

PENNSYLVANIA BULLETIN

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

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BULLETIN

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Pennsylvania Bulletin

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

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

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

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

There are no restrictions on the republication of official documents appearing in 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.

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 1997.

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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

[231 PA. CODE CHS. 200, 1000 AND 4000]

Amendment of Rules 212 and 1023; Promulgation of New Rules 212.1, 212.2 and 4003.7; No. 284; Doc. No. 5

Order

Per Curiam:

And Now, this 11th day of August, 1997, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rules 212 and 1023 are amended to read as follows.
2. New Rules 212.1, 212.2 and 4003.7 are promulgated to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective December 1, 1997.

- I. Rule 1023 is amended to read as follows:

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS AT LAW

Subchapter A. CIVIL ACTION PLEADINGS

Rule 1023. Signing.

(a) Every pleading, motion, legal paper or other paper directed to the court and every discovery request or response of a party represented by an attorney shall be signed by at least one attorney of record in [his] the attorney's individual name. [A party not represented by an attorney shall sign his own pleading.] Every such document of a party not represented by an attorney shall be signed by the party.

(b) The signature to a [pleading] document described in subdivision (a) constitutes a [certificate] certification that the person signing it has read it, that to the best of [his] the signer's knowledge or information and belief there is good ground to support it, and that it is submitted in good faith [and that it is not interposed for delay]. There is good ground to support the document if the signer has a reasonable belief that existing law supports the document or that there is a good faith argument for the extension, modification or reversal of existing law.

(c) The court may impose an appropriate sanction for a bad faith violation of subdivision (b).

Official Note: The court in its discretion at any stage of the proceedings may deny a motion for sanctions without hearing or argument.

The grant or denial of relief (e.g., grant or denial of preliminary objections, motion for summary judgment or discovery application) does not, of itself, ordinarily warrant the imposition of sanctions against the party opposing or seeking the relief.

The inclusion in the rule of a provision for "an appropriate sanction" is designed to prevent the abuse of litigation. The rule is not a fee shifting rule per se although the award of reasonable attorney's fees may be an appropriate sanction in a particular case.

The following provisions of the Judicial Code, 42 Pa.C.S., provide additional relief from dilatory or frivolous proceedings: (1) Section 2503 relating to the right of participants to receive counsel fees and (2) Section 8351 et seq. relating to wrongful use of civil proceedings.

(d) Section 8355 of the Judicial Code, 42 Pa.C.S. § 8355, is suspended absolutely, in accordance with the provisions of the Constitution of 1968, Article V, Section 10(c).

Official Note: Section 8355 of the Judicial Code provides for the certification of pleadings, motions and other papers.

See also Order of January 17, 1997, Civil Procedural Rules Docket No. 5, No. 269, suspending the following sections of the Health Care Services Malpractice Act, added by Act No. 1996-135; Section 813-A, 40 P.S. § 1301.813-A, providing for the signing and certification of pleadings, motions and other papers and Section 821-A, 40 P.S. § 1301.821-A, providing for the signing and certification of a complaint.

II. Rule 212 is amended and renumbered as Rule 212.3 and new Rules 212.1 and 212.2 are promulgated to read as follows:

(Editor's Note: Rules 212.1 and 212.2 are new rules. They are printed in regular type to enhance readability.)

CHAPTER 200. BUSINESS OF COURTS

Rule 212.1. Civil actions to be tried by jury. Notice of earliest trial date. Time for completing discovery and filing pre-trial statement.

(a) In a civil action in which the damages sought exceed the jurisdictional limit for compulsory arbitration and which is to be tried by a jury, notice shall be given by the court of the earliest date on which the case may be tried. The notice should be given at least thirty days before the plaintiff's pre-trial statement is due to be filed. The notice may include a date by which discovery shall be completed.

Official Note: It is not intended by this rule to change the form and manner of notice of trial.

(b) A pre-trial statement shall be filed.

(1) by the plaintiff not later than sixty days prior to the earliest trial date,

(2) by the defendant not later than thirty days prior to the earliest trial date, and

(3) by an additional defendant not later than fifteen days prior to the earliest trial date.

Official Note: A copy of the pre-trial statement must be served upon every other party to the action. See Rule 440(a).

(c) (1) The times set forth in subdivision (b) may be made earlier by published local rule or by special order or as set forth in a trial list published in the county law journal or otherwise made available to the parties.

(2) The times set forth in subdivision (b) may be made later by published local rule or by special order in a particular case.

Official Note: In a county which requires that discovery be completed and expert reports be exchanged prior to listing a case for trial, the court by local rule may provide for the simultaneous filing of pre-trial statements.

The court by local rule may extend Rules 212.1 and 212.2 to apply to actions to be tried non-jury as well as by jury and to other forms of action in addition to civil actions.

Rule 212.2. Civil actions to be tried by jury. Pre-trial statement. Content. Sanctions.

(a) A pre-trial statement shall contain

- (1) a brief narrative statement of the case;
- (2) a list of the types and amounts of all damages claimed;
- (3) a list of the names and addresses of all persons who may be called as witnesses by the party filing the statement, classifying them as liability or damage witnesses. A reference which does not state the name of the witness shall be permitted when the witness is described by title or representative capacity;

Official Note: A listing of "anyone named in discovery" is insufficient under this rule. A listing of a "records custodian" of a specific entity is a sufficient listing.

