, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets with three matching play symbols of \$27\$ (TWY SVN) in the play area, on a single ticket, shall be entitled to a prize of \$27.

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

(7) Holders of tickets with three matching play symbols of \$17\$ (SVNTN) in the play area, on a single ticket, shall be entitled to a prize of \$17.

(8) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with three matching play symbols of \$7⁰⁰ (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(11) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for Game 5 are:

(1) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$70,000 (SVY THO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$70,000.

(2) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$700 (SVN HUN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$700.

(3) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$117 (HUNSVNTH) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a

prize play symbol of \$77\$ (SVN SUN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$27\$ (TWY SVN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$27.

(6) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$20\$ (TWENTY) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$17\$ (SVNTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$17.

(8) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$15\$ (FIFTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$10⁰⁰ (TENDOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$7⁰⁰ (SVN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$7.

(11) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$5⁰⁰ (FIV DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(e) Determination of prize winners for Game 6 are:

(1) Holders of tickets with a \$117 (HUNSVNTN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$117.

(2) Holders of tickets with a \$77\$ (SVY SVN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$77.

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

(4) Holders of tickets with a \$17\$ (SVNTN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$17.

(5) Holders of tickets with a \$15\$ (FIFTN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$15.

(6) Holders of tickets with a \$10⁰⁰ (TEN DOL) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with a \$7⁰⁰ (SVN DOL) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$7.

(f) Determination of prize winners for Game 7 are:

(1) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WIN-

NING NUMBER" play symbol and a prize symbol of \$70,000 (SVY THO) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$70,000.

(2) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$700 (SVN HUN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$700.

(3) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$117 (HUNSVNTN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$77\$ (SVY SVN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$27\$ (TWY SVN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$27.

(6) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$17\$ (SVNTN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$17.

(8) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$7⁰⁰ (SVN DOL) appears under the matching "YOUR NUMBER" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(11) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate

number of winners, amount of prizes and approximate odds of winning:

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,720,000 Tickets</i>
\$5	\$5	10.17	660,800
\$7	\$7	300	22,400
\$7 (BONUS)	\$7	75	89,600
\$5 × 2	\$10	85.71	78,400
\$10	\$10	300	22,400
\$10 (BONUS)	\$10	600	11,200
\$5 × 3	\$15	600	11,200
\$10 + \$5	\$15	600	11,200
\$15	\$15	600	11,200
\$15 (BONUS)	\$15	300	22,400
\$10 + \$7	\$17	300	22,400
\$17 (BONUS)	\$17	13.95	481,600
\$17	\$17	120	56,000
\$5 × 4	\$20	200	33,600
\$10 × 2	\$20	300	22,400
\$20	\$20	300	22,400
\$20 (BONUS)	\$20	200	33,600
\$17 (BONUS)+ \$20 × 3	\$77	480	14,000
\$27 + \$10 × 5	\$77	560.75	11,984
\$77	\$77	560.75	11,984
\$77 (BONUS)	\$77	240	28,000
\$17 (BONUS)+ \$20 × 5	\$117	30,000	224
\$10 × 4 + \$77	\$117	30,000	224
\$20 × 2 + \$77	\$117	30,000	224
\$117	\$117	40,000	168
\$117 (BONUS)	\$117	30,000	224
\$700	\$700	240,000	28
\$70,000	\$70,000	960,000	7

Game 1—When any of “YOUR SYMBOL”(s) match the “LUCKY SYMBOL” win prize shown under the matching symbol.

Game 2—Get 2 “7” symbols, win prize shown.

Game 3—Get 2 “7” symbols, win prize shown.

Game 4—Get three like amounts, win that prize.

Game 5—Get three “7” symbols in a row, column, or diagonal, win prize shown.

Game 6— (BONUS) Reveal prize amounts between \$7 and \$117 and win that prize.

Game 7—When any of “YOUR NUMBERS” match the “WINNING NUMBER,” win prize shown under the matching number.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cool 7's '04 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 Cool 7's '04, prize money from winning Pennsylvania Cool 7's '04 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 Cool 7's '04 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), 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 Cool 7's '04 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1313. Filed for public inspection July 16, 2004, 9:00 a.m.]

Pennsylvania Fire ‘N’ Ice 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 Fire 'N' Ice.

2. *Price:* The price of a Pennsylvania Fire 'N' Ice instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Fire 'N' Ice instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING 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) and 20 (TWENT). The play symbols and their captions located in 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 (TWENT) and Diamond Symbol (DMND).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$100 (ONE HUN), \$500 (FIV HUN), \$2,500 (TWYFIVHUN) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$100, \$500, \$2,500 and \$25,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Fire 'N' Ice 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 NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize 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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Diamond Symbol (DMND), and a prize symbol of \$500 (FIV HUN) appears under the Diamond Symbol (DMND) 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 NUMBERS" play symbols and a prize 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 is a Diamond Symbol (DMND),

and a prize symbol of \$100 (ONE HUN) appears under the Diamond Symbol (DMND) on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Diamond Symbol (DMND), and a prize symbol of \$40\$ (FORTY) appears under the Diamond Symbol (DMND) on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Diamond Symbol (DMND), and a prize symbol of \$25\$ (TWY FIV) appears under the Diamond Symbol (DMND) on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Diamond Symbol (DMND), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Diamond Symbol (DMND) on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Diamond Symbol (DMND), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Diamond Symbol (DMND) on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Diamond Symbol (DMND), and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the Diamond Symbol (DMND) on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Diamond Symbol (DMND), and a prize symbol of \$2⁰⁰ (FOR DOL) appears under the Diamond Symbol (DMND) on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Numbers Match Either Winning Number; Win With Prize(s) of:

<i>When Any of Your Numbers Match Either Winning Number; Win With Prize(s) of:</i>	<i>Win:</i>
\$1 x 2	\$2
\$2	\$2
\$2 w/Diamond	\$2
\$1 x 4	\$4
\$4	\$4
\$4 w/Diamond	\$4
\$1 x 5	\$5
\$5	\$5
\$5 w/Diamond	\$5
\$2 x 5	\$10
\$1 x 10	\$10
\$5 x 2	\$10
\$10	\$10
\$10 w/Diamond	\$10
\$5 x 5	\$25
\$25	\$25
25 w/Diamond	\$25
\$4 x 10	\$40
\$5 x 8	\$40
\$10 x 4	\$40
\$40	\$40
\$40 w/Diamond	\$40
\$10 x 10	\$100
\$20 x 5	\$100
\$100	\$100
\$100 w/Diamond	\$100
\$100 x 5	\$500
\$500	\$500
\$500 w/Diamond	\$500
\$500 x 5	\$2,500
\$2,500	\$2,500
\$25,000	\$25,000

<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
30	240,000
33.33	216,000
30	240,000
50	144,000
50	144,000
50	144,000
100	72,000
100	72,000
150	48,000
300	24,000
300	24,000
300	24,000
150	48,000
300	24,000
300	24,000
150	48,000
300	24,000
1,500	4,800
1,500	4,800
1,500	4,800
1,500	4,800
1,500	4,800
40,000	180
40,000	180
40,000	180
60,000	120
120,000	60
120,000	60
120,000	60
1,200,000	6
1,200,000	6
1,200,000	6

Diamond = Win prize shown automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fire 'N' Ice 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 Fire 'N' Ice, prize money from winning Pennsylvania Fire 'N' Ice 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 Fire 'N' Ice 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), 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 Fire 'N' Ice or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1314. Filed for public inspection July 16, 2004, 9:00 a.m.]

Pennsylvania Joker's Wild '04 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 Joker's Wild '04.

2. *Price:* The price of a Pennsylvania Joker's Wild '04 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Joker's Wild '04 instant lottery game ticket will contain one play area featuring a "WINNING CARD" area and a "YOUR CARDS" area. The play symbols and their captions located in the "WINNING CARD" area are: 2 Card Symbol (TWO), 3 Card Symbol (THR), 4 Card Symbol (FOR), 5 Card Symbol (FIV), 6 Card Symbol (SIX), 7 Card Symbol (SVN), 8 Card Symbol (EGT), 9 Card Symbol (NIN), 10 Card Symbol (TEN), Jack Card Symbol (JCK), Queen Card Symbol (QUN), King Card Symbol (KNG) and Ace Card Symbol (ACE). The play symbols and their captions located in the "YOUR CARDS" area are: 2 Card Symbol (TWO), 3 Card Symbol (THR), 4 Card Symbol (FOR), 5 Card Symbol (FIV), 6 Card Symbol (SIX), 7 Card Symbol (SVN), 8 Card Symbol (EGT), 9 Card Symbol (NIN), 10 Card Symbol (TEN), Jack Card Symbol (JCK), Queen Card Symbol (QUN), King Card Symbol (KNG), Ace Card Symbol (ACE) and Joker Card Symbol (JKR).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR CARDS" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$10⁰⁰ (TEN DOL), \$12\$ (TWELV), \$18\$ (EGHTN), \$30\$ (THRTY), \$50\$ (FIFTY), \$60\$ (SIXTY), \$300 (THR HUN) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$6, \$10, \$12, \$18, \$30, \$50, \$60, \$300, and \$3,000. A player can win up to 6 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 12,480,000 tickets will be printed for the Pennsylvania Joker's Wild '04 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$3,000 (THR THO) appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(b) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$300 (THR HUN) appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets upon which any one of the "YOUR CARDS" play symbols is a Joker Card Symbol (JKR), and six prize symbols of \$50 (FIFTY) appear under the "YOUR CARDS" play symbols on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$60 (SIXTY)

appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(e) Holders of tickets upon which any one of the "YOUR CARDS" play symbols is a Joker Card Symbol (JKR), and six prize symbols of \$10 (TEN DOL) appear under the "YOUR CARDS" play symbols on a single ticket, shall be entitled to a prize of \$60.

(f) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$50 (FIFTY) appears under the matching "YOUR CARDS" 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 CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$30 (THRTY) appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets upon which any one of the "YOUR CARDS" play symbols is a Joker Card Symbol (JKR), and six prize symbols of \$5 (FIV DOL) appear under the "YOUR CARDS" play symbols on a single ticket, shall be entitled to a prize of \$30.

(i) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$18 (EGHTN) appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(j) Holders of tickets upon which any one of the "YOUR CARDS" play symbols is a Joker Card Symbol (JKR), and six prize symbols of \$3 (THR DOL) appear under the "YOUR CARDS" play symbols on a single ticket, shall be entitled to a prize of \$18.

(k) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$12 (TWELV) appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(l) Holders of tickets upon which any one of the "YOUR CARDS" play symbols is a Joker Card Symbol (JKR), and six prize symbols of \$2 (TWO DOL) appear under the "YOUR CARDS" play symbols on a single ticket, shall be entitled to a prize of \$12.

(m) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$10 (TEN DOL) appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$6 (SIX DOL) appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(o) Holders of tickets upon which any one of the "YOUR CARDS" play symbols is a Joker Card Symbol (JKR), and six prize symbols of \$1 (ONE DOL) appear under the "YOUR CARDS" play symbols on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$5 (FIV DOL) appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$3 (THR DOL)

appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(r) Holders of tickets upon which any one of the "YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$2 (TWO DOL) appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the

"YOUR CARDS" play symbols matches the "WINNING CARD" play symbol and a prize symbol of \$1 (ONE DOL) appears under the matching "YOUR CARDS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Cards Match The Winning Card, Win With Prize(s) of:

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 12,480,000 Tickets</i>
\$1	\$1	9.09	1,372,800
\$1 x 2	\$2	37.50	332,800
\$2	\$2	50	249,600
\$1 x 3	\$3	75	166,400
\$3	\$3	100	124,800
\$1 x 5	\$5	300	41,600
\$5	\$5	300	41,600
\$1 x 6	\$6	1,500	8,320
\$1 x 6 w/Joker	\$6	85.71	145,600
\$2 x 3	\$6	3,000	4,160
\$6	\$6	1,500	8,320
\$2 x 5	\$10	1,000	12,480
\$5 x 2	\$10	1,500	8,320
\$10	\$10	600	20,800
\$6 x 2	\$12	3,000	4,160
\$2 x 6 w/Joker	\$12	375	33,280
\$12	\$12	3,000	4,160
\$3 x 6	\$18	1,000	12,480
\$3 x 6 w/Joker	\$18	750	16,640
\$6 x 3	\$18	3,000	4,160
\$18	\$18	1,500	8,320
\$5 x 6	\$30	6,000	2,080
\$5 x 6 w/Joker	\$30	1,000	12,480
\$10 x 3	\$30	6,000	2,080
\$30	\$30	3,000	4,160
\$50	\$50	40,000	312
\$10 x 6	\$60	240,000	52
\$10 x 6 w/Joker	\$60	240,000	52
\$30 x 2	\$60	240,000	52
\$60	\$60	240,000	52
\$50 x 6 w/Joker	\$300	120,000	104
\$300	\$300	120,000	104
\$3,000	\$3,000	960,000	13

Joker = Win all 6 prizes shown

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Joker's Wild '04 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 Joker's Wild '04, prize money from winning Pennsylvania Joker's Wild '04 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 Joker's Wild '04 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), 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 Joker's Wild '04 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1315. Filed for public inspection July 16, 2004, 9:00 a.m.]

Pennsylvania Pirate’s Treasure 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 Pirate’s Treasure.

2. *Price:* The price of a Pennsylvania Pirate’s Treasure instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Pirate’s Treasure instant lottery game ticket will feature a “Coordinates For Treasure Map” area and a “Treasure Map” area. The play symbols located in the “Coordinates For Treasure Map” area are: The letters A through H, each with the numbers 1 through 7. The play symbols located in the “Treasure Map” area are: A Chest Symbol consisting of six squares; a Pirate Symbol consisting of four squares; A Money Bag Symbol consisting of four squares; a Skull Symbol consisting of four squares; a Diamond Symbol consisting of four squares; a Coin Symbol consisting of four squares; a Ship Symbol consisting of three squares; a Flag Symbol consisting of three squares; a Scope Symbol consisting of two squares; and a Parrot Symbol consisting of two squares.

4. *Prizes:* The prizes that can be won in this game are \$3, \$6, \$9, \$12, \$18, \$30, \$60, \$300, \$3,000 and \$60,000. The player can win up to two times on each ticket.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 6,720,000 tickets will be printed for the Pennsylvania Pirate’s Treasure instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets where the player completely uncovers a Chest Symbol, using only the letter-number combinations found in the “Coordinates For Treasure Map” area, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets where the player completely uncovers a Pirate Symbol, using only the letter-number combinations found in the “Coordinates For Treasure Map” area, on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets where the player completely uncovers a Money Bag Symbol, using only the letter-number combinations found in the “Coordinates For Treasure Map” area, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets where the player completely uncovers a Skull Symbol, using only the letter-number combinations found in the “Coordinates For Treasure Map” area, on a single ticket, shall be entitled to a prize of \$60.

(e) Holders of tickets where the player completely uncovers a Diamond Symbol, using only the letter-number combinations found in the “Coordinates For Treasure Map” area, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets where the player completely uncovers a Coin Symbol, using only the letter-number combinations found in the “Coordinates For Treasure Map” area, on a single ticket, shall be entitled to a prize of \$18.

(g) Holders of tickets where the player completely uncovers a Ship Symbol, using only the letter-number combinations found in the “Coordinates For Treasure Map” area, on a single ticket, shall be entitled to a prize of \$12.

(h) Holders of tickets where the player completely uncovers a Flag Symbol, using only the letter-number combinations found in the “Coordinates For Treasure Map” area, on a single ticket, shall be entitled to a prize of \$9.

(i) Holders of tickets where the player completely uncovers a Scope Symbol, using only the letter-number combinations found in the “Coordinates For Treasure Map” area, on a single ticket, shall be entitled to a prize of \$6.

(j) Holders of tickets where the player completely uncovers a Parrot Symbol, using only the letter-number combinations found in the “Coordinates For Treasure Map” area, on a single ticket, shall be entitled to a prize of \$3.

7. *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 Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 6,720,000 Tickets</i>
Parrot	\$3	10	672,000
Scope	\$6	16.67	403,200
Flag	\$9	50	134,400
Parrot + Scope	\$9	100	67,200
Ship	\$12	100	67,200
Parrot + Flag	\$12	200	33,600
Coin	\$18	100	67,200
Diamond	\$30	200	33,600
Ship + Coin	\$30	200	33,600
Skull	\$60	207.25	32,424
Moneybag	\$300	30,000	224
Pirate	\$3,000	120,000	56
Chest	\$60,000	1,680,000	4

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Pirate’s Treasure instant lottery game tick-

ets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Pirate's Treasure, prize money from winning Pennsylvania Pirate's Treasure 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 Pirate's Treasure 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.

10. *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), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *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 Pirate's Treasure or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1316. Filed for public inspection July 16, 2004, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Disadvantaged Business Enterprise Participation in Federally Funded Contracts

This notice is intended to clarify the notices "Disadvantaged Business Enterprise Participation in Federal Aviation Administration Funded Contracts," "Disadvantaged Business Enterprise Participation in Federal Highway Administration Funded Contracts" and "Disadvantaged Business Enterprise Participation in Federal Transit Administration Funded Contracts" published at 34 Pa.B. 3074, 3076 and 3077 (June 12, 2004) regarding the Department of Transportation's (Department) proposed methodologies and goals for participation by disadvantaged business enterprises in Federally-assisted contracts. The earlier notices were intended to provide information relative to the current status of the goals to be submitted to the Federal Aviation Administration, the Federal Highway Administration and the Federal Transit Administration. The Department is still in the process of compiling data for each of its goals and it is the Department's intention to begin the Federally mandated 45-day formal comment period on or before August 1, 2004, the actual regulatory date for submission of all goals.

Members of the public are encouraged and invited to submit comments prompted by the notices that appeared at 34 Pa.B. 3074, 3076 and 3077. Comments received prior to the formal comment period will receive due consideration.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-1317. Filed for public inspection July 16, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Michael D. Newton, Jr.; Doc. No. SC04-07-005

Notice is hereby given of the Order to Show Cause issued on July 7, 2004, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: 40 P.S. §§ 241—297.4, 310.1—310.99a, 1171.4 and 1171.5(a)(2) and (12).

The respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1318. Filed for public inspection July 16, 2004, 9:00 a.m.]

Appeal of Lees Construction; State Workers' Insurance Fund; Doc. No. WC04-07-004

This order is made on July 2, 2004, and addresses the appeal and request for hearing filed by Lees Construction (Lees) received on July 1, 2004. The appeal challenged action of Department of Labor and Industry, State Workers' Insurance Fund (Fund) in characterizing individuals as employees rather than independent contractors.

This case is bifurcated and a hearing on the merits will occur, if at all, following consideration of jurisdictional and other threshold issues.

On or before July 19, 2004, Lees shall file a concise statement setting forth legal argument supporting why the Insurance Department should hear this case, given the facts as alleged in its June 29, 2004, letter. At a minimum, the argument shall address the subject matter jurisdiction issues. Alternatively, should Lees seek review by the Board of Claims and request a stay of this action before the Insurance Commissioner prior to July 19, 2004, an indefinite stay will be granted.

On or before August 9, 2004, the Fund shall: (1) answer factual assertions in the June 29, 2004, letter; (2) set forth its arguments in opposition to those advanced by Lees; and (3) raise additional affirmative defenses which may bar the relief sought by the appellant as a matter of law given the undisputed facts.

On or before August 16, 2004, the appellant may reply to the Fund's submission.

Petitions to intervene or notices of intervention shall be filed on or before August 14, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1319. Filed for public inspection July 16, 2004, 9:00 a.m.]

Appeal of The Press X-Press, Inc.; State Workers' Insurance Fund; Doc. No. WC04-06-102

This order is made on June 28, 2004, and addresses the petition for review filed by The Press X-Press, Inc. (appellant) challenging actions of the Department of Labor and Industry, State Workers' Insurance Fund (Fund) in characterizing individuals as employees rather than independent contractors.

This case is bifurcated and a hearing on the merits will occur, if at all, following consideration of jurisdictional and other threshold issues.

On or before July 14, 2004, the appellant shall file a concise statement setting forth additional facts, if any, and legal argument supporting why the Insurance Department should hear this case. At a minimum, the argument shall address the timeliness and subject matter jurisdiction issues.

On or before August 2, 2004, the Fund shall: (1) answer factual assertions in the appellant's petition for review and additional filing; (2) set forth its arguments in opposition to the appellant's; and (3) raise additional affirmative defenses which may bar the relief sought by the appellant as a matter of law given the undisputed facts.

On or before August 12, 2004, the appellant may reply to the Fund's submission.

Petitions to intervene or notices of intervention shall be filed on or before July 29, 2004.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1320. Filed for public inspection July 16, 2004, 9:00 a.m.]

Ashton Road Automotive, Inc.; Hearing

Appeal of Ashton Road Automotive, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-009(F); Doc. No. UT04-06-065

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Ad-

ministrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on August 16, 2004, at 1:30 p.m. A hearing shall occur on September 9, 2004, at 10:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

On or before August 26, 2004, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Motions preliminary to those at the hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previous address on or before August 19, 2004. Answers to petitions to intervene, if any, shall be filed on or before August 26, 2004.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1321. Filed for public inspection July 16, 2004, 9:00 a.m.]

Donegal Mutual Insurance Company; Homeowners Insurance Rate and Rule Revision; Rate Filing

On June 24, 2004, the Insurance Department (Department) received from Donegal Mutual Insurance Company a filing for a rate and rule revision for homeowners insurance.

The company requests an overall 1.79% decrease amounting to \$639,000 annually, to be effective August 1, 2004, for new business and September 1, 2004, for renewal business.

Unless formal administrative action is taken prior to August 23, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available for review on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links" choose "Rate filings published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1322. Filed for public inspection July 16, 2004, 9:00 a.m.]

**Penn Treaty Network America Insurance Company;
Rate Increase Filing for Long Term Care Home
Health Series HHC91, HHC92 and HHC92R; Rate
Filing**

Penn Treaty Network America is requesting approval to increase the premium 50% for the Long Term Care Home Health Series HHC91, HHC92, HHC92R and the associated riders. The average premium will increase from \$590 to \$885 and will affect 508 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to September 23, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1323. Filed for public inspection July 16, 2004, 9:00 a.m.]

**Penn Treaty Network America Insurance Company;
Rate Increase Filing for Long Term Care Nursing
Home Series NHP-A, NHP-EHR, NHP-800 GR and
SNH-30; Rate Filing**

Penn Treaty Network America is requesting approval to increase the premium 50% for the Long Term Care Nursing Home Series NHP-A, NHP-EHR, NHP-800 GR, SNH-30 and the associated riders. The average premium will increase from \$876 to \$1,314 and will affect 1,148 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to September 23, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1324. Filed for public inspection July 16, 2004, 9:00 a.m.]

**Pennsylvania Medical Society Liability Insurance
Company; Physicians and Surgeons Liability
Rates; Rate and Rule Filing**

On July 1, 2004, the Insurance Department (Department) received from the Pennsylvania Medical Society Liability Insurance Company (Company) a filing for a rate level change in physicians and surgeons liability rates.

The Company requests to increase the overall average rate level by 10.8%, effective January 1, 2005. The increase is comprised of an average 8.0% base rate increase with the balance of the increase due to revisions of specialty and rate class relativities.

Unless formal administrative action is taken prior to August 15, 2004, the subject filing may be deemed approved by operation of law.

The filing is available for review on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate filings published in the PA Bulletin."

Copies of the filing are also available for public inspection during normal working hours, by appointment, at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, kcreighton@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1325. Filed for public inspection July 16, 2004, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Cheryl L. Bowser; file no. 04-181-05404; Selective Insurance Company; doc. no. P04-06-071; August 17, 2004, 1:30 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Todd and Nancy Russell; file no. 04-267-02075; AAA Mid-Atlantic Insurance Company; doc. no. PH04-06-067; August 11, 2004, 2 p.m.

Appeal of Nicole L. Nein; file no. 04-182-05363; State Farm Mutual Automobile Insurance Company; doc. no. PH04-06-091; August 11, 2004, 3 p.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Lisa D. and Robert A. Harding; file no. 04-308-80254; Erie Insurance Exchange; doc. no. PI04-06-095; September 10, 2004, 9 a.m.

Appeal of Kimberly A. Morrah; file no. 04-182-05777; Erie Insurance Exchange; doc. no. PI04-06-090; September 10, 2004, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated represen-

tatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1326. Filed for public inspection July 16, 2004, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policy. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Robert J. and Tammy J. Jones; file no. 04-183-05479; Erie Insurance Exchange; doc. no. P04-06-068; August 18, 2004, 1:30 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1327. Filed for public inspection July 16, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe # 5148, 6132 Lancaster Avenue, Philadelphia, PA 19151.

Lease Expiration Date: 90-day status since November 1, 2001

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 6,000 net useable square feet of new or existing retail commercial space within a 3/4-mile radius of 6132 Lancaster Avenue, Philadelphia.

Proposals due: August 6, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 04-1328. Filed for public inspection July 16, 2004, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member board on Monday, August 2, 2004, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B.K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 04-1329. Filed for public inspection July 16, 2004, 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. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 9, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00120860. Transportation Information Enterprises, LLC (1141 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206-3321), a limited liability company of the Commonwealth—persons, upon call or demand, in the City of Pittsburgh, Allegheny County; which is to be a transfer of all the right authorized under the certificate issued at A-00076135, F.2 to Peoples Cab Co., subject to the same limitations and conditions. *Attorney:* Ray F. Middleman, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

A-00120861. Doral Katrice Linson t/d/b/a Kids Cruiser (R. R. 1, Box 1373, Henryville, Monroe County, PA 18332)—persons in paratransit service, between points in the County of Monroe, and from points in said county, to points in Pennsylvania, and return.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-00115578, F.2. Pessognelli, Inc. t/d/b/a Club Limo (P. O. Box 3780, York, York County, PA 17402), a corporation of the Commonwealth—additional right—persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the Counties of Adams, Cumberland, Dauphin, Lancaster, Lebanon and York, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Craig A Doll, P. O. Box 403, Hummelstown, PA 17036-0403.

Applications of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-00112914, F.1, AM-A. Trudy Jane Cline t/d/b/a Trudy's Taxi (P. O. Box 766, Waynesboro, Franklin County, PA 17268)—discontinuance of service—persons upon call or demand in the Borough of Waynesboro and the Townships of Quincy and Washington, Franklin County.

A-00115844, F.1, AM-A. Irene Rae Klein t/d/b/a Amish Farmland Tours (9 Janis Road, Gordonville, Lancaster County, PA 17529)—discontinuance of service—persons in paratransit service, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owing or operating motor vehicles.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1330. Filed for public inspection July 16, 2004, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-021.1, Painting of

Exterior Improvements & Warehouse at Piers 38-40 South, until 2 p.m. on Thursday, August 5, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 20, 2004. Additional information and project listings can be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on July 29, 2004, at 10 a.m. inside the gate between Piers 38-40, S. Columbus Blvd. and Christian St., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-1331. Filed for public inspection July 16, 2004, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-062.1, Roof Replacement, Building 2A, Packer Avenue Marine Terminal (PAMT), until 2 p.m. on Tuesday, August 3, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 20, 2004. Additional information and project listings can be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on Tuesday, July 27, 2004, at 11 a.m. at South Guard House (PAMT Service Road), 3201 S. Columbus Blvd., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-1332. Filed for public inspection July 16, 2004, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

July 29, 2004 Florence M. Pozda 1 p.m.
(Reimbursement of Nursing
Home Care)

Persons with a disability who wish to attend the listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 04-1333. Filed for public inspection July 16, 2004, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

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.

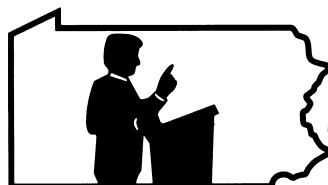
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

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

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

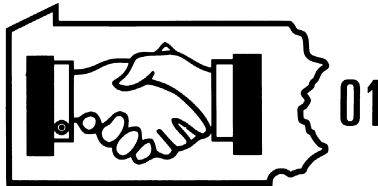
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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. 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 explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

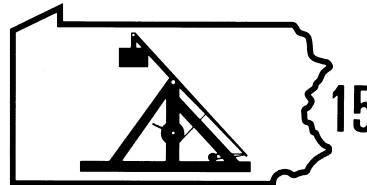
BARBARA HAFER,
State Treasurer



Advertising

ITQ #2004-PR-02 The Pennsylvania State System of Higher Education, Office of the Chancellor, is soliciting proposals from qualified vendors to provide advertising, public relations and marketing services. Interested vendors may obtain information (ITQ #2004-PR-02) by contacting: Scott Bailey, Procurement Manager, Pennsylvania State System of Higher Education, Office of the Chancellor, 2986 North Second Street, Harrisburg, PA 17110, 717-720-4155, Fax 717-720-4111, sbailey@sshechan.edu. Information will be issued beginning July 6, 2004. Proposals are due no later than July 26, 2004 at 11:00 a.m. Proposals must be delivered to: Dixon University Center, Finance and Administration Conference Room, Administration Building, Second Floor, 2986 North Second Street, Harrisburg, PA 17110.

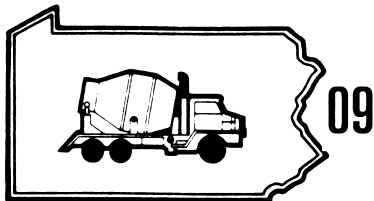
Department: State System of Higher Education
Location: Harrisburg, PA
Contact: Scott Bailey, (717) 720-4155



Environmental Maintenance Service

AMD 56(3077)202.1 Acid Mine Drainage Abatement Project, Hoffman Zion Church. The principal items of work and approximate quantities include 304,800 cubic yards of grading, 860 square yards of rock lining with filter material, 130 square yards of R-3 rock lining grout, 41 acres of seeding, Weir, and Implementation of Erosion and Sediment Pollution Control Plan. This job also includes constructing a permanent pond consisting of 6,170 cubic yards of pond earthwork, 380 linear feet of permanent pond PVC pipe and 2 dewatering valves and access boxes. Also included is constructing a subsurface drain including 3,900 linear feet of corrugated polyethylene pipe, 2,275 cubic yards of trench excavation, 8,575 square yards of filter fabric and 2,050 cubic yards AASHTO No. 1 course aggregate. This project issues on July 16, 2004 and bids will be opened on August 10, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds have been made available for this project from the \$11.6 million for Pennsylvania's 2002 AML Grant.

Department: Environmental Protection
Location: Jenner Township, Somerset County, PA
Duration: 360 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994



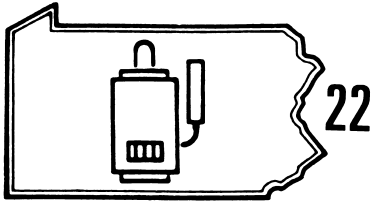
Construction & Construction Maintenance

CN00009785 The scope of work for this project is to resurface various sections of Youth Forestry Camp #2 bituminous roadways and parking areas with a new bituminous topping including repair of existing tennis and basketball courts.

Department: Public Welfare
Location: Youth Forestry Camp #2, R. D. #1, Box 82, Hickory Run State Park, White Haven, PA
Duration: Unknown
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

C11:25-102.1 Clapboard Run Flood Protection Project. The principal items of work include 2,625 square yards of 24" grouted riprap and 1,876 square feet of culvert invert repair. This project issues on July 16, 2004 and bids will be opened on August 10, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Borough of Franklin, Cambria County
Duration: 90 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994



HVAC Services

FM 8826 Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor to respond to call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agrees to guarantee workmanship and replacement parts provided by their firm for ninety days. Materials and parts are to be billed at cost. Remarks: bidding to be done on labor rate per hour for mechanic and helper plus travel.

Department: State Police
Location: PSP, Troop G, Hollidaysburg, 1510 North Juniata Street, Hollidaysburg, PA 16648
Duration: August 1, 2004 through June 30 2007
Contact: Helen Fuhrman, (717) 705-5952

FM 8827 Provide emergency and routine repair work for the heating, air-conditioning, electrical, and plumbing systems. Contractor to respond to call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agrees to guarantee workmanship and replacement parts provided by their firm for ninety days. Materials and parts are to be billed at cost. Remarks: bidding to be done on labor rate per hour for mechanic and helper plus travel.

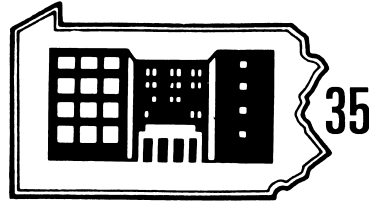
Department: State Police
Location: PSP, Troop R, Dunmore Hdqtrs and Garage, 85 Keystone Industrial Park, Dunmore, PA 18512
Duration: August 1, 2004 through June 30 2007
Contact: Helen Fuhrman, (717) 705-5952



Medical Services

CN00009787 Provide assessment and prevention services to the residents of the Loysville Youth Development Center and Loysville Secure Treatment Unit. Assessment shall be provided by individual possessing a valid Certified Addiction Counselor (CAC) or CAC Diplomate (CACD) credential issued by the Pennsylvania Certification Board (PCB). Prevention services shall be provided only by a CAC, CACD or individual possessing a valid Certified Prevention Specialist issued by PCB.

Department: Public Welfare
Location: Loysville Youth Development Center, R. D. #2, Box 365B, Loysville, PA
Duration: 10/1/04 through 9/30/05
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509



Real Estate Services

93714 Cancelled - lease office/warehouse space to the Commonwealth of PA. Proposals are invited to provide the Department of Revenue with 5,919 useable square feet of office/warehouse space within the City of Pittston, Luzerne County, PA. Downtown locations will be considered. For more information on SFP #93714 which is due on August 9, 2004 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP package or call (717) 787-4396.

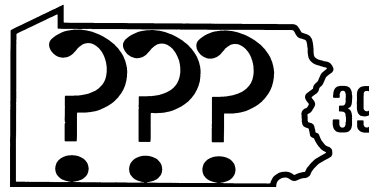
Department: Revenue
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, (717) 787-4396

93722 Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Labor and Industry with 2,140 useable square feet of office space within Beaver Falls, Beaver County, PA, with a minimum parking requirement for 2 ADA vehicles. Downtown locations will be considered. For more information on SFP #93722 which is due on August 16, 2004 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP package or call (717) 787-7412.

Department: Labor and Industry
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Jennings K. Ward, (717) 787-7412

93727 Lease office/warehouse space to the Commonwealth of PA. Proposals are invited to provide the Department of Revenue with 5,919 useable square feet of office/warehouse space within the City of Pittston, Luzerne County, PA. Downtown locations will be considered. For more information on SFP #93727 which is due on August 23, 2004 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP package or call (717) 787-4396.

Department: Revenue
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, (717) 787-4396



Miscellaneous

RFP 20040402 The PLCB has a requirement to consolidate merchandise and transport it from Europe, South America and Australia to the PLCB's three distribution centers. The fragile nature of the glass and the liquid contents, and the high value associated with the product requires a secure, stable temperate environment, as well as responsible material handling. This Contract requires 100% accountability for this product. Specifically, the proposer shall be capable of providing direct door-to-door and consolidation services from pick up point to PLCB destination including: (a) pick up product from PLCB vendor's facilities; (b) pick up product from other locations designated by the PLCB; (c) consolidate (receive, stage, and prepare for shipment) at the proposer's facility; (d) load appropriate containers; (e) provide inland transportation in foreign countries and the United States; (f) provide ocean freight; (g) provide ocean and other insurance; (h) unload the PLCB's merchandise at the PLCB's three distribution centers. This RFP is planned for release in August 2004.

Department: Liquor Control Board
Location: Worldwide, especially Europe, South America and Australia
Duration: Two years with three, one year options.
Contact: Debra Brinser, (717) 787-9851

RFP #2004-PR01 The Pennsylvania State System of Higher Education, Office of the Chancellor, is soliciting proposals from qualified vendors to provide high quality signs for the Dixon University Center campus. Interested vendors may obtain information (RFP #2004-PR01) by contacting: Scott Bailey, Procurement Manager, Pennsylvania State System of Higher Education, Office of the Chancellor, 2986 North Second Street, Harrisburg, PA 17110, 717-720-4155, Fax 717-720-4111, sbailey@sshecan.edu. Bids are due no later than July 28, 2004, at 11:00 a.m. Bid Opening will be held at: Dixon University Center, Finance and Administration Conference Room, Administration Building, Second Floor, 2986 North Second Street, Harrisburg, PA 17110.

Department: State System of Higher Education
Contact: Scott Bailey, (717) 720-4155

[Pa.B. Doc. No. 04-1334. Filed for public inspection July 16, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 215—221, 223—228,
230 AND 240]

Radiological Health

The Environmental Quality Board (Board) amends Chapters 215—221, 223—228, 230 and 240. The final-form rulemaking is necessary to improve the clarity, coherency and effectiveness of the requirements for the safe use of radiation sources. The final-form rulemaking describes requirements in more detail, provides flexibility for compliance where possible and corrects cross references to other parts of the regulations and the regulations of the United States Nuclear Regulatory Commission (NRC). The final-form rulemaking also addresses equity in the collection of fees to support program activities.

This order was adopted by the Board at its meeting of April 20, 2004.

A. *Effective Date*

The final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information, contact Louis Ray Urciuolo, Chief, Division of Radiation Control, P. O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 787-3720; or Scott Perry, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us.

C. *Statutory Authority*

This final-form rulemaking is being made under the authority of sections 301 and 302 of the Radiation Protection Act (act) (35 P. S. §§ 7110.301 and 7110.302), which directs the Department to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation sources and radiation source users, and delegates to the Board the power to adopt the regulations of the Department to implement the act, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes and directs the Board to adopt regulations necessary for the proper performance of the work of the Department.

D. *Background of the Amendments*

In 2001, the Board updated chapters of its radiological health regulations to provide for compatibility with other states and to serve as a basis for the Commonwealth to assume authority from the NRC for radioactive material licensees in this Commonwealth under the Agreement State program. These updates were published at 31 Pa.B. 5239 (September 15, 2001) and 31 Pa.B. 6280 and 6282 (November 17, 2001), and they incorporate by reference certain Nationally recognized radiation safety standards

of the NRC. Incorporating by reference results in a single, consistent set of standards applicable to the radiological safety of not only radioactive materials, but radiation-producing machines as well.

As a result of the revisions, many sections in Article V (relating to radiological health) now reference text that no longer exists and appear as "reserved." The final-form rulemaking replaces the orphaned references with the corresponding regulations incorporated by reference and imposes no new requirements. Other amendments address the recent changes to the NRC regulations that are incorporated by reference, most notably the comprehensive revision to 10 CFR Part 35 (relating to the medical use of by-product material). Licensees of this Commonwealth are already subject to these requirements by virtue of their radioactive material licenses and incorporation by reference to 10 CFR (relating to energy). Several amendments clarify the wording of existing regulations and their requirements, in most part involving radiation-producing machines. Section 216.6(c) (relating to transfer and disposal obligations) requires persons involved in certain commercial and service activities involving radiation-producing machines to register their activities with the Department. There is a new § 216.2a (relating to registration of radiation-producing machine service providers), along with the provision for registration fees and reporting requirements in § 216.2b (relating to reporting and recordkeeping requirements for registered radiation-producing machine service providers). In Chapter 218 (relating to fees), a new annual fee of \$100 covers the activities and costs regarding §§ 216.2a and 216.2b. The omission of a fixed fee in the previous rulemaking has been corrected to cover the activities and costs related to licenses issued under fee category 3Q in Chapter 218, Appendix A (relating to fees for radioactive material licenses). Overall, the final-form rulemaking improves the clarity and effectiveness of the regulations, corrects cross references and adds flexibility for compliance where possible.

As required by section 301(c)(14) of the act, the Department provided the Radiation Protection Advisory Committee (RPAC) with an opportunity to review the proposed and final-form rulemakings and to advise the Department prior to submittal to the Board. On October 24, 2002, and November 20, 2002, the RPAC reviewed the proposed rulemaking and endorsed it at the latter meeting.

The Department also met with staff of the Department of Health (DOH) to discuss their role in assisting the Department in reviewing applications to perform "healing arts screening." Changes were made to § 221.13(b) (relating to information to be submitted by persons requesting approval to conduct healing arts screening) to better define the role of the DOH in providing assistance to the Department.

The proposed rulemaking was adopted by the Board on July 15, 2003, and published with a 30-day public comment period at 33 Pa.B. 4393 (August 30, 2003). A single comment was received from the Independent Regulatory Review Commission (IRRC). This comment has been addressed in the final-form rulemaking and is described in Section E.

On November 13, 2003, the RPAC reviewed the draft final-form rulemaking and the response to IRRC's comment on the proposed rulemaking. The RPAC endorsed the final-form rulemaking for presentation to the Board.

E. Summary of Changes to the Proposed Rulemaking
§ 215.24 (relating to human use)

The current reference in subsection (b) to 49 Pa. Code Part I, Subpart A (relating to professional and occupational affairs) spans over 30 chapters, not all of which have requirements that are relevant to radiological health professionals. IRRC requested that the relevant chapters be listed. This was done in the final-form rulemaking.

In light of the change to subsection (b) and at the recommendation of the RPAC, the reference to Departmental approval in subsection (d) of the proposed rulemaking was replaced by reference to Department of State (DOS) accreditation requirements in the final-form rulemaking, since the DOS has accreditation requirements for professional training.

The RPAC also noted that trainees would require authorized supervision. As a result, subsection (d) in the final-form rulemaking also clarifies the requirement for supervision of trainees.

§ 216.4a (relating to expiration and termination of certificates of registration)

A typographical error was corrected in subsection (c)(1) by removing an extra hyphen.

§ 219.228 (relating to reports of medical reportable events for radiation-producing machine therapy)

In subsection (a)(3), a legacy reference to "misadministration" was discovered. This concept no longer exists having been replaced by "medical event." The reference to "misadministration" was deleted in the final-form rulemaking as it had been from the rest of this article.

§ 227.14 (relating to personnel requirements)

In subsection (a)(3), instruction and competence in emergency procedures was added. The preamble to the proposed rulemaking described this amendment, but the wording failed to appear in Annex A of the published text of the proposed rulemaking.

F. Summary of Comments and Responses on the Proposed Rulemaking

There was only one comment to the proposed rulemaking. This was from IRRC regarding specification of the applicable chapters of the DOS regulations referenced in § 215.24. The Department implemented that recommendation as discussed in Section E of this preamble.

G. Benefits, Costs and Compliance

Benefits

The primary benefit of the final-form rulemaking is to correct cross references that are no longer accurate as a result of changes in previous rulemakings and changes in the regulations of the NRC incorporated by reference. This is part of a comprehensive effort to provide additional clarity to the regulations for radiological health to benefit the regulated community. Existing requirements are clarified in many areas, including: registration, licensing, fee assessment, radiation-producing machine service providers, healing arts screening and human research, determination of competence for auxiliary medical personnel, filtration, radiation safety committees, medical event reporting and radiation therapy simulators. The new requirement for concurrence by the DOH for approval of certain healing arts screening provides additional health protection by bringing in a competent independent third-party regulator. There are also additional benefits to the regulated community in more flexible requirements for personnel exposure to X-rays, quality assurance pro-

grams, leak testing of sealed sources, general licenses for sealed source devices, cabinet radiography and shielded room radiography operations. Eligibility for lower fees for general license devices has been extended. In fairness to registrants and the recovery of fees to support this program, the time that an X-ray machine from outside this Commonwealth may be operated before being subjected to registration and payment of associated fees is reduced. Radiation-producing machine service providers are assessed a registration fee to cover the cost of oversight of their activities and a minimum annual fee for accelerators greater than 50 MeV is created.

Compliance Costs

The majority of amendments represent clarifications, as opposed to changes in requirements, so there is no additional cost to comply. Implementing the more flexible requirements for personnel exposure to X-rays, quality assurance programs, leak testing of sealed sources, general licenses for sealed source devices, cabinet radiography and shielded room radiography operations will add no additional costs and generally reduce existing costs. The fixed category 3Q annual general license fee of \$315 is identical to what should have been set by formula in footnote 3, Chapter 218, Appendix A, but was omitted from the previous rulemaking that set the current fees in Chapter 218, Appendix A and is less than what the formula based fee will be without this final-form rulemaking. The final-form rulemaking will also permit extension of this fee to certain current category 3P licensees resulting in a fee decrease for about 70 licensees who currently pay \$750 annually. There is also a new annual fee of \$100 for registration of radiation-producing machine service providers. To the regulated community as a whole, the savings from switching some category 3P licenses to category 3Q is expected to be offset in an equal amount by the new radiation-producing machine service provider registration fee. These fees will cover the cost of administering the program, as required by section 401 of the act (35 P. S. § 7110.401).

Compliance Assistance Plan

The majority of amendments clarifying references and definitions are self-explanatory. They are being made as part of compliance assistance. Guidance is being prepared to explain acceptable alternate methods of determining personnel exposure to X-rays and acceptable X-ray quality assurance programs. Outreach and assistance will be provided by regional inspectors and technical staff of the central office Radiation Control Division.

Paperwork Requirements

Amendments dealing with clarification of existing regulations add no additional paperwork beyond the original requirements. Regulations made more flexible may or may not result in a decrease in recordkeeping requirements depending on what options the registrant or licensee chooses. Persons providing radiation-producing machine services will be required to file a registration of activities form provided by the Department. Paperwork for reporting the details of actual services being provided is already being filed with the Commonwealth through United States Food and Drug Administration Form 2579. The application form for new general license category 3Q replaces the current license application, which requires less supporting documentation than any current category and will constitute a reduction in paperwork over the current alternative licenses.

H. *Sunset Review*

The final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 20, 2003, the Department submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 4393, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy 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 the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 9, 2004, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 10, 2004, and approved the final-form rulemaking.

J. *Findings*

The Board finds that:

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

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

(3) These amendments do not enlarge the purpose of the proposal published at 33 Pa.B. 4393.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

K. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 215—221, 223—228, 230 and 240, are amended by amending §§ 215.1, 215.2, 215.12, 215.14, 215.24, 215.28, 215.32, 216.1, 216.2, 216.3, 216.4a, 216.6, 216.7, 217.136, 217.141, 217.143, 217.171, 217.201, 217.202, 217.203, 218.1, 218.11, Appendix A, §§ 219.3, 219.6, 219.61, 219.228, 219.229, 220.2, 221.2, 221.11, 221.13, 221.15, 221.25, 221.29, 221.36a, 221.38a, 221.61, 221.73—221.75, 221.202, 221.204, 221.205, Appendix A, §§ 223.21, 223.22, 224.10, 224.22, 224.23, 225.1, 225.4a, 225.71, 225.73, 225.82, 225.83, 225.101—225.103, 226.3a, 227.11a, 227.12a, 227.13a, 227.14, 228.2, 228.11a, 228.12, 228.21a, 228.23a, 228.31a, 228.32a, 228.34a, 228.35, 228.37—228.39, 228.41a, 228.43, 228.44, 228.61, 228.75, 228.76, Appendix A, §§ 230.3 and 240.2; by adding §§ 216.2a, 216.2b and 219.8; and by deleting § 224.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resource and Energy Committees as required by law.

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

(e) This order shall take effect immediately upon publication.

KATHLEEN A. MCGINTY,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 3078 (June 12, 2004).)

Fiscal Note: Fiscal Note 7-387 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE V. RADIOLOGICAL HEALTH

CHAPTER 215. GENERAL PROVISIONS

§ 215.1. Purpose and scope.

(a) This article establishes requirements for the protection of public health and safety as related to radiation sources and implements the requirements of the act.

(b) This article, except as otherwise specifically provided in the act, applies to persons who use, manufacture, produce, transport, transfer, receive, acquire, possess, own or dispose of a radiation source.

(c) A person who, when required, fails to register or obtain a license for radiation sources in the possession or control of the person, shall comply with the act or with this article.

(d) This article does not apply to the extent the person is subject to regulation by the NRC.

(e) Title 10 Chapter I (Nuclear Regulatory Commission) Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 70, 71 and §§ 150.1, 150.2, 150.3, 150.11 and 150.20 of the CFR are incorporated by reference with the exceptions set forth in paragraphs (1)—(13). Notwithstanding the requirements incorporated by reference, nothing in this article relieves or limits a person from complying with the laws of the Commonwealth, including the act and the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101—7130.905).

(1) Sections 19.4, 19.5, 19.8, 19.30 and 19.40 are not incorporated.

(2) Sections 20.1006, 20.1009, 20.2206(a)(1), (3), (4) and (5), 20.2401 and 20.2402 are not incorporated.

(3) Sections 30.5, 30.6, 30.8, 30.21(c), 30.34(d) and (e)(1) and (3), 30.41(a)(6), 30.55, 30.63 and 30.64 are not incorporated.

(4) Sections 31.4 and 31.14 are not incorporated.

(5) Sections 32.8, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, 32.22, 32.23, 32.25, 32.26, 32.27, 32.28, 32.29 and 32.40 are not incorporated.

(6) Sections 33.8, 33.21 and 33.23 are not incorporated.

(7) Sections 34.5, 34.8, 34.121 and 34.123 are not incorporated.

(8) Sections 35.8, 35.4001 and 35.4002 are not incorporated.

(9) Sections 36.5, 36.8, 36.91 and 36.93 are not incorporated.

(10) Sections 39.5, 39.8, 39.101 and 39.103 are not incorporated.

(11) Sections 40.6, 40.8, 40.12(b), 40.23, 40.27, 40.28, 40.31(k) and (i), 40.32(d), (e) and (g), 40.33, 40.38, 40.41(d), (e)(1) and (3) and (g), 40.51(b)(6), 40.64, 40.66, 40.67, 40.81 and 40.82 are not incorporated.

(12) Sections 70.1(c), (d) and (e), 70.5, 70.6, 70.8, 70.13, 70.13a, 70.20a, 70.20b, 70.21(a)(1), (c), (f), (g) and (h), 70.22(b), (c), (f), (g), (h), (i), (j), (k), (l), (m) and (n), 70.23(a)(6), (7), (8), (9), (10), (11) and (12) and (b), 70.23a, 70.24, 70.25(a), 70.31(c), (d) and (e), 70.32(a)(1), (4), (5), (6) and (7), 70.32(b)(1), (3) and (4), (c), (d), (e), (f), (g), (h), (i), (j) and (k), 70.37, 70.40, 70.42(b)(6), 70.44, 70.51(c), (d) and (e), 70.52, 70.53, 70.54, 70.55(c)(1), (2) and (3), 70.56(c) and (d), 70.57, 70.58, 70.59, 70.62, 70.71 and 70.72 are not incorporated.

(13) Sections 71.2, 71.6, 71.13(c) and (d), 71.24, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.52, 71.53, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.99 and 71.100 are not incorporated.

(f) If a provision of the CFR incorporated by reference in this article includes a section which is inconsistent with this title, this title controls to the extent Federal law does not preempt Commonwealth law. If a provision of the CFR incorporated by reference in this article is beyond the scope of authority granted the Department under statute, or is in excess of the statutory authority, the provisions shall be and remain effective only to the extent authorized by the Pennsylvania law.

(g) Appropriate parts of 10 CFR (relating to energy) may be obtained from the following:

(1) The United States Government Printing Office, Book Store, Room 118, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 664-2721.

(2) The United States Government Printing Office, Book Store, 100 North 17th Street, Robert Morris Building, Philadelphia, Pennsylvania 19103, (215) 597-0677.

(3) The United States Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

(h) To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of the Federal regulations:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) A reference to "byproduct material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

§ 215.2. Definitions.

The definitions in 10 CFR Chapter 1, Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 70, 71 and 150 are incorporated by reference in this article unless indicated otherwise. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

License—Permission issued by the Department in accordance with this article to possess and use radiation sources. Types of licenses are as follows:

* * * * *

(ii) *Specific license*—Written permission to possess and use radioactive material issued by the Department after the Department reviews and approves an application for the possession and use of the radiation sources.

* * * * *

Major X-ray system component—A tube housing assembly, X-ray control, X-ray high voltage generator, X-ray table, cradle, film changer, fixed cassette holder, beam limiting device, fluoroscopic or digital radiographic imaging assembly, spot film device, image intensifier or cephalometric device.

* * * * *

Qualified expert—

(i) For radiation protection, an individual having the knowledge and training to measure ionizing radiation, to evaluate safety techniques and to advise regarding radiation protection needs; for example: individuals certified in the appropriate field by the American Board of Radiology, or the American Board of Health Physics, or the American Board of Medical Physics or those having equivalent qualifications.

(ii) For radiation therapy calibrations, an individual having, in addition to the qualifications in subparagraph (i), training and experience in the clinical applications of radiation physics to radiation therapy.

(iii) For diagnostic X-ray performance evaluations, an individual having, in addition to the qualifications of subparagraph (i), training and experience in the physics of diagnostic radiology.

* * * * *

Radioactivity—The transformation of unstable atomic nuclei accompanied by the emission of radiation.

Registrant—A person who is legally obligated to register with the Department under this article and the act.

* * * * *

RIGHTS AND RESPONSIBILITIES OF THE DEPARTMENT

§ 215.12. Inspections and investigations.

(a) *Maintenance of records.* Licensees and registrants shall maintain records under this article and have these records available for inspection by the Department at permanent sites or facilities of use identified in a license or registration issued under this article.

(b) *Rights of the Department.* The Department and its agents and employees will:

(1) Have access to, and require the production of, books, papers, documents and other records and physical evidence pertinent to a matter under investigation.

(2) Require a registrant or licensee to make reports and furnish information as the Department may prescribe.

(3) Enter the premises of a licensee or registrant for the purpose of making an investigation or inspection of radiation sources and the premises and facilities where radiation sources are used or stored, necessary to ascertain the compliance or noncompliance with the act and this chapter and to protect health, safety and the environment.

(c) *Inspections and investigations by the Department.* The Department, its employees and agents may conduct inspections and investigations of the facilities and regulated activities of registrants of radiation-producing machines and licensees of radioactive material necessary to demonstrate compliance with the act or this article.

(d) *Additional inspections and investigations.* The Department, its employees and agents may conduct additional follow-up inspections and investigations if violations of the act or regulations promulgated thereunder were noted at the time of the original inspection, or if a person presents information, or circumstances arise which give the Department reason to believe that the health and safety of a person is threatened or that the act or this article are being violated.

§ 215.14. Availability of records for public inspection.

The following Department records are not available for public inspection, unless the Department determines that disclosure is in the public interest and is necessary for the Department to carry out its duties under the act:

(1) Trade secrets or secret industrial processes customarily held in confidence.

(2) A report of investigation, not pertaining to safety and health in industrial plants, which would disclose the institution, progress or results of an investigation undertaken by the Department.

(3) Personnel, medical and similar files, the disclosure of which would operate to the prejudice or impairment of a person's reputation or personal safety.

PROHIBITIONS AND RESTRICTIONS

§ 215.24. Human use.

(a) No human use of radiation sources may be permitted except under this article, and the following:

(1) Medical Practice Act of 1985 (63 P. S. §§ 422.1—422.45).

(2) The Osteopathic Medical Practice Act (63 P. S. §§ 271.1—271.18).

(3) The Chiropractic Registration Act of 1951 (63 P. S. §§ 601—624).

(4) The Dental Law (63 P. S. §§ 120—130g).

(5) The Podiatry Practice Act (63 P. S. §§ 42.1—42.21c).

(b) Auxiliary personnel employed by a licensed practitioner of the healing arts at the location at which the licensed practitioner practices may use radiation sources in the healing arts provided those individuals comply with the applicable requirements of 49 Pa. Code Part I, Subpart A (relating to professional and occupational affairs), located in the following chapters:

(1) Chapter 5 (relating to the State Board of Chiropractic).

(2) Chapter 16 (relating to the State Board of Medicine—general provisions).

(3) Chapter 17 (relating to the State Board of Medicine—medical doctors).

(4) Chapter 18 (relating to the State Board of Medicine—practitioners other than medical doctors).

(5) Chapter 25 (relating to the State Board of Osteopathic Medicine).

(6) Chapter 29 (relating to the State Board of Podiatry).

(7) Chapter 33 (relating to the State Board of Dentistry).

(c) Auxiliary personnel employed by a health care facility regulated by the Department of Health, the Department of Public Welfare or the Federal government may only use radiation sources in the healing arts in accordance with written job descriptions and employee qualifications.

(d) Subsections (b) and (c) notwithstanding, human use of radiation sources is permitted by individuals enrolled in clinical training programs that satisfy the related accreditation requirements of the boards in subsection (b) and who are under the supervision of a licensed practitioner of the healing arts or of auxiliary personnel authorized under subsections (b) and (c) to use radiation sources in the healing arts.

§ 215.28. Improper use of a monitoring device.

The deliberate exposure of, failure to use, or improper use of, an individual monitoring device or area monitoring device by an individual is prohibited.

EXEMPTIONS

§ 215.32. Exemption qualifications.

The following sources, uses and types of users are exempt from Chapters 216—221, 223—228, 230, 232 and 240:

(1) A United States Department of Energy contractor or subcontractor and an NRC contractor or subcontractor of the following categories operating within this Commonwealth to the extent that the contractor or subcontractor under contract receives, possesses, uses, transfers, owns or acquires radiation sources:

(i) Prime contractors performing work for the United States Department of Energy at United States Government-owned or controlled sites, including the transportation of radiation sources to or from the sites and the performance of contract services during temporary interruptions of the transportation.

(ii) Prime contractors of the United States Department of Energy performing research in, or development, manufacture, storage, testing or transportation of, nuclear weapons or components thereof.

(iii) Prime contractors of the United States Department of Energy using or operating nuclear reactors or other nuclear devices in a United States Government owned vehicle or vessel.

(iv) Other prime contractors or subcontractors of the United States Department of Energy or of the NRC if the Commonwealth and the NRC jointly determine that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety and that the exemption of the contractor or subcontractor is otherwise appropriate.

(2) Federal government agencies.

(3) Electrical equipment that produces radiation incidental to its operation for other purposes if the dose equivalent rate averaged over an area of 10 square centimeters does not exceed .5 mrem (.005 mSv) per hour at 5 centimeters from an accessible surface. The equipment is not exempt when operated without adequate shielding during testing and servicing if radiation levels exceed those specified. Electron beam welders and electron microscopes are not exempt.

(4) Radiation-producing machines in transit or in storage incident thereto.

(5) A material, product or use specifically exempted from licensing requirements by the NRC, the Department or an agreement state or authorized for distribution to persons exempt from license requirements.

**CHAPTER 216. REGISTRATION OF
RADIATION-PRODUCING MACHINES AND
RADIATION-PRODUCING MACHINE SERVICE
PROVIDERS**

§ 216.1. Purpose and scope.

(a) This chapter establishes requirements for the registration of radiation-producing machines and radiation-producing machine service providers. A person who possesses a radiation-producing machine or provides services described in this chapter shall comply with this chapter.

(b) A person possessing an accelerator as defined in § 228.2 (relating to definitions) is exempt from the requirements of § 216.2 (relating to registration of radiation-producing machines). Accelerators are licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators) and license fees are specified in § 218.11(d) (relating to registration, renewal of registration and license fees).

§ 216.2. Registration of radiation-producing machines.

(a) A person possessing a radiation-producing machine shall:

(1) Register with the Department within 30 days after acquisition. Registration shall be completed on forms furnished by the Department and shall contain information required on the form and accompanying instructions.

(2) Designate on the registration form an individual to be responsible for radiation protection.

(3) Notify the Department in writing within 30 days of a change of address, owner or radiation safety officer or number of machines.

(b) The registration becomes valid upon receipt of the properly completed registration form and the fee required under Chapter 218 (relating to fees).

(c) A certificate of registration will be issued by the Department to a person whose registration becomes valid under subsection (b).

(d) A registrant shall have the currently valid certificate of registration available for inspection by the Department.

(e) A certificate of registration issued under this chapter may not be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, to any person without submitting a written request by the registrant to the Department.

§ 216.2a. Registration of radiation-producing machine service providers.

After July 17, 2004, a person who engages in the business of assembling or installing radiation-producing machines or who offers to assemble or install radiation-producing machines or who is in the business of furnishing or offering to furnish radiation-producing machine servicing or services or who is in the business of selling, leasing or lending radiation-producing machines in this Commonwealth shall apply for registration of the activities with the Department prior to furnishing or offering to furnish those services.

(1) Registration is for 12 months and is renewable.

(2) An application for registration or renewal will not be accepted unless accompanied by the appropriate fee specified in § 218.11(h) (relating to registration, renewal of registration and license fees). Fees are not refundable after issuance of a registration.

(3) An application for registration shall be submitted on forms provided by the Department. The Department will issue a certificate of registration for radiation-producing machine services to the applicant when the application is complete, contains all the information required by the Department and when the appropriate fee specified in § 218.11(h) has been paid.

(4) A person who, on July 17, 2004, is currently in the business of providing radiation-producing machine services shall apply for registration by September 15, 2004.

§ 216.2b. Reporting and recordkeeping requirements for registered radiation-producing machine service providers.

(a) A radiation-producing machine service provider who installs, services, sells, leases or otherwise transfers a radiation producing-machine or major X-ray system component in this Commonwealth shall submit information to the Department and maintain records as described in this section.

(1) The following information shall be submitted in writing to the Department within 15 days of the action:

(i) The date of installation, service or transfer.

(ii) The name, address, telephone number and registration number, if registered, of the client facility.

(iii) The type of radiation-producing machine, the manufacturer's name, model number and control panel serial number of each radiation-producing machine, or major X-ray system components involved in the transaction.

(iv) A contact name of the individual for the service action.

(2) A copy of the assembler's report on United States Food and Drug Administration (FDA) Form 2579, prepared in compliance with the Federal diagnostic X-ray standard (21 CFR 1020.30(d)(1) (relating to diagnostic x-ray systems and their major components)), when completed in full and submitted to the Department within 15 days following the service, satisfies the requirements of paragraph (1) and subsection (d) for services provided under the assembler's report.

(b) Services performed under preventative maintenance that do not involve replacement or refurbishing of major X-ray system components are exempt from the reporting requirements specified in this section except subsection (d).

(c) A radiation-producing machine service provider shall maintain a log or other record of radiation-producing machines installed or serviced in this Commonwealth. The record shall be maintained for 5 years for inspection by the Department and shall list the following information:

- (1) The date the machine was installed or service provided.
- (2) The name of the customer, address, telephone number and customer's State registration number.
- (3) The type of radiation-producing machine, the manufacturer's name, model number and control panel serial number of each radiation-producing machine or major X-ray system component involved.
- (4) The name of the individual performing the service.

(d) A radiation-producing machine service provider who services a radiation-producing machine in a radiation installation in this Commonwealth that is not registered shall report the service to the Department. The report shall be submitted in writing within 15 days after the services and contain the following information:

- (1) The date service was provided.
- (2) The name, address and telephone number of the client.
- (3) The type of radiation-producing machine, the manufacturer's name, model number and control panel serial number of each radiation-producing machine or major X-ray system component.
- (4) The name of the individual performing the service.

§ 216.3. Exemptions.

The following radiation-producing machines or equipment are exempt from registration:

(1) Electrical equipment that produces radiation incidental to its operation for other purposes, if the dose equivalent rate averaged over an area of 10 square centimeters does not exceed .5 mrem (.005 mSv) per hour at 5 centimeter from an accessible surface. The production, testing or factory servicing of the equipment are not exempt. Electron beam welders and electron microscopes are not exempt.

(2) Radiation-producing machines while in transit in the possession of a transport carrier.

(3) Radiation-producing machines in the possession of vendors, installers or persons engaged in the service or repair of the machines, if applicable persons who have these machines register their activities with the Department under § 216.6 (relating to transfer and disposal obligations).

(4) Accelerators are exempt from registration. Accelerators shall be licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators). Accelerator service providers are not exempt from registration of services under § 216.2a (relating to registration of radiation-producing machine service providers).

§ 216.4a. Expiration and termination of certificates of registration.

(a) A certificate of registration expires on the date specified on the certificate of registration. Expiration of the certificate of registration does not relieve the registrant from the requirements of this article.

(b) When a registrant decides to terminate all activities involving radiation-producing machines under the certifi-

cate of registration, the registrant shall notify the Department immediately, in writing, and request termination of the certificate of registration. This notification and request for termination of the certificate of registration shall be in accordance with subsection (c).

(c) If a registrant does not submit a renewal for a certificate of registration under § 216.4 (relating to renewal of certificate of registration), the registrant shall, on or before the expiration date specified in the certificate of registration, do the following:

(1) Terminate use of all radiation-producing machines subject to registration under § 216.2 (relating to registration of radiation-producing machines) or cease all radiation-producing machine services subject to registration under § 216.2a (relating to registration of radiation-producing machine service providers).

(2) Transfer or dispose of all radiation-producing machines subject to registration under § 216.2 in accordance with § 216.6 (relating to transfer and disposal obligations).

(3) Remit any outstanding registration or renewal of registration fees owed to the Department under § 218.11 (relating to registration, renewal of registration and license fees).

(4) Request termination of the certificate of registration in writing to the Department.

§ 216.6. Transfer and disposal obligations.

(a) A person, distributor, retailer or other agent who, by selling, leasing, lending or gifting, transfers possession of radiation-producing machines or major X-ray system components in this Commonwealth that are not otherwise reported under § 216.2b (relating to reporting and recordkeeping requirements for registered radiation-producing machine service providers), shall notify the Department within 30 days of the following information:

(1) The name and address of persons who have received the machines or components.

(2) The manufacturer, model and serial number of a machine or component transferred.

(3) The date of transfer of a radiation-producing machine or major X-ray system component.

(b) A person who disposes of a radiation-producing machine shall notify the Department within 15 days of the method of disposal used.

§ 216.7. Out-of-State radiation-producing machines.

(a) If a radiation-producing machine is brought into this Commonwealth for temporary use, the person proposing to do so or an authorized agent shall give written notice to the Department at least 2 working days before the machine enters this Commonwealth. The notice shall include the type of machine, the nature, duration and scope of use and the exact location where the machine is to be used. In addition, the person shall:

(1) Comply with this title.

(2) Supply the Department with other information as the Department may reasonably request.

(3) Not operate within this Commonwealth on a temporary basis in excess of 60 calendar days per year.

(b) If for a specific case, the 2-working-day period would impose an undue hardship, the person, upon application to the Department, may receive a waiver of this requirement.

(c) When a radiation-producing machine is brought into this Commonwealth for temporary use exceeding 60 days per year, a person possessing the machine shall register with the Department under § 216.2 (relating to registration of radiation-producing machines) within 15 days after the 60th day.

**CHAPTER 217. LICENSING OF
RADIOACTIVE MATERIAL**

**Subchapter B. GENERAL PROVISIONS FOR
RADIOACTIVE MATERIAL**

§ 217.136. Exempt concentrations.

In addition to the parts of 10 CFR Part 30 (relating to rules of general applicability to domestic licensing of byproduct material) incorporated by reference, the following requirements apply:

(1) Except as provided in paragraph (2), a person may receive, possess, use, transfer, own or acquire products or materials containing radioactive material introduced in concentrations less than those listed in Table 1 without possession of a license under this chapter.

(2) Except under a specific license issued under Subchapter D (relating to specific licenses to manufacture or transfer certain items containing radioactive material), or the general license under Subchapter F (relating to specific domestic licenses of broad scope for radioactive material), a person may not introduce radioactive material into a product or material for distribution to persons exempt under paragraph (1) or equivalent regulations of the NRC, an agreement state or licensing state.

**TABLE 1
EXEMPT CONCENTRATIONS**

Note: Some of the values in Table A-1 are presented in the computer "E" notation. In this notation, a value of 6E-02 represents a value of 6×10^{-2} or 0.06, 6E+2 represents 6×10^2 or 600 and 6E+0 represents 6×10^0 or 6.

<i>Element (atomic number)</i>	<i>Isotope</i>	<i>Column I Gas concentration $\mu\text{Ci/ml}$</i>	<i>Column II Liquid and solid concentration $\mu\text{Ci/ml}$</i>
Actinium (89)	Ac-228		9E-04
Cesium (55)	Cs-129		3E-03
Europium (63)	Eu-154		2E-04
Gallium (31)	Ga-67		2E-03
Germanium (32)	Ge-68		9E-03
Gold (79)	Au-195		1E-02
Indium (49)	In-111		1E-03
Iodine (53)	I-123		3E-04
	I-124		4E-06
	I-125		2E-06
Lead (82)	Pb-212		2E-04
Phosphorus (15)	P-33		3E-04
Potassium (19)	K-43		2E-04
Protactinium (91)	Pa-230		2E-03
Radium (88)	Ra-223		7E-06
	Ra-224		2E-05
	Ra-228		3E-07
Radon (86)	Rn-220	1E-07	
	Rn-222	3E-08	
Sodium (11)	Na-22		4E-04
Technetium (43)	Tc-97m		4E-03
Xenon (54)	Xe-127	4E-06	
Yttrium (39)	Y-88		8E-04

**Subchapter C. GENERAL LICENSES FOR
RADIOACTIVE MATERIAL**

§ 217.141. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 31 (relating to general domestic licenses for byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 31.4 and 31.14 (relating to information collection requirements: OMB approval; and criminal penalties) are not incorporated by reference.

§ 217.143. Certain measuring, gauging or controlling devices.

In addition to the parts of 10 CFR 31.5 (relating to certain detecting measuring, gauging, or controlling de-

vices and certain devices for producing light or an ionized atmosphere) incorporated by reference, general licensees subject to registration under 10 CFR 31.5(c)(13)(i) or possessing general licensed devices containing 37 MBq (1 mCi) or more of accelerator-produced material, as determined on the date of manufacture, or 3.7 MBq (0.1 mCi) or more of radium-226 shall also comply with the following:

(1) Conduct a physical inventory every 6 months to account for all sources or devices, or both, received and possessed under this section and do the following:

(i) Maintain the physical inventory records for 3 years from the date of each inventory.

(ii) Furnish a report to the Department annually showing to the extent practicable, the make, model, serial number, isotope, source activity and location of each

device. The report shall list an individual to contact regarding questions about this report.

(2) For portable devices, also comply with the following:

(i) A person who initiates acquisition, transfer or disposal of a portable device shall notify the Department within 15 days of the action. Sending a portable device for calibration, maintenance or source replacement does not constitute transfer.

(ii) Portable devices may only be used by or under the direct supervision of individuals who have been instructed in the operating and emergency procedures necessary to ensure safe use.

(iii) For each individual that the licensee permits to use a portable device, the licensee shall maintain a record showing the type of device use permitted and the basis, such as training certificates, for that authorization. An individual's record shall be kept for at least 3 years after the individual terminates association with the licensee.

(iv) Portable devices shall be secured from access by unauthorized personnel whenever the device is not under the direct surveillance of an individual authorized to use the device.

(v) The licensee shall maintain a current sign out log at the permanent storage location of the portable device. Log entries shall be available for inspection by the Department for 3 years from the date of entry. The following information shall be recorded for each portable device:

(A) The model and serial number of the device.

(B) The name of the assigned user.

(C) The locations and dates of use.

(vi) Emergency instructions shall accompany each portable device taken off the premises of the licensee.

Subchapter G. LICENSING OF SOURCE MATERIAL

§ 217.171. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 40 (relating to domestic licensing of source material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 40.6, 40.8, 40.12(b), 40.23, 40.27, 40.28, 40.31(k) and (i), 40.32(d), (e) and (g), 40.33, 40.38, 40.41(d), (e)(1) and (3) and (g), 40.51(b)(6), 40.64, 40.66, 40.67, 40.81 and 40.82 are not incorporated by reference.

Subchapter J. RECIPROCITY

§ 217.201. Incorporation by reference.

Except as provided in this subchapter, the requirements of 10 CFR 150.1, 150.2, 150.3, 150.11 and 150.20 are incorporated by reference.

§ 217.202. Effect of incorporation of 10 CFR Part 150.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 150 (relating to exemptions and continued regulatory authority in agreement states and in offshore waters under section 274), the following words and phrases shall be substituted for the language in 10 CFR Part 150:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) A reference to "byproduct material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

§ 217.203. Reciprocity of licenses for byproduct, source, naturally occurring and accelerator-produced radioactive material and special nuclear material in quantities not sufficient to form a critical mass.

(a) Subject to this article, a person who holds a specific license from the NRC or a state where the licensee maintains an office, issued by the agency having jurisdiction to direct the licensed activity and to maintain radiation safety records, is granted a general license to conduct the activities authorized in the licensing document within this Commonwealth, except for areas of exclusive Federal jurisdiction, for a period not in excess of 180 days in a calendar year if:

(1) The licensing document does not limit the activity authorized by the document to specified installation or locations.

(2) The out-of-State licensee notifies the Department in writing at least 3 days prior to engaging in the activity. The notification shall indicate the location, period and type of proposed possession and use within this Commonwealth, and shall be accompanied by a copy of the pertinent licensing document. If for a specific case the 3-day period would impose an undue hardship on the out-of-State licensee, the licensee may, upon application to the Department, obtain permission to proceed sooner. The Department may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in this subsection.

(3) The out-of-State licensee complies with this title and with the terms and conditions of the licensee's document, except terms and conditions which may be inconsistent with this title.

(4) The out-of-State licensee supplies other information as the Department may request.

(5) The out-of-State licensee does not transfer or dispose of radioactive material possessed or used under the general license provided in this subsection except by transfer to a person who is one of the following:

(i) Specifically licensed by the Department, the NRC or by another state to receive the material.

(ii) Exempt from the requirements for a license for the material under Subchapter B (relating to general provisions for radioactive material).

(b) Notwithstanding the provisions of subsection (a), a person who holds a specific license issued by the NRC or a state authorizing the holder to manufacture, transfer, install or service a device described in Subchapter C (relating to general licenses for radioactive material) within areas subject to the jurisdiction of the licensing body is granted a general license to install, transfer, demonstrate or service the device in this Commonwealth subject to the following conditions:

(1) The person files a report with the Department within 30 days after the end of a calendar quarter in which a device is transferred to or installed in this Commonwealth. The report shall identify the general

licensee to whom the device is transferred by name and address, the type of device transferred and the quantity and type of radioactive material contained in the device.

(2) The device has been manufactured, labeled, installed and serviced in accordance with the specific license issued to the person by the NRC or a state.

(3) The person assures that labels required to be affixed to the device, under regulations of the authority which licensed manufacture of the device, bear a statement that "Removal of this label is prohibited."

(4) The holder of the specific license or his intermediary shall provide a copy of the conditions of general license contained in Subchapter C to the general licensee upon transfer of the radioactive material or installation of a device containing the radioactive material.

(c) The Department may withdraw, limit or qualify its acceptance of a specific license or equivalent licensing document issued by another agency, or product distributed under the licensing document, upon determining that the action is necessary to prevent undue hazard to public health and safety or property.

(d) When a person is granted a general license under subsection (a) and subsequently exceeds the prescribed 180-day period, the person shall file a license application with the Department under Subchapter B within 30 days after the end of the 180-day period.

(e) Implementation of the requirements of this section regarding byproduct, source and special nuclear material is subject to § 217.133 (relating to persons possessing a license for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass on the date the Commonwealth becomes an agreement state as published in the *Federal Register*).

CHAPTER 218. FEES

GENERAL

§ 218.1. Purpose and scope.

(a) This chapter establishes fees for registration and licensing and provides for their payment. For the purpose of this chapter, radiation-producing machines under the same administrative control in a single building are registered or licensed as a single facility. Radiation-producing machines under the same administrative control at the same address or in a contiguous group of buildings may be registered or licensed as a single facility if the Department determines that it is appropriate.

(b) Except as otherwise specifically provided, this chapter applies to a person who:

(1) Is required to register or renew registration for radiation-producing machines or radiation-producing machine service providers under Chapter 216 (relating to registration of radiation-producing machines and radiation-producing machine service providers).

(2) Is an applicant for or holder of a radioactive material license issued under Chapter 217 (relating to licensing of radioactive material).

(3) Is an applicant for or holder of an accelerator license issued under Chapter 228 (relating to radiation safety requirements for particle accelerators).

PAYMENT OF FEES

§ 218.11. Registration, renewal of registration and license fees.

(a) Annual registration fees for radiation-producing machines, other than accelerators, are the sum of an

annual administrative fee and an annual fee for each X-ray tube or radiation generating device as follows:

Type Facility	Annual Administrative Fee	Annual Fee per X-ray Tube or Radiation Generating Device
Dentists, podiatrists, veterinarians	\$ 70	\$35
Hospitals	\$520	\$35
Other Facilities	\$250	\$35

(b) A registrant filing an initial registration under § 216.2 (relating to registration of radiation-producing machines) or an application for renewal of a certificate of registration under § 216.4 (relating to renewal of certificate of registration) shall remit the appropriate fee calculated by using the information on the registration or application form and the fee schedule in subsection (a). Fees for any initial registration under § 216.2 are payable upon the filing of the registration. Fees for the renewal of a certificate of registration are payable upon the submission of an application for a renewal of a certificate of registration. If the number of tubes increases after an initial registration or after an application for renewal has been filed with the Department, no additional fee is required until the time of the next registration. Likewise, if the number of tubes decreases during the year, no refund will be made for that year.

(c) Annual license fees for radioactive material are set forth in Appendix A (relating to fees for radioactive material licenses).

(1) No refund will be made for termination of a license.

(2) If, by amendment or otherwise, a license changes to another fee category, the fee for the new category will take effect on the anniversary date of the license.

(d) Particle accelerators are licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators). Annual fees are as follows:

(i) Accelerators, below 50 MeV, other than for ion implantation—\$1,500 for the first accelerator at the facility plus \$500 for each additional unit at that facility.

(ii) Accelerators used for ion implantation—\$500 plus \$50 for each additional unit at the same facility.

(iii) Accelerators above 50 MeV—full cost of staff time to review license applications and conduct inspections as needed. (Hourly rate is \$50 per hour). For the purpose of anticipating costs and compliance with subsections (e) and (f), a minimum annual fee of \$1,500 for the first accelerator at the facility plus \$500 for each additional unit is established. Additional invoices will be issued by the Department at regular intervals at least quarterly when net costs are incurred above the minimum annual fee.

(e) An initial application for a license or reciprocity shall be accompanied by a check payable to the Department in accordance with the fee schedules in subsections (c) and (d). Thereafter, the Department will issue an annual fee invoice in accordance with the appropriate fee schedule at least 2 months prior to the license expiration. Fees are payable by the last day of the license expiration month as shown on the license fee invoice. This provision is not applicable to full cost recovery licenses specified in Appendix A.

(f) The Department will not accept an initial application for a license prior to payment of the fees required by subsections (c) and (d).

(g) If the registration involves more than one of the facilities in subsection (a), or if a license involves more

than one of the categories in subsection (c), the highest applicable fee applies.

(h) A radiation-producing machine service provider shall pay an annual registration fee of \$100.

**APPENDIX A
Fees for Radioactive Material Licenses**

<i>Fee Category^{5,6}</i>	<i>Description</i>	<i>Annual Fee (S)^{1,2,3,4,7}</i>
1C	Special Nuclear Material Sealed Source Gauges (X-Ray Fluorescence)	875
1D	Special Nuclear Material—Other	2,475
2B	Source Material as Shielding	450
2C	Source Material—Other (not 11e2)	8,650
3A1	Manufacturing & Distribution Commercial Broad Scope—10 CFR 30, 33	19,875
3A2	Manufacturing & Distribution Commercial Broad Scope—NARM Only	4,000
3B1	Manufacturing & Distribution Commercial Specific License—10 CFR 30	4,650
3B2	Manufacturing & Distribution Commercial Specific License—NARM Only	2,000
3C1	Manufacturing & Distribution Pharmaceuticals—10 CFR 32.72—32.74	11,650
3C2	Manufacturing & Distribution Pharmaceuticals—NARM Only	4,000
3D1	Pharmaceuticals—Distribution Only—10 CFR 32.7x	2,825
3D2	Pharmaceuticals—Distribution Only—NARM Only	2,000
3E	Irradiator—Shielded Source	2,575
3F	Irradiator—Unshielded < 10kCi	4,300
3G	Irradiator—Unshielded >= 10kCi	10,750
3I	Distribution As Exempt—No Review of Device	3,525
3J	Distribution—SSD Devices to Part 31 GLs	1,550
3K	Distribution—No Review-Exempt Sealed Source	1,300
3L1	Research & Development Broad Scope	8,300
3L2	Research & Development Broad Scope—NARM Only	2,000
3M1	Research & Development	3,650
3M2	Research & Development—NARM Only	750
3N	Services other than Leak Testing, Waste Disposal or Calibration	3,875
3O	Radiography	10,850
3P1	Other Byproduct Material	1,900
3P2	NARM Licenses not covered elsewhere	750
3Q	Generally licensed devices under § 217.143 (relating to certain measuring, gauging or controlling devices)	315
4A	Waste Storage, Processing or Disposal	Full Cost *
4B	Waste Packaging or Repackaging	8,175
4C	Waste Receipt of Prepackaged for Disposal	6,125
5A	Well Logging & Non Field Flood Tracers	7,500
5B	Well Logging Field Flood Tracer Studies	Full Cost *
6A	Nuclear Laundry	14,250
7A	Human Use—Teletherapy	11,275
7B1	Human Use—Broad Scope (except Teletherapy)	19,975
7B2	Human Use—Broad Scope (except Teletherapy)—NARM Only	2,000
7C1	Human Use—Specific License (except Teletherapy)	4,300
7C2	Human Use—Specific License (except Teletherapy)—NARM Only	750
8A1	Specifically licensed sources used in static eliminators, nonexempt smoke detectors, fixed gauges, dew pointers, calibration sources, civil defense uses or in temporary (2 years or less) storage	875
8A2	Specifically licensed NARM sources used in static eliminators, nonexempt smoke detectors, fixed gauges, dew pointers, calibration sources, civil defense uses or in temporary (2 years or less) storage	200
14	Decontamination, Decommissioning, Reclamation or Site Restoration	Full Cost *
16A	Reciprocity (180 days/year)	900
16B	Reciprocity—NARM (180 days/year)	300
SB1 ₅	Small Business—Category 1	2,100
SB2 ₆	Small Business—Category 2	400

¹ A license may include as many as four noncontiguous sites at the base fee. Sites that are within 5 miles of the main Radiation Safety Office where the license records are kept will be considered contiguous. An additional fee of 25% of the base fee will be added for each noncontiguous site above four.

² All fees for NARM licenses will be effective upon publication of the final rules in the *Pennsylvania Bulletin*. The fees for NRC licenses that are transferred to the Commonwealth will be effective on the next license anniversary date. NARM licenses will be changed to the corresponding category of byproduct material license on the next license anniversary date

after achievement of Agreement State status and fees adjusted at that time. The NARM license categories will cease to exist one year after Agreement State status is achieved.

³ Annual fees for categories of NRC licenses that are not included in this table will be calculated as follows: PA Fee = 0.7 (NRC Annual Fee + 0.10 NRC Application or Renewal fee).

⁴ Annual fees charged to holders of transferred NRC licenses with multiple sites will not exceed the fees charged by the NRC for the same licenses in the year of transfer, provided the number of noncontiguous sites remains constant.

⁵ Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Manufacturing Entities that have an average of 35–500 employees with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Small Government Jurisdictions (including publicly supported, nonmedical educational institutions) with a population between 20,000 and 50,000; and nonmedical Educational Institutions that are not state or publicly supported and have 35–500 employees.

⁶ Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of less than \$350,000; Manufacturing Entities that have an average of less than 35 employees and less than \$350,000 in Gross Annual Receipts; Small Government Jurisdictions (including publicly supported nonmedical educational institutions) with a population less than 20,000; and nonmedical Educational Institutions that are not state or publicly supported and have less than 35 employees.

⁷ Full cost recovery licensees and licensees required to provide financial assurance for decommissioning are not eligible for reduced fees under category SB1 or SB2.

* Full cost recovery consists of a professional fee, to cover the activities and support of Department personnel, and any other additional incidental charges incurred, such as related contracted services or laboratory costs. The professional fee component (Hourly Rate) is \$50 per hour. Other costs are recovered at 100% of actual cost. Invoices shall be issued by the Department at regular intervals but at least quarterly when net costs are incurred.

CHAPTER 219. STANDARDS FOR PROTECTION AGAINST RADIATION

Subchapter A. GENERAL PROVISIONS GENERAL PROVISIONS

§ 219.3. Definitions.

The following term, when used in this subchapter, has the following meaning, unless the context clearly indicates otherwise:

Medical reportable event for radiation-producing machine therapy—The administration to a human being, except for an administration resulting from a direct intervention of a patient that could not have been reasonably prevented by the licensee or registrant, that results in one of the following:

(i) An administration of a therapeutic radiation dose to the wrong individual.

(ii) An administration of a dose for therapy when the result is an increase in the total expected doses inside or outside of the intended treatment volume for organs, tissue or skin that exceeds 20% of the total prescribed dose for the intended target volume.

(iii) A total dose delivered to the treatment site identified in a written directive for therapy that is outside the prescribed dose range or differs from the total prescribed dose by more than 20%, or for a fractionated dose, when the weekly administered dose differs from the weekly prescribed dose by more than 30%.

§ 219.6. Effect of incorporation of 10 CFR Part 20.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 20 (relating to standards for protection against radiation), the following words and phrases shall be substituted for the language in 10 CFR Part 20 as follows:

(1) A reference to “NRC” or “Commission” means Department.

(2) A reference to “NRC or agreement state” means Department, NRC or agreement state.

(3) A reference to “licensee” includes registrant.

(4) A reference to “license” includes registration.

(5) A reference to “licensed” includes registered.

(6) A reference to “Department” in 10 CFR means the United States Department of Energy.

(7) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

(8) 10 CFR Part 20, notwithstanding, exposures involving the use of X-rays may be weighted, in a manner specified by the Department, so that, with Department approval, the effective dose equivalent may be substituted for the deep dose equivalent in determining compliance with occupational exposure limits for specified groups of individuals.

§ 219.8. Requirement for a Radiation Safety Committee.

The requirements of 10 CFR 35.24 (relating to authority and responsibilities for the radiation protection program) apply to registrants as well as licensees. For the purpose of this requirement, facilities that utilize two or more modalities in which patients are likely to receive, or will receive a dose to an organ in excess of 200 rads (2.0 gray), shall have a radiation safety committee.

Subchapter E. TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

§ 219.61. Testing for leakage or contamination of sealed sources.

(a) In addition to incorporation by reference of 10 CFR Part 20 (relating to standards for protection against radiation), a licensee possessing a sealed source shall assure that:

(1) Except as specified in subsection (b), each sealed source is tested for leakage or contamination and the test results are received before the sealed source is put into use unless the licensee has a certificate from the transferor indicating that the sealed source was tested within 6 months before transfer to the licensee.

(2) Each sealed source that is not designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 6 months or at alternative intervals specified in the Sealed Source and Device Registry approved by the Department, a state or the NRC.

(3) Each sealed source that is designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 3 months or at alternative intervals specified in the Sealed Source and Device Registry approved by the Department, a state or the NRC.

(4) For each sealed source that is required to be tested for leakage or contamination, the sealed source is tested for leakage or contamination before further use at any time there is reason to suspect that the sealed source might have been damaged or might be leaking.

(5) Except for brachytherapy sources manufactured to contain radium, tests for leakage for sealed sources shall be capable of detecting the presence of 185 Bq (0.005 μ Ci) of radioactive material on a test sample. Test samples shall be taken from the sealed source or from the surfaces of the container in which the sealed source is stored or mounted on which one might expect contamination to accumulate. For a sealed source contained in a device, test samples are obtained when the source is in the "off" position.

(6) The test for leakage for brachytherapy sources manufactured to contain radium shall be capable of detecting an absolute leakage rate of 37 Bq (0.001 μ Ci) of radon-222 in a 24-hour period when the collection efficiency for radon-222 and its progeny has been determined with respect to collection method, volume and time.

(7) Tests for contamination from radium progeny shall be taken on the interior surface of brachytherapy source storage containers and shall be capable of detecting the presence of 185 Bq (0.005 μ Ci) of any radium progeny which has a half-life greater than 4 days.

(b) A licensee need not perform tests for leakage or contamination on the following sealed sources:

(1) Sealed sources containing only radioactive material with a half-life of less than 30 days.

(2) Sealed sources containing only radioactive material as a gas.

(3) Sealed sources containing 3.7 MBq (100 μ Ci) or less of beta or photon-emitting material or 370 kBq (10 μ Ci) or less of alpha-emitting material.

(4) Sealed sources containing only hydrogen-3.

(5) Seeds of iridium-192 encased in nylon ribbon.

(6) Sealed sources, which are stored, are not being used, and are identified as in storage. The licensee shall test each of these sealed sources for leakage or contamination and receive the test results before any use or transfer unless it has been tested for leakage or contamination within 6 months before the date of use or transfer.

(c) Tests for leakage or contamination from sealed sources shall be performed by persons specifically authorized by the Department, an agreement state, a licensing state or the NRC to perform these services.

(d) Test results shall be kept in units of becquerel or microcurie and maintained for inspection by the Department.

(e) The following shall be considered evidence that a sealed source is leaking:

(1) The presence of 185 Bq (0.005 μ Ci) or more of removable contamination on any test sample.

(2) Leakage of 37 Bq (0.001 μ Ci) of radon-222 per 24 hours for brachytherapy sources manufactured to contain radium.

(3) The presence of removable contamination resulting from the decay of 185 Bq (0.005 μ Ci) or more of radium.

(f) The licensee shall immediately withdraw a leaking sealed source from use and take action to prevent the spread of contamination. The leaking sealed source shall be repaired or disposed of in accordance with this article.

(g) Reports of test results for leaking or contaminated sealed sources shall be made under § 219.227 (relating to reports of leaking or contaminated sealed sources).

Subchapter M. REPORTS

§ 219.228. Reports of medical reportable events for radiation-producing machine therapy.

(a) For a medical reportable event for radiation-producing machine therapy, the licensee or registrant shall do the following:

(1) Notify the Department by telephone within 24 hours after discovery of the event.

(2) Submit a written report to the Department within 15 days after discovery of the event. The written report shall include the licensee's or registrant's name; the prescribing physician's name; a brief description of the event; why the event occurred; the effect on the patient; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee or registrant notified the patient, or the patient's responsible relative or guardian (for notification purposes under this section, this person will be included in subsequent references to "the patient"), and if not, why not; and if the patient was notified, what information was provided to the patient. The report may not include the patient's name or other information that could lead to identification of the patient.

(3) Notify the referring physician and also notify the patient of the event within 24 hours after its discovery, unless the referring physician personally informs the licensee either that he will inform the patient or that, based on medical judgment, telling the patient would be harmful. The licensee or registrant is not required to notify the patient without first consulting the referring physician. If the referring physician or patient cannot be reached within 24 hours, the licensee or registrant shall notify the patient as soon as possible thereafter. The licensee or registrant may not delay appropriate medical care for the patient, including necessary remedial care, because of delay in notification.

(4) If the patient was notified, the licensee or registrant shall also furnish, within 15 days after discovery of the event, a written report to the patient by sending one of the following:

(i) A copy of the report that was submitted to the Department.

(ii) A brief description of both the event and the consequences, as they may affect the patient, if a statement is included that the report submitted to the Department can be obtained from the licensee or registrant.

(b) The licensee or registrant shall retain a record of each medical reportable event for radiation-producing machine therapy for 5 years. The record shall contain the names of the individuals involved (including the prescrib-

ing physician, allied health personnel, the patient and the patient's referring physician), the patient's Social Security number or identification number if one has been assigned, a brief description of the event, why it occurred, the effect on the patient, what improvements are needed to prevent recurrence and the actions taken to prevent recurrence.

(c) Aside from the notification requirement, this section does not affect rights or duties of licensees or registrants and physicians in relation to each other, patients or the patient's responsible relatives or guardians.

§ 219.229. Other medical reports.

Within 30 days of the determination by a physician of either actual or suspected acute or long-term functional damage to an organ or a physiological system of a patient exposed to therapeutic or diagnostic radiation from a radiation-producing machine, the registrant or licensee shall document the finding and provide a report to the Department and provide a clinical summary to the prescribing physician and the patient. The report shall be retained for at least 5 years. Exempt from this reporting requirement are any events already reported under § 219.228 (relating to reports of medical reportable events for radiation-producing machine therapy) and any functional damage to a patient organ or a physiological system that was an expected outcome when the causative procedures were prescribed.

CHAPTER 220. NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS AND INVESTIGATIONS

§ 220.2. Posting of notices to workers.

(a) A licensee or registrant shall post current copies of the following documents:

(1) This chapter and Chapter 219 (relating to standards for protection against radiation).

(2) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto.

(3) The operating procedures applicable to activities under the license or registration.

(4) A notice of violation involving radiological working conditions, proposed imposition of civil penalty or order issued under Chapter 215 (relating to general provisions) and response from the licensee or registrant.

(b) If posting of a document specified in subsection (a)(1), (2) or (3) is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

(c) Department Form 2900-FM-RP0003, "Notice to Employees," shall be posted by a licensee or registrant as required by this article.

(d) Department documents posted under subsection (a)(4) shall be posted within 2 working days after receipt of the documents from the Department; the licensee's or registrant's response shall be posted within 2 working days after dispatch from the licensee or registrant. The documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

(e) Documents, notices or forms posted under this section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from the particular work location to which the document applies.

The documents, notices or forms shall be conspicuous and shall be replaced if defaced or altered.

**CHAPTER 221. X-RAYS IN THE HEALING ARTS
GENERAL PROVISIONS**

§ 221.2. Definitions.

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

* * * * *

Filter—Material placed in the useful beam to modify the spectral energy distribution and flux of the transmitted radiation and preferentially absorb selected radiation.

Filtration—The amount of material placed in the useful beam to modify the radiation's characteristics, typically expressed in terms of millimeters of aluminum or copper equivalent.

* * * * *

Half-value layer (HVL)—

(i) The thickness of specified material which attenuates the exposure rate by 1/2 when introduced into the path of a given beam of radiation. In this definition, the contribution of all scattered radiation, other than any which might be present initially in the beam concerned, is deemed to be excluded.

(ii) The term is used to describe the penetrating ability of the radiation.

Healing arts screening—The testing of human beings using X-ray machines for the detection or evaluation of health indications when the tests are not specifically and individually ordered for the purpose of diagnosis or treatment by a licensed practitioner of the healing arts legally authorized to prescribe the X-ray tests.

* * * * *

Protective glove—A glove incorporating radiation absorbing materials.

Radiation detector—A device which provides a signal or other indication suitable for measuring one or more quantities of incident radiation.

* * * * *

ADMINISTRATIVE CONTROLS

§ 221.11. Registrant responsibilities.

(a) The registrant is responsible for directing the operation of X-ray systems under his administrative control and shall assure that the requirements of this article are met in the operation of the X-ray systems.

(b) An individual who operates an X-ray system shall be instructed adequately in the safe operating procedures and be competent in the safe use of the equipment. The instructions shall include items included in Appendix A (relating to determination of competence) and there shall be continuing education in radiation safety, biological effects of radiation, quality assurance and quality control.

(c) A chart, which specifies the techniques for examinations performed with the system, shall be provided in the vicinity of each diagnostic X-ray system's control panel. This chart shall include information pertinent to the particular examination, such as:

(1) The patient's body part and anatomical size, or body part thickness, or age (for pediatrics), versus technique factors to be utilized.

(2) The type and size of the film or film-screen combination.

(3) The type of grid, if any.

(4) The type and location of placement of patient shielding—for example, gonad, and the like.

(5) For mammography, indication of kVp/target/filter combination.

(6) Source to image receptor distance to be used, except for dental intraoral radiography.

(d) Written safety procedures and rules shall be available at a facility including restrictions of the operating technique required for the safe operation of the particular X-ray system. The operator shall be able to demonstrate familiarity with the rules.

(e) Except for patients who cannot be moved out of the room, only the staff and ancillary personnel or other persons required for the medical procedure or training shall be in the room during the radiographic exposure. The following apply for individuals other than the patient being examined:

(1) Individuals shall be positioned so that no part of the body will be struck by the useful beam unless protected by at least 0.5 millimeter lead equivalent material. The lead equivalent of the material is to be determined at 60 kV.

(2) All persons required for the medical procedure shall be protected from the stray radiation by protective aprons or whole protective barriers of at least 0.25 millimeter lead equivalent or shall be so positioned that the persons are not in the direct line of the useful beam and the nearest portion of the body is at least 2 meters from both the tube head and the nearest edge of the image receptor.

(3) A patient who cannot be removed from the room shall be protected from the stray radiation by protective barriers of at least 0.25 millimeter lead equivalent material unless the shield would compromise the health of the individual or shall be so positioned that the patient is not in the direct line of the useful beam and the nearest portion of the body is at least 2 meters from both the tube head and the nearest edge of the image receptor.

(4) No individual, other than the patient being examined, may be in the useful beam, unless required to conduct the procedure.

(f) During diagnostic procedures in which the gonads are in the useful beam, gonad shielding of at least 0.5 millimeter lead equivalent shall be used for patients except for cases in which this would interfere with the diagnostic procedure.

(g) An individual may not be exposed to the useful beam except for healing arts purposes or under § 221.15 (relating to use of X-rays in research on humans). An exposure shall be authorized by a licensed practitioner of the healing arts. This provision specifically prohibits deliberate exposure for the following purposes:

(1) Exposure of an individual for training, demonstration or other nonhealing arts purposes.

(2) Exposure of an individual for the purpose of healing arts screening except as authorized by the Department. When requesting authorization, the registrant shall submit the information outlined in § 221.13 (relating to information to be submitted by persons requesting approval to conduct healing arts screening).

(h) If a patient or image receptor requires auxiliary support during a radiation exposure the following apply:

(1) Mechanical holding devices shall be used when the technique permits.

(2) The human holder shall be protected as required by subsection (e).

(3) An individual may not be used routinely to hold image receptors or patients.

(i) Procedures and auxiliary equipment designed to minimize patient and personnel exposure commensurate with the needed diagnostic information shall be utilized.

(j) The screen and film system used shall be spectrally compatible. Defective screens may not be used for diagnostic radiological imaging.

(k) With the exception of intraoral dental radiography, film may not be used without intensifying screens for routine diagnostic radiological imaging.

(l) The registrant shall have a quality assurance program. This quality assurance program shall be documented and be in accordance with guidelines established by the Department or by another appropriate organization recognized by the Department. At a minimum, the quality assurance program shall address repeat rate; image recording, processing and viewing; and maintenance and modifications to the quality assurance program. Records shall be maintained by the registrant for inspection by the Department for 3 years. The Department's guidelines and a list of recognized organizations will be maintained and made available on the Department's website and on request.

(m) Neither the X-ray tube housing nor the collimating device may be hand-held during the exposure.

§ 221.13. Information to be submitted by persons requesting approval to conduct healing arts screening.

(a) The Department will consider efficacy as a factor in evaluating healing arts screening procedures. In its review, the Department will consider National medical organization consensus statements as well as peer reviewed scientific and medical literature that addresses the efficacy of the proposed screening procedures. The review may also consider relevant information from appropriate Federal agencies. For procedures that result in an individual organ dose or deep dose equivalent greater than 1 mSv (100 mrem) to a screened individual the Department will consult with the Department of Health (DOH) for assistance in reviewing the efficacy of the proposed procedures but the final decision will remain that of the Department. The DOH will have access to all relevant materials when rendering its review.

(b) A person requesting that the Department approve a healing arts screening program shall submit in writing the following information for evaluation by the Department. If information submitted to the Department becomes invalid or outdated, the registrant shall immediately notify the Department.

(1) The name and address of the applicant and, if applicable, the names and addresses of agents within this Commonwealth.

(2) The diseases or conditions for which the X-ray examinations are to be used.

(3) The description in detail of the X-ray examinations proposed in the screening program.

(4) A description of the population to be examined in the screening program—age, sex, physical condition and other appropriate information.

(5) An evaluation of all known alternate methods that could achieve the goals of the screening program and why these methods are not used in preference to the proposed X-ray examinations.

(6) An evaluation by a qualified expert of the X-ray systems to be used in the screening program. The evaluation shall show that the systems satisfy the requirements of this article. The evaluation shall include a measurement of patient entrance exposures and calculation of the maximum shallow dose, deep dose equivalent and organ dose from the X-ray examinations to be performed.

(7) A description of the diagnostic X-ray quality control program.

(8) A copy of the technique chart for the X-ray examination procedures to be used if exposure parameters are set manually or a description of how exposure parameters are determined.

(9) The qualifications of all individuals who will be operating the X-ray systems.

(10) The qualifications of the physician who will be supervising the operators of the X-ray systems. The extent of supervision and the method of work performance evaluation shall be specified.

(11) The name, address and qualifications of the individual who will interpret the screening procedure results.

(12) A description of the information and procedure for advising the individuals screened of the potential for false positive or negative results and the implications for the patient; the procedure for recording informed consent for the procedure following disclosure of this information; and the procedure for advising the individuals screened and their private practitioners of the healing arts of the results of the screening procedure and further medical needs indicated.

(13) A description of the procedures for the retention or disposition of the diagnostic images, data and other records pertaining to the X-ray examination.

(14) Mammography facilities shall comply with 21 CFR Part 900 (relating to mammography).

(15) An approximation of the frequency of screening activities and duration of the entire screening program.

§ 221.15. Use of X-rays in research on humans.

(a) Registrants conducting research using X-rays involving human subjects are exempted from the requirements of this section if the research is conducted, funded, regulated or supported by a Federal agency which has implemented the Federal policy for the protection of human subjects or if the research is carried out in an institution which conducts other Federally funded or supported human research and follows all Federal requirements for protocol review and research subject protection.

(b) If not exempted under subsection (a), a person shall submit, in writing, the following information and evaluation to the Department and receive approval by the Department before conducting the research. If the information submitted to the Department becomes invalid or outdated, the person shall immediately, in writing, notify the Department.

(1) The name and address of the applicant and, if applicable, the names and addresses of agents within this Commonwealth.

(2) A description of the population to be examined in the research program, age, sex, physical condition and other appropriate information.

(3) An evaluation of all known alternate methods that could achieve the goals of the research program and why these methods are not used in preference to the X-ray examinations.

(4) An evaluation by a qualified expert of the X-ray system to be used in the research program. This evaluation shall show that the system satisfies the requirements of this article. The evaluation shall include a projected measurement of individual and cumulative patient exposures from the X-ray examinations to be performed.

(5) A description of the diagnostic X-ray quality control program.

(6) A copy of the technique chart which specifies the information for the X-ray examination procedures to be used if exposure parameters are set manually or a description of how exposure parameters are determined.

(7) The qualifications of all individuals who will be operating the X-ray system.

(8) The qualifications of the physician who will be supervising the operators of the X-ray systems. The extent of supervision and the method of work performance evaluation shall be specified.

(9) The name, address and qualifications of the individual who will interpret the data.

(10) A copy of the research protocol authorized by a committee consisting of at least three qualified persons. At least one of the committee members shall be knowledgeable in radiation effects on humans.

(11) The provisions for independent institutional review.

(c) Proposed subjects or their legal representative shall sign a statement acknowledging that they have been informed of their anticipated radiation exposure and possible consequences arising from this exposure.

DIAGNOSTIC INSTALLATIONS GENERAL REQUIREMENTS

§ 221.25. Beam quality.

(a) Diagnostic X-ray systems shall have filtration that satisfies the requirements of Table I. The requirements of this section shall be considered to have been met if it can be demonstrated that the half value layer of the primary beam is not less than that shown in Table II.

TABLE I

Filtration Required vs. Operating Voltage

<i>Operating Voltage (kVp)</i>	<i>Total Filtration (inherent plus added) (millimeters aluminum equivalent)</i>
Below 505 millimeters
50—70	1.5 millimeters
Above 70	2.5 millimeters

TABLE II

Design operating range (Kilovolts peak)	Measured potential (Kilovolts peak)	Minimum half-value layer (millimeters of aluminum)	
		Specified dental systems*	All other X-ray systems
Below 51	30	1.5	0.3
	40	1.5	0.4
	50	1.5	0.5
51 to 70	51	1.5	1.2
	60	1.5	1.3
	70	1.5	1.5
Above 70	71	2.1	2.1
	80	2.3	2.3
	90	2.5	2.5
	100	2.7	2.7
	110	3.0	3.0
	120	3.2	3.2
	130	3.5	3.5
	140	3.8	3.8
	150	4.1	4.1

Note: Half-value layers for kilovoltages not listed in Table II may be determined by interpolation or extrapolation.

* Dental systems manufactured after December 1, 1980, designed for use with intraoral image receptors.

(b) Beryllium window tubes shall have a minimum of 0.5 millimeter aluminum equivalent filtration permanently installed in the useful beam.

(c) For capacitor energy storage equipment, compliance with this section shall be determined with the maximum quantity of charge per exposure.

(d) The required minimal aluminum equivalent filtration shall include the filtration contributed by materials which are always present between the source and the patient.

(e) For X-ray systems having variable filtration in the useful beam, a means shall be provided to prohibit exposure unless the filtration requirements of subsection (a) are met for the kVp selected.

§ 221.29. Kilovoltage (kV) accuracy.

(a) For variable kV units, the kV output may not vary from the set-indicated value by more than 10% over the range of technique factors normally used. Discrepancies of more than 10% between set-indicated and measured kV values shall be investigated by a qualified expert or service agent and appropriate action taken.

(b) For fixed kV units, the kV output may not vary from the set-indicated value by more than 20% over the range of technique factors normally used. Discrepancies of more than 20% between set-indicated and measured kV values shall be investigated by a qualified expert or service agent and appropriate action taken.

§ 221.36a. Limitation of useful beam of fluoroscopic equipment.

(a) The fluoroscopic imaging assembly shall be provided with a primary protective barrier which intercepts the entire cross section of the useful beam at any source-to-image receptor distance.

(b) The X-ray tube used for fluoroscopy may not produce X-rays unless a barrier is in position to intercept the useful beam and the imaging device is in place and operable.

(c) A means shall be provided for stepless (continuous) adjustment of the field size.

(d) The minimum field size at the greatest source to image receptor distance shall be containable in a square of 5 centimeters by 5 centimeters unless otherwise provided in 21 CFR 1020.32(b) (relating to fluoroscopic equipment).

(e) Equipment may not be operated at a source to skin distance less than 30 centimeters or as required under 21 CFR 1020.32(g).

(f) The width of the X-ray field in the plane of the image receptor may not exceed that of the visible area of the image receptor by more than 3% of the source to image receptor distance. The sum of the excess length and the excess width may not be greater than 4% of the source to image receptor distance.

(g) For rectangular X-ray fields used with a circular image receptor, the error in alignment shall be determined along the length and width dimensions of the X-ray field which passes through the center of the visible area of the image receptor.

(h) Compliance with subsections (a)—(g) shall be determined with the beam axis perpendicular to the plane of the image receptor.

(i) Spot-film devices shall meet the following additional requirements:

(1) A means shall be provided between the source and the patient for adjustment of the X-ray field size to the size of the portion of film which has been selected on the spot-film selector.

(2) The adjustments shall be automatically accomplished except when the X-ray field size in the plane of the film is smaller than that of the film.

(3) The total misalignment of the edges of the X-ray field with the respective edges of the selected portion of the image receptor along the length or width dimensions of the X-ray field in the plane of the image receptor may not exceed 3% of the source-to image receptor when adjusted for full coverage of the selected portion of the image receptor.

(4) The sum, without regard to sign, of the misalignment along any two orthogonal dimensions, may not exceed 4% of the source to image receptor distance.

(5) The center of the X-ray field in the plane of the film shall be aligned with the center of the film within 2% of the source to image receptor distance.

§ 221.38a. Entrance exposure rate.

(a) *Fluoroscopic systems without high level control.* The exposure rate may not exceed 10 roentgens (2.58 mC/kg) per minute except during recording of fluoroscopic images.

(b) *Fluoroscopic systems with high level control.*

(1) When the high level control is activated, the maximum exposure rate shall be 20 roentgens (5.16 mC/kg) per minute.

(2) When the high level control is not activated, the maximum exposure rate shall be 10 roentgens (2.58 mC/kg) per minute.

(3) Special means of activation of high level controls are required. The high level control shall only be operable when continuous manual activation is provided by the operator.

(4) There shall be an indication to the fluoroscopist that the high level control is being used.

(c) *Frequency of output measurements.* Output measurements to show compliance with this section shall be made at least annually and after maintenance that could affect the output of the machine.

(d) *Compliance requirements.* Compliance with subsections (a)—(c) shall be determined as follows:

(1) If the source is below the table, the exposure rate shall be expressed for the center of the useful beam 1 centimeter above the tabletop or cradle with the image intensifier 30 centimeters above the tabletop or cradle.

(2) If the source is above the table, the exposure rate shall be measured at 30 centimeters above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

(3) In a c-arm type of fluoroscope, the exposure rate shall be measured at 30 centimeters from the input surface of the fluoroscopic imaging assembly with the source at its closest possible position of operation.

(4) The tube potential and current shall be set to give the maximum exposure possible from the X-ray system. For systems with automatic exposure control, at least 3 millimeters of lead shall be placed between the measuring device and image receptor.

(5) The measurement shall be made at the center of the useful beam.

OTHER SYSTEMS

§ 221.61. Radiation therapy simulation systems.

(a) Fluoroscopic systems used solely for radiation therapy simulations shall comply with §§ 221.35a, 221.37a, 221.40a and 221.41a. The requirements in § 221.41a (relating to fluoroscopic timer) may also be satisfied if a means is provided to indicate the cumulative time that an individual patient has been exposed to X-rays. In this case, procedures shall require that the timer be reset between examinations.

(b) CT units used solely for therapy simulations shall comply with §§ 221.202(f)(1), (7) and (8) and 221.203 (relating to equipment requirements; and facility design requirements).

THERAPEUTIC X-RAY SYSTEMS WITH ENERGIES LESS THAN 1 MEV

§ 221.73. Surveys.

(a) A facility shall have a survey made by, or under the direction of, a qualified expert. The survey shall also be done after a change in the facility or equipment which might cause a change in radiation levels.

(b) The qualified expert or radiological physicist shall report the survey results in writing to the individual in charge of the facility and a copy of the report shall be maintained by the registrant for inspection by the Department. The facility shall be operated in compliance with limitations indicated by the survey.

§ 221.74. Calibration.

(a) The calibration of an X-ray system shall be performed at intervals not to exceed 1 year and after a change of replacement of components which could cause a change in the radiation output.

(b) The calibration of the radiation output of the X-ray system shall be performed by or under the direction of a qualified expert for radiation therapy calibration who is physically present at the facility during the calibration.

(c) The calibration of the radiation output of an X-ray system shall be performed with a calibrated instrument. The calibration of the instrument shall be traceable to a National standard. The instrument shall have been calibrated within the preceding 2 years.

(d) Calibrations made under this section shall be made so that the dose at a reference point in soft tissue may be calculated as accurately as possible but with an uncertainty of no greater than 5%.

(e) The calibration of the X-ray system shall include, but is not limited to, the following determinations:

(1) The exposure rates for each combination of field size, technique factors, filter and treatment distance used.

(2) The degree of congruence between the radiation field and the field indicated by the localizing device if a device is present.

(3) An evaluation of the uniformity of the largest radiation field used.

(f) Records of calibration performed under this section shall be maintained by the registrant for at least 5 years after completion of the calibration.

(g) A copy of the most recent X-ray system calibration shall be available at the control panel.

§ 221.75. Spot checks.

Spot checks shall be performed on X-ray systems capable of operation at greater than 150 kVp. The spot checks shall meet the following requirements:

(1) The procedures shall be in writing and shall have been developed by a qualified expert for radiation therapy calibration.

(2) If a radiological physicist does not perform the spot check measurements, the results of the spot check measurements shall be reviewed by a radiological physicist within 15 days.

(3) The measurements taken during the spot checks shall demonstrate the degree of consistency of the operating characteristics which can affect the radiation output of the X-ray system.

(4) The spot-check procedure shall specify the frequency at which tests or measurements are to be per-

formed and the acceptable tolerance for each parameter measured in the spot check when compared to the value for that parameter determined in the calibration specified in § 221.74 (relating to calibration).

(5) The procedure shall also note conditions which require that the system be recalibrated under § 221.74.

(6) Records of spot-check measurements performed under this section shall be maintained by the registrant for 5 years following the measurement.

(7) Spot check measurements shall be performed using a dosimetry system that has been calibrated under § 221.74(c). Alternatively, a dosimetry system used solely for spot check measurements may be calibrated by direct intercomparison with a system that has been calibrated under § 221.74(c). The alternative calibration method shall have been performed within the previous year and after each servicing that may have affected the system calibration.

COMPUTED TOMOGRAPHY X-RAY SYSTEMS

§ 221.202. Equipment requirements.

(a) *Termination of exposure.* The operator shall be able to terminate the X-ray exposure at any time during a scan, or series of scans under X-ray system control, of greater than 0.5 second duration. Termination of the X-ray exposure shall necessitate resetting of the conditions of operation prior to initiation of another scan.

(b) *Tomographic plane indication and alignment.*

(1) For any single tomogram system, a means shall be provided to permit visual determination of the tomographic plane or a reference plane offset from the tomographic plane.

(2) For any multiple tomogram system, a means shall be provided to permit visual determination of the location of a reference plane. This reference plane may be offset from the location of the tomographic plane.

(c) *Status indicators and control switches.*

(1) The CT X-ray control and gantry shall provide visual indication whenever X-rays are produced and, if applicable, whether the shutter is open or closed.

(2) The emergency buttons or switches shall be clearly labeled as to their function.

(3) Each individual scan or series of scans shall require initiation by the operator.

(d) *Indication of CT conditions of operation.* The CT X-ray system shall be designed so that the CT conditions of operation to be used during a scan or a scan sequence are indicated prior to the initiation of a scan or a scan sequence. On equipment having all or some of these conditions of operation at fixed values, this requirement may be met by permanent markings. Indication of CT conditions of operation shall be visible from any position from which scan initiation is possible.

(e) *Leakage radiation.* The leakage radiation from the diagnostic source assembly measured at a distance of 1 meter in any direction from the source may not exceed 100 milliroentgens (25.8 µC/kg) in 1 hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(f) *Additional requirements applicable to CT X-ray systems containing a gantry manufactured after September 3, 1985.*

(1) The total error in the indicated location of the tomographic plane or reference plane by the light field or laser indicator may not exceed 5 millimeters.

(2) If the X-ray production period is less than 0.5 second, the indication of X-ray production shall be actuated for at least 0.5 second. Beam-on and shutter status indicators at or near the gantry shall be discernible from any point external to the patient opening where insertion of any part of the human body into the primary beam is possible.

(3) The CT X-ray system shall be normalized to water.

(4) The CT number for water for a region of interest, not exceeding 100 square millimeters, shall be 0 ± 10.0 CT number units. The facility's performance phantom shall be utilized, with the technique factors specified by the qualified expert, to confirm compliance. In instances when a CTN of 0 for water is inappropriate, as in 3D treatment planning, the qualified expert may establish and maintain an equivalent value.

(5) With the performance phantom, the mean CT number of water of one group of pixels may not differ from the mean CT number of water of a second group of pixels equal size within the same image by more than the manufacturer's published specifications.

(6) The noise, utilizing the facility's performance phantom, may not exceed the manufacturer's published specifications.

(7) The total error between the indicated and actual slice thickness may not exceed 2.0 millimeters.

(8) A distance of at least 100 millimeters measured in a CT image shall agree with the actual distance to within $\pm 5\%$.

(9) Premature termination of the X-ray exposure by the operator shall necessitate resetting the CT conditions of operation prior to the initiation of another scan.

§ 221.204. Radiation measurements and performance evaluations.

(a) *Radiation measurements.*

(1) The CTDI or MSAD along the two axes specified in paragraph (2)(ii) shall be measured. The CT dosimetry phantom shall be oriented so that the measurement point 1.0 centimeter from the outer surface and within the phantom is in the same angular position within the gantry at the point of maximum surface exposure identified. The CT conditions of operation shall be reproducible and correspond to typical values used by the registrant. If the point of maximum surface exposure constantly changes due to system design, then measurements shall be taken at four different locations—top left, top right, bottom left, bottom right—1 centimeter from the outer surface of the phantom.

(2) CT dosimetry phantoms shall be used in determining the radiation output of a CT X-ray system. The phantoms shall meet the definition for a CT dosimetry phantom under 21 CFR 1020.33(b)(6) (relating to computed tomography (CT) equipment).

(i) The phantoms shall be specifically designed for CT dosimetry and deemed appropriate by the facility's qualified expert and the Department.

(ii) CT dosimetry phantoms shall provide a means for the placement of dosimeters along the axis of rotation and along a line parallel to the axis of rotation 1.0 centimeter from the outer surface and within the phantom. The

means for the placement of dosimeters or alignment devices at other locations may be provided.

(iii) Any effects on the doses measured due to the removal of phantom material to accommodate dosimeters shall be accounted for through appropriate corrections to the reported data or included in the statement of maximum deviation for the values obtained using the phantom.

(iv) Dose measurements shall be performed with the CT dosimetry phantom placed on the patient couch or support device without additional attenuation materials present.

(3) In addition to the items in subsection (b), the following items shall be evaluated annually or after any component repair or change which in the opinion of the qualified expert may effect the performance of the CT unit:

(i) HVL (half value layer) determination at the most commonly used kVp or 120 kVp.

(ii) CTDI or MSAD as specified in § 221.201 (relating to definitions) for commonly used techniques.

(iii) Tomographic plane indication (light/laser alignment).

(iv) Slice thickness as specified in § 221.202(g)(7) (relating to equipment requirements).

(v) Distance readout calibration.

(4) The measurement of the radiation output of a CT X-ray system shall be performed with a dosimetry system that has calibration traceable to National Institute of Standards and Technology. The calibration of the system shall be in accordance with an established calibration protocol. The calibration protocol published by the AAPM is accepted as an established protocol. Other protocols which are equivalent will be accepted, but the user shall submit that protocol to the Department for concurrence that the protocol is equivalent.

(5) An mR/mAs value shall be determined at least annually for the head and body.

(6) Procedures and results shall be maintained for 5 years and be available for review by the Department.

(b) *Performance evaluations.*

(1) Written performance evaluation procedures shall be developed by a qualified expert. These procedures shall be available for review by the Department.

(2) The performance evaluation procedures shall include at least the following using the facility's performance phantom:

(i) Noise.

(ii) Contrast scale.

(iii) Spatial resolution (low and high contrast).

(iv) Mean CT number for water.

(v) Acceptable tolerances.

(3) The performance evaluation shall be performed at intervals not to exceed 3 months by the qualified expert or an individual designated by the qualified expert.

(4) The qualified expert need not be present during the performance evaluation, but shall be informed within 48 hours of any problems or unacceptable deviations.

(5) Performance evaluations shall include acquisition of images obtained with the performance phantom using the

same processing mode and CT conditions of operation as are used to perform the measurements required by subsection (a).

(6) Records of the performance evaluations shall be maintained for inspection by the Department for at least 4 years.

§ 221.205. Operating procedures.

(a) Information shall be available at the control panel regarding the operation and performance evaluations of the system. The information shall include the following:

(1) The dates of the latest radiation measurements and performance evaluation and the location within the facility where the results of those tests may be obtained.

(2) Instructions on the use of the CT phantoms including a schedule of performance evaluations appropriate for the system, allowable variations for the indicated parameters and the results of at least the most recent performance evaluation conducted on the system.

(3) A current technique chart available at the control panel which specifies for each routine examination the CT conditions of operation and the number of scans per examination.

(b) If the radiation measurements and performance evaluation of the CT X-ray system indicates that a system operating parameter has exceeded a tolerance established by the qualified expert, the use of the CT X-ray system on patients shall be limited to those uses permitted by established written instructions of the qualified expert.

APPENDIX A DETERMINATION OF COMPETENCE

The registrant shall ensure that individuals who operate diagnostic X-ray equipment have received training on the subjects listed in this appendix. The individual shall be trained and competent in the general operation of the X-ray equipment, and in the following subject areas, as applicable to the procedures performed and the specific equipment utilized:

- (1) Basic properties of radiation.
- (2) Units of measurement.
- (3) Sources of radiation exposure.
- (4) Methods of radiation protection.
- (5) Biological effects of radiation exposure.
- (6) X-ray equipment.
- (7) Image recording and processing.
- (8) Patient exposure and positioning.
- (9) Procedures.
- (10) Quality assurance.
- (11) Regulations.

CHAPTER 223. VETERINARY MEDICINE RADIOACTIVE MATERIAL

§ 223.21. In vitro testing.

A veterinarian who uses radioactive material for in vitro testing shall comply with 10 CFR 31.11 (relating to general license for use of by-product material for certain in vitro clinical or laboratory testing) but is exempt from 10 CFR Part 20 Subpart K (relating to waste disposal).

§ 223.22. Sealed sources.

A veterinarian who uses sealed sources for therapeutic treatment of animals shall comply with 10 CFR Part 35,

Subparts F, G, H and K but is exempt from 10 CFR 35.632—35.645 and 35.2632—35.2645.

CHAPTER 224. MEDICAL USE OF RADIOACTIVE MATERIAL

Subchapter A. GENERAL

§ 224.10. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 35 (relating to medical use of byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 35.8, 35.4001 and 35.4002 (relating to information collection requirements: OMB approval; violations; and criminal penalties) are not incorporated by reference.

Subchapter B. OTHER REQUIREMENTS

§ 224.21. (Reserved).

§ 224.22. Authorization for calibration, transmission and reference sources.

Notwithstanding the incorporation by reference of 10 CFR 35.65 (relating to authorization for calibration, transmission, and reference sources), a licensee authorized for medical use radioactive materials may not receive, possess or use radium in total quantity of 3.7 MBq (100 µci) or more for check, calibration, transmission and reference use except as specifically authorized by the Department.

§ 224.23. Decay-in-storage.

Notwithstanding the incorporation by reference of 10 CFR Part 35 (relating to medical use of byproduct material), a licensee may hold sealed sources of radioactive material with a physical half-life of up to 300 days for decay-in-storage before disposal in ordinary trash.

CHAPTER 225. RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

Subchapter A. GENERAL PROVISIONS

§ 225.1. Purpose and scope.

(a) This chapter establishes radiation safety requirements for persons utilizing radiation sources for industrial radiography. Licensees and registrants who use radiation sources for industrial radiography shall comply with this chapter. The requirements of this chapter are in addition to and not in substitution for other applicable requirements in this article, in particular, the requirements and provisions of Chapters 215, 217—220, 228 and 230.

(b) Persons using only radiation-producing machines for industrial radiographic operations need not comply with § 225.2a (relating to incorporation by reference) unless otherwise specified in Subchapter B (relating to radiation-producing machines).

(c) This chapter does not apply to the use of radiation sources for medical diagnosis or therapy.

§ 225.4a. Radiation safety program.

(a) A person who intends to use radiation-producing machines for industrial radiography shall have a program for training personnel, written operating procedures and emergency procedures, an internal review system and an organizational structure for radiographic operations which includes specified delegations of authority and responsibility for operation of the program. This program

shall be approved by the Department before commencing industrial radiographic operations.

(b) The registrant shall notify the Department of intended changes to the registrant's radiation safety program and obtain Departmental approval.

Subchapter B. RADIATION-PRODUCING MACHINES

GENERAL ADMINISTRATIVE REQUIREMENTS

§ 225.71. Definitions.

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

Cabinet radiography—Industrial radiography conducted in an enclosure or cabinet (not a room) so shielded that doses to individual members of the public at every location on the exterior meet the limitations specified in 10 CFR 20.1301 (relating to dose limits for individual members of the public).

Cabinet X-ray system—An X-ray system with the X-ray tube installed in an interlocked enclosure or cabinet, designed to exclude personnel from its interior during operation.

(i) Included are all X-ray systems designed primarily for the inspection of baggage or packages.

(ii) An X-ray tube used within a shielded part of a building or X-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet X-ray system.

Certified cabinet X-ray system—An X-ray system which has been certified under 21 CFR 1010.2 (relating to certification) as being manufactured and assembled under 21 CFR 1020.40 (relating to cabinet x-ray systems).

DRD—Direct reading dosimeter—

(i) As used in this subchapter, means an "individual monitoring device" (see 10 CFR 20.1003 (relating to definitions)) that does not require additional processing to measure an individual's dose.

(ii) The term also includes the direct reading personnel (individual) monitoring devices known as pocket dosimeter, pocket ionization chamber and electronic personal dosimeter (EPD).

Field radiography—A location where radiographic operations are conducted (onsite or offsite) other than those designated as a permanent radiographic facility.

Industrial radiography—An examination of the structure of materials by nondestructive methods, including fluoroscopy, which utilizes radiation producing machines to make radiographic images.

NVLAP—National Voluntary Laboratory Accreditation Program.

Permanent radiographic installation—A shielded installation or structure designed or intended for radiography in which radiography is regularly performed.

Personal supervision—The provision of guidance and instruction to a radiographer's assistant given by a radiographer who is:

(i) Physically present at the site.

(ii) In visual contact with the radiographer's assistant while the assistant is using radiation sources.

(iii) In proximity so that immediate assistance can be given if required.

Personnel dosimeter—As used in this subchapter, means any of the “individual monitoring devices” (see 10 CFR 20.1003) that shall be processed and evaluated to generate a permanent record of an individual’s dose, for example, a film badge, thermoluminescent dosimeter (TLD) or optically stimulated luminescent dosimeter (OSLD).

RSO—radiation safety officer—An individual who ensures that, in the daily operation of the registrant’s or licensee’s radiation safety program, activities are being performed in accordance with approved procedures and are in compliance with Department requirements.

Radiographer—An individual who performs radiographic operations or an individual in attendance at a site where radiation producing machines are being used who personally supervises industrial radiographic operations.

Radiographer’s assistant—An individual who, under the personal supervision of a radiographer, uses radiation producing machines or radiation survey instrumentation.

Radiographer trainee—An individual who is in the process of becoming a radiographer’s assistant or a radiographer.

Radiographic operations—The activities associated with a radiation producing machine during use of the machine, to include surveys to confirm adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries.

Safety device—As applied to radiation-producing machines in this subchapter, a device or component that causes the unit to de-energize or interrupt the beam.

Shielded room radiography—Industrial radiography that is conducted in an enclosed room, the interior of which is not occupied during radiographic operations.

§ 225.73. Training of personnel.

(a) A registrant may not allow an individual to act as a radiographer or radiographer’s assistant unless that individual meets the requirements of § 225.74 (relating to training and testing).

(b) Persons performing field radiography shall comply with the training requirements in Appendix A (relating to subjects to be covered during the instruction of radiographers).

GENERAL TECHNICAL REQUIREMENTS

§ 225.82. Operating requirements.

(a) When radiographic operations are performed at a location other than a permanent radiographic installation, a minimum of two radiographic personnel shall be present to operate the X-ray device. At least one of the radiographic personnel shall be qualified as a radiographer. The other individual may be either a radiographer, a radiographer’s assistant or a radiographer trainee.

(b) Other than a radiographer, or a radiographer’s assistant who is under the personal supervision of a radiographer, an individual may not manipulate the controls or operate the equipment used in industrial radiographic operations.

(c) At each job site, the following shall be supplied by the registrant or licensee:

- (1) The appropriate barrier ropes and warning signs.
- (2) At least one operable, calibrated radiation survey instrument.

(3) For each worker requiring monitoring, an individual personnel dosimeter that is processed and evaluated by an NVLAP processor.

(4) An operable, calibrated direct reading dosimeter with a range of zero to 51.6 $\mu\text{C}/\text{kg}$ (200 milliroentgen) for each worker requiring monitoring.

(d) An industrial radiographic operation may not be performed if any of the items in subsection (c) is not available at the job site or is inoperable.

§ 225.83. Records required at field radiography sites.

Each registrant or licensee conducting radiographic operations at a field radiography site shall maintain and have available for inspection by the Department at that job site, the following records or documents:

(1) The certificate of registration, license or equivalent document which authorizes radiographic operations, and radiographic personnel certifications.

(2) Operating and emergency procedures.

(3) Relevant regulations of the Department.

(4) Survey records required under this chapter for the period of operation at the site.

(5) Daily direct reading dosimeter records for the period of operation at the site.

(6) The current radiation survey meter calibration records for meters in use at the site. Acceptable records include tags or labels that are affixed to the survey meter.

RADIATION-PRODUCING MACHINE REQUIREMENTS

§ 225.101. Cabinet X-ray systems and baggage/package X-ray systems.

(a) Cabinet and baggage/package X-ray systems that are certified under 21 CFR Chapter I, Subchapter J (relating to radiological health) shall also meet the requirement of 21 CFR 1020.40 (relating to cabinet X-ray systems).

(b) A cabinet X-ray system may not be energized unless all openings are securely closed and exposure to radiation from the system does not exceed the limits in 10 CFR 20.1301 (relating to dose limits for individual members of the public). Each access door to the cabinet shall have an interlock that terminates the exposure whenever the door is opened. The enclosure shall be shielded so that every location on the exterior meets the conditions for an unrestricted area.

(c) A registrant may not permit an individual to operate a cabinet X-ray system until the individual has received a copy of, and instruction in, the operating procedures for the X-ray system and has demonstrated competency in the use of the cabinet X-ray system and an understanding of the operating procedures.

(d) The registrant shall perform radiation surveys to demonstrate compliance with 10 CFR 20.1301 and maintain records of these surveys for inspection by the Department for 3 years:

(1) Upon installation of the equipment.

(2) Following a change in the initial arrangement, relocation of the unit, or following any maintenance requiring the disassembly or removal of any shielding component.

(3) When a visual inspection reveals an abnormal condition.

(e) The registrant shall test on-off switches, interlocks and safety devices at intervals not exceeding 1 year, and make repairs as necessary to maintain all safety features including warning labels. Records of these tests shall be maintained for inspection by the Department for 3 years.

(f) Cabinet X-ray systems and baggage/package X-ray systems are exempt from all other provisions of this chapter.

§ 225.102. Shielded room X-ray radiography.

(a) A room used for shielded room X-ray radiography shall be shielded so that every location on the exterior meets conditions for an unrestricted area and the only access to the room is through openings which are interlocked so that the radiation source will not operate unless all openings are securely closed and meet the requirements of 10 CFR 20.1601 (relating to control of access to high radiation areas).

(b) The operator shall conduct a physical radiation survey to determine that the radiation source is deenergized prior to each entry into the radiographic exposure area.

(c) As an alternative to subsection (b), the registrant may use an independent radiation monitoring system that displays the radiation intensity or displays when radiation levels have returned to their pre-irradiation levels.

(d) With the exception of the provisions of §§ 225.4a and 225.84 (relating to radiation safety program; and operating and emergency procedures), shielded room radiography is exempt from all other provisions of this chapter.

§ 225.103. Field site radiography.

(a) The operator shall conduct a physical radiation survey to determine that the radiation source is deenergized prior to each entry into the radiographic exposure area. Survey results and records of the boundary location shall be maintained and kept available for inspection by the Department for 3 years.

(b) Mobile or portable radiation producing machines shall be physically secured to prevent tampering or removal by unauthorized personnel.

CHAPTER 226. LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING

GENERAL

§ 226.3a. Abandonment of a sealed source.

In addition to incorporation by reference of 10 CFR 39.15 and 39.77 (relating to agreement with well owner or operator; and notification of incidents and lost sources; abandonment procedures for irretrievable sources), the requirements of § 78.111 (relating to abandonment) shall also be met.

CHAPTER 227. RADIATION SAFETY REQUIREMENTS FOR ANALYTICAL X-RAY EQUIPMENT, X-RAY GAUGING EQUIPMENT, ELECTRON MICROSCOPES AND X-RAY CALIBRATION SYSTEMS

ANALYTICAL X-RAY EQUIPMENT

§ 227.11a. Equipment requirements.

(a) Open-beam configurations shall have a safety device which either prevents the entry of any portion of an individual's body into the primary X-ray beam path, or causes the beam to be terminated or interrupted upon entry into the path. A registrant may apply to the

Department for an exemption from the requirement of a safety device. The application for an exemption shall include the following:

(1) A description of the various safety devices that have been evaluated.

(2) The reason each of these safety devices cannot be used.

(3) A description of the alternative methods that will be employed to minimize the possibility of an accidental exposure, including procedures to assure that operators and others in the area will be informed of the absence of safety devices.

(b) Open-beam configurations shall be provided with a readily discernible indication of one or both of the following:

(1) X-ray tube status (on-off) located near the radiation source housing, if the primary beam is controlled in this manner.

(2) Shutter status (open-closed) located near each port on the radiation source housing, if the primary beam is controlled in this manner.

(c) Warning devices shall be labeled so that their purpose is easily identified. In addition, equipment manufactured after December 17, 1987, shall have fail-safe characteristics.

(d) An easily visible warning light located immediately adjacent to the tube head or port and labeled with the words "X-ray on," or words containing a similar warning, shall be provided and shall be illuminated when the X-ray tube is energized.

(e) Unused ports on radiation source housings shall be secured in the closed position in a manner which will prevent casual opening.

(f) Analytical X-ray equipment shall be labeled with a readily discernible sign bearing the radiation symbol and both of the following:

(1) "CAUTION—HIGH INTENSITY X-RAY BEAM" or words having a similar intent on the X-ray source housing.

(2) "CAUTION RADIATION—THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED," or words having a similar intent, near any switch that energizes an X-ray tube.

(g) On equipment with an open-beam configuration manufactured and installed after December 19, 1987, each port on the radiation source housing shall be equipped with a shutter that cannot be opened unless a collimator or coupling has been connected to the port.

(h) Equipment exclusively designed and exclusively used for vacuum spectroscopy where the tube housing and sample chamber is located behind all external surfaces of the unit shall be exempt from the requirements of this section, §§ 227.12a and 227.13a (relating to area requirements; and operating requirements), but shall meet the requirements of § 227.14 (relating to personnel procedures) and the following:

(1) The unit shall be designed so that when the unit is operating at the maximum kilovoltage and current ratings, the leakage radiation will not be in excess of 0.5 milliroentgens (.129 µC/kg) per hour at a distance of 4 centimeters from any external surface.

(2) Radiation surveys using appropriate radiation survey equipment shall be performed on the analytical X-ray

unit upon installation, after moving the unit to a new location, and after maintenance or repair requiring the disassembly or removal of a local component or radiation shielding.

(3) Safety and warning devices shall be tested for proper operation at least annually. If the test reveals that a safety or warning device is not working properly, the unit may not be operated until the warning device is repaired or replaced.

(4) Records of all tests and surveys sufficient to show compliance with subsection (h) shall be maintained and kept available for inspection by the Department for 4 years.

(5) A sign bearing the radiation symbol and the words "CAUTION RADIATION—THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED," or words of similar intent shall be placed next to any switch or device that activates the X-ray tube.

(6) A sign bearing the radiation symbol and the words "CAUTION—RADIATION," or words of similar intent shall be placed next to the opening of the sample chamber.

§ 227.12a. Area requirements.

(a) The source housing construction shall be of a type that when all the shutters are closed and the source is in any possible operating mode, the leakage radiation will not be in excess of 2.5 milliroentgens (.645 $\mu\text{C}/\text{kg}$) per hour at a distance of 5 centimeters from the housing surface.

(b) The X-ray generator shall have a protective cabinet constructed so that the leakage radiation will not be in excess of 0.5 milliroentgen (.129 $\mu\text{C}/\text{kg}$) per hour at a distance of 5 centimeters from the housing surface.

(c) The local components of an analytical X-ray system shall be located and arranged and shall include sufficient shielding or access control so that no radiation levels exist in any area surrounding the local component group which could result in a dose to an individual present therein in excess of the limits given in 10 CFR 20.1301 (relating to dose limits for individual members of the public). For systems utilizing X-ray tubes, these requirements shall be met at any specified tube rating.

(d) To show compliance with subsections (a)—(c), the registrant shall perform radiation surveys:

(1) Upon installation of the equipment and at least every 12 months thereafter.

(2) Following a change in the initial arrangement, number or type of local components in the system.

(3) Following maintenance requiring the disassembly or removal of a local component in the system.

(4) During the performance of maintenance and alignment procedures if the procedures require the presence of a primary X-ray beam when a local component in the system is disassembled or removed.

(5) When a visual inspection of the local components in the system reveals an abnormal condition.

(6) When personnel monitoring devices show a significant increase in radiation exposure over the previous monitoring period or the readings are approaching the radiation dose limits.

(7) When the machine is operated in a manner other than the routine manner specified in § 227.13a (relating to operating requirements).

(e) The registrant shall test and inspect all safety and warning devices at least annually to insure their proper operation. If a safety or warning device is found to be malfunctioning, the machine shall be removed from service until repairs to the malfunctioning device are completed.

(f) Records of surveys and tests sufficient to show compliance with this chapter shall be maintained for 4 years and kept available for inspection by the Department.

(g) The equipment used to conduct the surveys and tests required in this chapter shall be adequate to measure the radiation produced by the radiation source.

§ 227.13a. Operating requirements.

(a) Operating procedures shall be written and available to the analytical X-ray equipment operators. These procedures shall include instructions for sample insertion and manipulation, equipment alignment, routine maintenance and data recording procedures which are related to radiation safety. An individual may not operate analytical X-ray equipment in a manner other than that specified in the operating procedures unless the individual has obtained written approval from the radiation safety officer.

(b) An individual may not bypass or otherwise circumvent a safety device unless the individual has obtained the prior written approval of the radiation safety officer. The radiation safety officer may grant the permission only if the following conditions are met:

(1) The radiation safety officer establishes administrative controls and procedures to assure the radiation safety of individuals working around the system.

(2) The period for the bypass of the safety device is not more than 30 days unless written permission is obtained from the Department for a longer period.

(3) A readily discernible sign bearing the words "SAFETY DEVICE NOT WORKING," or words containing a similar warning, is placed on the radiation source housing.

(c) Except as specified in subsection (b), an operation involving removal of covers, shielding materials or tube housings or modifications to shutters, collimators or beam stops may not be performed without ascertaining that the tube is off and will remain off until safe conditions have been restored. The main switch, rather than interlocks, shall be used for routine shutdown in preparation for repairs.

(d) Emergency procedures shall be written and posted near the equipment and shall list the names and telephone numbers of personnel to contact. The emergency procedures shall also provide information necessary to de-energize the equipment, such as location and operation of the power supply or circuit breakers.

§ 227.14. Personnel requirements.

(a) An individual may not operate or maintain analytical X-ray equipment unless the individual has received instruction in and demonstrated competence as to:

(1) Identification of radiation hazards associated with the use of the equipment.

(2) Significance of the various radiation warning and safety devices incorporated into the equipment, or the reasons they have not been installed on certain pieces of equipment, and the extra precautions necessary if the devices are absent or bypassed.

(3) Written operating and emergency procedures for the equipment.

(4) Symptoms of an acute localized radiation exposure.

(5) Procedures for reporting an actual or suspected exposure.

(6) Use of survey and personnel monitoring equipment.

(7) The applicable regulations of this article and those incorporated by reference.

(b) Finger or wrist personnel monitoring devices shall be provided to and shall be used by:

(1) Analytical X-ray equipment workers using systems having an open-beam configuration and not equipped with a safety device as described in § 227.12a(c) (relating to area requirements).

(2) Personnel maintaining analytical X-ray equipment if the maintenance procedures require the presence of a primary X-ray beam when a local component in the analytical X-ray system is disassembled or removed or when safety devices are bypassed.

(c) Reported dose values may not be used for the purpose of determining compliance with 10 CFR 20.1201 (relating to occupational dose limits for adults) unless they are evaluated by a qualified expert.

(d) The registrant or licensee shall notify the Department within 5 days of a suspected radiation overexposure to an individual from analytical X-ray machines. This notification is required even if subsequent investigation reveals no actual over-exposure actually occurred.

**CHAPTER 228. RADIATION SAFETY
REQUIREMENTS FOR PARTICLE ACCELERATORS
GENERAL PROVISIONS**

§ 228.2. Definitions.

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

Accelerator or *particle accelerator*—A radiation-producing machine that imparts kinetic energies of one of the following:

(i) One-tenth of one MeV or greater to electrons if the electron beam is brought out of the evacuated region of the unit.

(ii) One MeV or greater to electrons if the electrons are utilized for X-ray production.

(iii) One-tenth of one MeV or greater to other particles.

Applicator—A structure which determines the extent of the treatment field at a given distance from the virtual source.

Beam-limiting device—A device providing a means to restrict the dimensions of the X-ray field.

Beam scattering filter—A filter used to scatter a beam of electrons.

Central axis of the beam—A line passing through the virtual source and the center of the plane figure formed by the edge of the first beam limiting device.

Dose monitoring system—A system of devices for the detection, measurement and display of quantities of radiation.

Dose monitor unit—A unit response from the dose monitoring system from which the absorbed dose can be calculated.

Existing equipment—Systems manufactured on or before October 3, 1998.

Field flattening filter—A filter used to provide dose uniformity over the area of a useful beam of X-rays at a specified depth.

Field size—The configuration of the radiation field along the major axes of an area in a plane perpendicular to the specified direction of the beam of incident radiation at the normal treatment distance and defined by the intersection of the major axes and the 50% isodose line.

Filter—Material placed in the useful beam to modify the spectral energy distribution and flux of the transmitted radiation and remove radiation that does not contribute to the efficacy of the useful beam.

Isocenter—A fixed point in space located at the center of the smallest sphere through which the central axes of the beams pass.

Leakage radiation—Radiation emanating from the source assembly except for the following:

(i) The useful beam.

(ii) Radiation produced when the exposure switch or timer is not activated.

Moving beam therapy—Radiation therapy with relative displacement of the useful beam and the patient during irradiation.

New equipment—Systems manufactured after January 1, 1985.

Normal treatment distance—

(i) For isocentric equipment, the isocenter.

(ii) For nonisocentric equipment, the target to patient skin distance along the central axis as specified by the manufacturer.

Particle accelerator—See the definition of “accelerator.”

Phantom—A volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation.

Primary dose monitoring system—A system which will monitor the useful beam during irradiation and which will terminate irradiation when a preselected number of dose monitor units have been attained.

Radiation detector—A device which provides a signal or other indication suitable for measuring one or more quantities of incident radiation.

Radiation head—The structure from which the useful beam emerges.

Secondary dose monitoring system—A system which will terminate irradiation in the event of failure of the primary dose monitoring system.

Shadow tray—A device attached to the radiation head to support auxiliary beam limiting material.

Spot check—A procedure to assure that a previous calibration continues to be valid.

Stationary beam therapy—Radiation therapy without relative displacement of the useful beam and the patient during irradiation.

Subsystem—A combination of two or more components of an accelerator.

Target—The part of a radiation source which intercepts a beam of accelerated particles with subsequent emission of other radiation.

Tube housing assembly—The term includes high-voltage or filament transformers, or both, and other appropriate elements when contained within the tube housing.

Useful beam—The radiation which passes through the tube housing port and the aperture of the beam-limiting device when the exposure switch or timer is activated.

Virtual source—The nominal location of either the first scattering foil (for equipment providing electrons only) or the photon focal spot (for equipment capable of delivering both photons and electrons).

Wedge filter—An added filter effecting continuous progressive attenuation on all or part of the useful beam.

ADMINISTRATIVE CONTROLS

§ 228.11a. Licensee responsibilities.

(a) A person may not possess, operate or permit the operation of an accelerator unless the accelerator and installation meet the applicable requirements of this article.

(b) Written safety procedures and rules shall be available at a facility, including restrictions of the operating technique required for the safe operation of the particular accelerator. The operator shall be able to demonstrate familiarity with the rules.

(c) An individual may not be exposed to the useful beam except for healing arts purposes. An exposure shall be authorized by a licensed practitioner of the healing arts.

§ 228.12. Information and maintenance record and associated information.

The licensee shall maintain records of surveys, calibrations, maintenance, machine malfunctions and modifications performed on the accelerators, including the names of persons who performed the services. The licensee shall keep these records for inspection by the Department for 5 years.

NOTIFICATION AND LICENSING PROCEDURES

§ 228.21a. Notification and license requirements.

(a) A person who intends to purchase, construct or acquire an accelerator shall notify the Department of this intent by filing an application for a specific license within 30 days after the initial order is issued to obtain any or all parts of the accelerator.

(1) The application shall be filed in duplicate on a form prescribed by the Department and shall be accompanied by the required fee as described in § 218.11(d) (relating to registration, renewal of registration and license fees).

(2) The application shall contain pertinent information to permit the Department to evaluate the accelerator facility for compliance with the act and this article.

(b) In addition to the notification requirement in subsection (a), a person who intends to install an accelerator shall notify the Department within 30 days after the initial construction or installation begins.

(c) Except as provided in subsection (d), a person may not operate a particle accelerator after October 3, 1998, without having obtained a license from the Department.

(d) A registrant possessing an accelerator before October 3, 1998, may continue to operate the accelerator provided an application for a license is filed in duplicate with the Department by October 4, 1999.

(e) The Department may, after the filing of an original application, and before the expiration of the license,

require further information to enable the Department to determine whether the application will be granted or denied or whether a license will be modified or revoked.

(f) The application shall be signed by the applicant or licensee or an individual authorized by the applicant or licensee.

(g) A license issued under this chapter may not be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, to any person except through submission of a written request by the licensee to the Department for approval.

§ 228.23a. Expiration and termination of a license.

(a) Except as provided in § 228.24a (relating to renewal of licenses), and subject to subsection (d)(5)(ii), a specific license expires on the date specified in the license. A license is effective for 5 years.

(b) A licensee shall notify the Department in writing when the licensee decides to permanently discontinue activities involving the accelerator authorized under the license and request termination of the license. The notification and request for termination shall include the reports and information specified in subsection (d)(3)—(5). The licensee is subject to subsections (d) and (e), as applicable, until termination.

(c) At least 30 days before the expiration date specified in a specific license, the licensee shall do one of the following:

(1) Submit an application for license renewal under § 228.24a.

(2) Notify the Department in writing if the licensee decides not to renew the license.

(d) If the licensee does not submit an application for license renewal under § 228.24a on or before the expiration date specified in the license, the licensee shall:

(1) Terminate the use of, and transfer or dispose of the accelerator.

(2) Properly dispose of incidental radioactive material generated by the operation of the accelerator.

(3) Submit a completed Department Form 2900-PM-RP0314, "Certificate of Disposition of Materials," describing the disposition of materials in paragraph (2).

(4) Submit a radiation survey report to confirm the absence of radioactive materials or establish the levels of residual radioactive contamination unless the Department determines a radiation survey report is not necessary. This report shall include:

(i) The levels of beta and gamma radiation (in units of microrems or microsieverts, or in microrads or micrograys per hour) at 1 centimeter and gamma radiation at 1 meter from surfaces, levels of removable and fixed alpha, beta and gamma contamination on surfaces (in becquerels or microcuries per 100 square centimeters), and concentrations of contamination in soils (in units of picocuries or becquerels per gram) or in water (in units of picocuries or becquerels per liter) where soil and water concentrations are reported.

(ii) The survey instrumentation used to perform these surveys.

(5) Proceed with one of the following:

(i) Submit a certification that no detectable radioactive contamination was found if no residual contamination attributable to activities conducted under the license is detected. If the information submitted under this section

is adequate, the Department will notify the licensee in writing that the license is terminated.

(ii) Continue the license in effect beyond the expiration date. If necessary, with respect to possession of residual radioactive material present as contamination if detectable levels of residual radioactive contamination attributable to activities conducted under the license are found, until the Department notifies the licensee in writing that the license is terminated. During this time, the licensee shall comply with subsection (e), in addition to the information submitted under paragraphs (3) and (4) and this paragraph, the licensee shall submit a plan for decontamination, if necessary.

(e) A licensee who possesses residual radioactive material under subsection (d)(5)(ii) following the expiration date specified in the license, shall:

(1) Limit activities involving radioactive materials to those activities which are solely related to decontamination and other activities related to preparation for release for unrestricted use.

(2) Continue to control entry to restricted areas until the restricted areas are suitable for release for unrestricted use and until the Department notifies the licensee in writing that the license is terminated.

GENERAL RADIATION SAFETY REQUIREMENTS

§ 228.31a. Limitations.

(a) The facility shall operate within the terms and conditions of the license issued for the operation of the accelerator.

(b) A licensee may not permit an individual to act as an operator of an accelerator until the individual:

(1) Has been instructed in radiation safety and has demonstrated an understanding thereof.

(2) Has received copies of and instruction in this chapter and Chapters 219 and 220 (relating to standards for protection against radiation; and notices, instructions and reports to workers; inspections and investigations), pertinent license conditions and the licensee's operating and emergency procedures and demonstrated understanding thereof.

(3) Has demonstrated competence to use the accelerator, related equipment and survey instruments which will be utilized in that individual's assignment.

(c) The radiation safety officer shall have the authority to restrict or terminate operations at an accelerator facility if the action is necessary to minimize danger to health and safety, property or the environment.

§ 228.32a. Shielding and safety design requirements.

(a) The licensee shall consult a qualified expert for radiation protection concerning the shielding design of an accelerator installation.

(b) An accelerator facility shall have primary and secondary protective barriers that are necessary to assure compliance with 10 CFR Part 20, Subpart D (relating to dose limits for individual members of the public).

§ 228.34a. Accelerator controls and interlock systems.

(a) Instrumentation, readouts and controls on the accelerator control console shall be clearly identified and easily discernible.

(b) Entrances into a target room or high radiation areas shall have interlocks that meet the requirements of 10 CFR Part 20, Subpart G (relating to control of exposure from external sources in restricted areas) and 10 CFR 20.1902 (relating to posting requirements). If the radiation beam is interrupted by a door opening, it shall be possible to reinitiate the radiation exposure only by closing the door first and then by manual action at the control panel.

(c) When an interlock system has been tripped, it shall only be possible to resume operation of the accelerator by manually resetting controls at the interlock position, and lastly at the main control console.

(d) Safety interlocks shall be fail-safe, that is, designed so that a defect or component failure in the interlock system prevents operation of the accelerator.

(e) A scram button or other emergency power cutoff switch shall be located and easily identifiable in all high radiation areas. The cutoff switch shall include a manual reset so that the accelerator cannot be restarted from the accelerator control console without resetting the cutoff switch.

§ 228.35. Operating procedures.

(a) Accelerators, when not in operation, shall be secured to prevent unauthorized use.

(b) An interlock may not be used to turn off the accelerator beam except in an emergency or for testing the interlock.

(c) Each safety and warning device, including interlocks, shall be checked at least every 3 months for proper functioning and shall be repaired as necessary. Results of these checks and records of repairs shall be maintained for 4 years at the accelerator facility for inspection by the Department.

(d) In the event of a malfunction of a safety or warning device, the accelerator may not be operated unless appropriate interim precautions are instituted to provide equivalent protection.

(e) If it is necessary to intentionally bypass a safety interlock system or component thereof, the action shall be the following:

(1) Authorized in writing by the radiation safety officer.

(2) Recorded in a permanent log and a notice posted at the accelerator operator's position.

(3) Terminated as soon as possible.

(f) A copy of the current operating and emergency procedures shall be maintained in the accelerator operator area.

(g) For accelerators used in the healing arts, operating procedures shall meet the following requirements:

(1) No individual other than the patient is in the treatment room during treatment of a patient.

(2) If a patient must be held in position during treatment, mechanical supporting or restraining devices shall be used.

(3) The system may not be used in the administration of radiation therapy unless the requirements of this chapter have been met.

(4) A medical reportable event for radiation-producing machine therapy, as defined in § 219.3 (relating to definitions), shall be reported as required under § 219.228

(relating to reports of medical reportable events for radiation-producing machine therapy).

(5) An individual who operates an accelerator system shall be instructed adequately in the safe operating procedures and be competent in the safe use of the equipment. The instructions shall include, but not be limited to, items included in Appendix A (relating to determination of competence). There shall be continuing education in radiation safety, biological effects of radiation, quality assurance and quality control.

§ 228.37. Production of radioactive material.

(a) A licensee who produces radioactive material incidental to the operation of an accelerator shall comply with the general license requirements of § 217.144 (relating to incidental radioactive material produced by a particle accelerator).

(b) A licensee possessing radioactive material intentionally produced by bombarding nonradioactive material with the accelerator beam shall comply with the specific license requirements of Chapter 217 (relating to licensing of radioactive material).

§ 228.38. Radiation safety surveys.

(a) Prior to first use, a facility shall have a survey made by, or under the direction of, a qualified expert for radiation protection. A survey shall also be done after a change in the facility or equipment, including a relocation of the equipment within the irradiation or treatment room.

(b) The qualified expert shall report the survey results in writing to the individual in charge of the facility and a copy of the initial report shall be maintained by the licensee for inspection by the Department for the life of the facility. Other survey reports shall be maintained for inspection by the Department for 4 years. The facility shall be operated in compliance with limitations indicated by the survey.

(c) The report of the survey results shall include:

- (1) The date of the measurements.
- (2) The reason the survey is required.
- (3) The manufacturer's name, model number and serial number of the therapeutic radiation machine accelerator.
- (4) The instrument used to measure radiation levels.
- (5) A plan of the areas surrounding the treatment room that were surveyed.
- (6) The measured dose rate at several points in each area expressed in microsieverts or millirems per hour.
- (7) The calculated maximum level of radiation over a period of 1 year for each restricted and unrestricted area.
- (8) The signature of the individual who conducted or is responsible for conducting the survey.

(d) If the survey required by subsection (a) indicates that an individual in an unrestricted area may be exposed to levels of radiation greater than those permitted by 10 CFR 20.1201 (relating to occupational dose limits for adults) or 10 CFR 20.1301 (relating to dose limits for individual members of the public), the licensee shall do the following:

(1) Either equip the unit with beam direction interlocks or add additional radiation shielding to ensure compliance with Chapter 219 (relating to standards for protection against radiation).

(2) Perform the survey required by subsection (a) again.

(3) Prepare and submit the report required by subsection (a). The report shall also include:

- (i) The results of the initial survey.
- (ii) A description of the modification made to comply with this section.
- (iii) The results of the second survey.

§ 228.39. Records.

In addition to the requirements of 10 CFR Part 20, Subpart L (relating to records), the licensee shall maintain:

- (1) Records of the tests and safety and warning devices described in § 228.35 (relating to operating procedures).
- (2) The surveys described in §§ 228.32a and 228.38 (relating to shielding and safety design requirements; and radiation safety survey).
- (3) The radiation monitoring equipment calibrations and repairs of that equipment under § 228.36 (relating to radiation monitoring requirements).

RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL AND RESEARCH ACCELERATORS

§ 228.41a. Warning devices.

(a) A location designated as a high radiation area and an entrance to the location shall be equipped with easily observable warning lights that operate only when radiation is being produced.

(b) A high radiation area shall meet the requirements of 10 CFR 20.1601 (relating to control of access to high radiation areas).

§ 228.43. Radiation surveys.

(a) Periodic surveys shall be made to determine the amount of airborne radioactivity present in areas of airborne hazards.

(b) Periodic smear surveys shall be made to determine the amount of contamination in target and other pertinent areas.

(c) Area surveys shall be made in accordance with the written procedures established by a qualified expert for radiation protection or the radiation safety officer of the accelerator facility.

(d) Records of surveys shall be kept current and on file at an accelerator facility. Records of surveys shall be maintained as described in 10 CFR Part 20, Subpart L (relating to records).

§ 228.44. Ventilation systems.

(a) A licensee shall control the concentration of radioactive material in air to meet the requirements of 10 CFR 20.1204 (relating to determination of internal exposure).

(b) A licensee may not vent, release or otherwise discharge airborne radioactive material to an unrestricted area which does not meet the requirements of 10 CFR 20.1301 (relating to dose limits for individual members of the public). Every reasonable effort shall be made to maintain releases of radioactive material to uncontrolled areas as far below these limits as practicable. Compliance with this section shall be demonstrated as described in 10 CFR 20.1302 (relating to compliance with dose limits for individual members of the public).

RADIATION SAFETY REQUIREMENTS FOR ACCELERATORS USED IN THE HEALING ARTS

§ 228.61. Leakage radiation to the patient area.

(a) New equipment shall meet the following requirements:

(1) For operating conditions producing maximum leakage radiation, the dose due to leakage radiation, including X-rays, electrons and neutrons, at any point on a circle of 2 meters radius centered on and perpendicular to the central axis of the beam at the isocenter or normal treatment distance and outside the maximum useful beam size, may not exceed 0.1% of the maximum dose of the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the plane surface. Measurements, excluding those for neutrons, shall be averaged over an area up to, but not exceeding, 100 square centimeters at the position specified. Measurements of the portion of the leakage radiation dose contributed by neutrons shall be averaged over an area up to, but not exceeding, 200 square centimeters.

(2) For each system, the licensee shall determine or obtain from the manufacturer the leakage radiation existing at the positions specified in paragraph (1) for the specified operating conditions. The licensee shall maintain records for 5 years on leakage radiation measurements for inspection by the Department.

(b) Existing equipment shall meet the following requirements:

(1) For operating conditions producing maximum leakage radiation, the absorbed dose due to leakage radiation, including neutrons, at any point on a circle of 2 meters radius centered on and perpendicular to the central axis of the beam 1 meter from the virtual source, may not exceed 0.1% of the maximum absorbed dose of the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the surface of the circular plane. Measurements shall be averaged over an area up to but not exceeding 100 square centimeters at the positions specified.

(2) For each system, the licensee shall have available the leakage radiation data existing at the positions specified in paragraph (1) for the specified operating conditions. The licensee shall maintain records on radiation leakage for 5 years for inspection by the Department.

§ 228.75. Calibrations.

(a) The calibration of systems subject to this subchapter shall be performed in accordance with an established calibration protocol. The calibration protocol published by the American Association of Physicists in Medicine is accepted as an established protocol. Other protocols which are equivalent will be accepted, but the user shall submit that protocol to the Department for concurrence that the protocol is equivalent. The calibration shall be performed as follows:

(1) Before the system is first used for irradiation of a patient and, at time intervals which do not exceed 1 year.

(2) After a change which alters the calibration, spatial distribution or other characteristics of the therapy beam.

(b) The calibration shall be performed by, or under the direct supervision of, a qualified expert for radiation therapy calibrations.

(c) Calibration radiation measurements required by subsection (a) shall be performed using a dosimetry system meeting the following specifications:

(1) The system has an exposure calibration factor appropriate to the beam energy measured and traceable to a National standard.

(2) The system has been calibrated within the previous 2 years and after servicing that may have affected its calibration.

(3) The system has been calibrated so that an uncertainty can be stated for the radiation quantities monitored by the system.

(4) The system has had constancy checks performed on the system as specified by a qualified expert for radiation therapy calibrations.

(d) Calibrations made under this section shall be made so that the dose at a reference point in soft tissue may be calculated as accurately as possible but with an uncertainty of no greater than 5%.

(e) The calibration of the therapy beam shall include, but is not limited to, the following determinations:

(1) Verification that the equipment is operating in compliance with the design specifications concerning the light localizer, the side light and back-pointer alignment with the isocenter when applicable, variation in the axis of rotation for the table, gantry and beam limiting device (collimator) system.

(2) The absorbed dose rate at various depths (depth dose) and beam profile measured in water and the beam flatness and symmetry for the range of field sizes used, for each beam energy.

(3) The uniformity of the radiation field and a dependency upon the direction of the useful beam.

(4) Verification of depth-dose data and isodose curves applicable to the specific machine.

(5) Verification of the applicability of transmission factors of accessories such as wedges, shadow trays, compensators and their effects on electron buildup.

(6) The dose per monitor unit, end effect, linearity and dose rate dependence of the dose monitor systems.

(7) For photon beams, the congruence of the light field and the radiation field.

(8) For electron beams, the validity of commissioning data for virtual source distances or effective source-to-skin distances is to be verified at a single electron energy with a beam restriction device. When the replacement of a beam restriction device occurs, the determination will be required for each electron energy.

(f) Records of calibration measurements under subsection (a) and dosimetry system calibrations under subsection (c) shall be preserved for 5 years.

(g) A copy of the latest calibration performed under subsection (a) shall be available at the facility.

§ 228.76. Spot checks.

Spot checks shall be performed on systems subject to this subchapter during full calibrations and thereafter once in each calendar month. The spot checks shall meet the following requirements:

(1) The procedures shall be in writing and developed by a qualified expert for radiation therapy calibrations.

(2) If a qualified expert does not perform the spot check measurements, the results of the spot check measurements shall be reviewed by a qualified expert within 15 days of the completion of the spot check.

(3) The measurements taken during spot checks shall demonstrate the degree of consistency of the operating characteristics which can affect the radiation output of the system or the radiation delivered to a patient during a therapy procedure.

(4) The spot-check procedures shall specify the acceptable tolerance for each parameter measured in the spot check when compared to the value for that parameter determined in the full calibration.

(5) If a spot check indicates a change in the operating characteristics of a system, as specified in the qualified expert's spot-check procedures, the system shall be recalibrated as required in § 228.75 (relating to calibrations).

(6) Records of spot-check measurements performed under this section shall be maintained by the licensee for 5 years after completion of the spot-check measurements and necessary corrective actions.

(7) Spot check measurements shall be performed using a dosimetry system that has been calibrated in accordance with § 228.75(c). Alternatively, a dosimetry system used solely for spot check measurements may be calibrated by direct intercomparison with a system that has been calibrated in accordance with § 228.75(c). This alternative calibration method shall have been performed within the previous year and after a servicing that may have affected the system calibration.

APPENDIX A DETERMINATION OF COMPETENCE

The licensee shall ensure training on the subjects listed in Appendix A has been conducted. The individual shall be trained and competent in the general operation of the radiation therapy equipment and its functions, and in the following subject areas, as applicable to the procedures performed and the specific equipment utilized:

- (1) Basic properties of radiation.
- (2) Units of measurement.
- (3) Sources of radiation exposure.
- (4) Methods of radiation protection.
- (5) Biological effects of radiation exposure.
- (6) Medical accelerator operation.
- (7) Treatment planning and execution.
- (8) Patient positioning and protection.
- (9) Operating and emergency procedures.
- (10) Quality assurance.
- (11) Regulations.

CHAPTER 230. PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

Subchapter A. SCOPE AND DEFINITIONS

§ 230.3. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 71 (relating to packaging and transportation of radioactive material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 71.2, 71.6, 71.13(c) and (d), 71.24, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.52, 71.53, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.99 and 71.100 are not incorporated by reference.

CHAPTER 240. RADON CERTIFICATION

Subchapter A. GENERAL PROVISIONS

GENERAL

§ 240.2. Scope.

(a) This chapter applies to all persons except a person:

(1) Testing for or mitigating against radon contamination in a building that the person owns or occupies.

(2) Using measures designed to prevent radon contamination in newly constructed buildings. This exemption does not apply to radon testing or installation of radon mitigating devices in these buildings following occupancy.

(3) Performing testing or mitigation in the course of the person's normal duties as an employee or contractor of the Department or the Federal government.

(4) Performing scientific research if the person discloses the information obtained to the Department under § 240.303 (relating to reporting of information) and the person informs the owner or occupant of the affected building of the following:

(i) That the person is not certified by the Department to test for or mitigate against radon contamination.

(ii) That the test results are not certified.

(iii) That the mitigation methods are for experimental purposes and may be unsuccessful.

(5) Purveying, but not placing, or retrieving passive radon testing devices, such as charcoal canisters or track etch monitors supplied by a certified laboratory, if radon concentrations determined by the laboratory are reported directly to the owner or occupier of the building tested.

(b) This chapter is in addition to, and not in substitution for, other applicable provisions of this article.

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