This rule does not contemplate that the pre-trial statement include a list of witnesses for use in rebuttal or for impeachment. These matters are governed by case law.

(4) a list of all exhibits which a party intends to use at trial;

Official Note: This rule does not contemplate that the pre-trial statement include a list of exhibits for use in rebuttal or for impeachment. These matters are governed by case law.

(5) a copy of the written report, or answer to written interrogatory consistent with Rule 4003.5, containing the opinion and the basis for the opinion of any person who may be called as an expert witness;

Official Note: The notes or records of a physician may be supplied in lieu of written reports.

- (6) stipulations of the parties, if any; and
 - (7) such additional information as the court by local rule or special order may require.
- (b) The exhibits listed in the pre-trial statement, or copies thereof, shall be made available by the party filing the statement.

(c) Where the trial judge determines that unfair prejudice shall occur as the result of non-compliance with subdivisions (a) and (b), the trial judge shall grant appropriate relief which may include

- (1) The preclusion or limitation of the testimony of
 - (i) any witness whose identity is not disclosed in the pre-trial statement, or
 - (ii) any expert witness whose opinions have not been set forth in the report submitted with the pre-trial statement or otherwise specifically referred to in the pre-trial statement, consistent with Rule 4003.5, and
- (2) the preclusion of exhibits not listed in the pre-trial statement and made available.

Rule 212.3. Pre-trial conference.

(a) In any action the court, of its own motion or on motion of any party, may direct the attorneys for the parties to appear for a conference to consider:

- [(a)] (1) The simplification of the issues;
- [(b)] (2) The necessity or desirability of amendments to the pleadings;
- [(c)] (3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- [(d)] (4) The limitation of the number of expert witnesses;
- [(e)] (5) The advisability of a preliminary reference of issues to a master for findings to be used as evidence when the trial is to be by jury;
- [(f)] (6) Such other matters as may aid in the disposition of the action.

(b) The court may make an order reciting the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and limiting the issues for trial to those not disposed of by admissions or agreements of the attorneys. Such order when entered shall control the subsequent course of the action unless modified at the trial to prevent manifest injustice.

(c) The court may establish by rule a pre-trial list on which actions may be placed for consideration as above provided, and may either confine the list to jury actions or to non-jury actions, or extend it to all actions.

(Editor's Note: Rule 4003.7 is a new rule. It is printed in regular type to enhance readability.)

III. New Rule 4003.7 is promulgated to read as follows:

CHAPTER 4000. DEPOSITIONS AND DISCOVERY

Rule 4003.7. Punitive damages.

A party may obtain information concerning the wealth of a defendant in a claim for punitive damages only upon order of court setting forth appropriate restrictions as to the time of the discovery, the scope of the discovery, and the dissemination of the material discovered.

Official Note: Discovery may also proceed pursuant to the agreement of the parties. See Rule 4002.

Explanatory Comment

The following innovations to Pennsylvania civil practice and procedure have recently been adopted by the Supreme Court of Pennsylvania.

I. *Amendment of Rule 1023*

Rule 1023 governing signing is revised in several respects. First, the category of documents subject to the requirement of signing is significantly expanded beyond pleadings to include a "motion, legal paper or other paper directed to the court and every discovery request or response."

Second, the certification which arises from the act of signing is broadened to provide that the document "is submitted in good faith." Since the document is submitted in good faith, the reference to a document "interposed for delay" is unnecessary and is deleted. A sentence is added defining the existing requirement that there be "good ground" to support the document.

Third, a provision for sanctions is added for a bad faith violation of the rule. In providing that the "court may

impose an appropriate sanction," the rule leaves the matter to the sound discretion of the court.

Finally, a note elaborates on the application of the rule.

II. *New Rules 212.1 and 212.2*

New Rules 212.1 and 212.2 are mandatory provisions governing pre-trial proceedings in civil actions to be tried by jury. A note to the rule advises that a court may extend the application of the rules to non-jury actions and additional forms of action.

Rule 212.1 requires the court to provide a notice which must advise the parties of the earliest trial date and which may impose a date for the completion of discovery. The rule also requires the parties to file pre-trial statements according to a specified schedule.

Rule 212.2 specifies the content of the pre-trial statement and sets forth sanctions for violation of the rule. Copies of the written reports of expert witnesses, or answers to written interrogatories consistent with Rule 4003.5, must be included as part of the pre-trial statement.

Present Rule 212 governing the pre-trial conference remains unchanged in substance but is renumbered as Rule 212.3. The paragraphs and subparagraphs of the rule are lettered and numbered to conform to the format of the rules of civil procedure.

Rule 212.3 stands in contrast to proposed Rules 212.1 and 212.2 which are of mandatory application. While Rule 212.3 specifies the nature of a pre-trial conference, it does not mandate that a conference be held.

III. *New Rule 4003.7*

New Rule 4003.7 places under the control of the court the discovery of information concerning the wealth of a defendant when there is a claim for punitive damages. A note serves as a reminder that such discovery may be had also pursuant to agreement of the parties under Rule 4002.

The term "wealth" found in the rule is used by the Supreme Court of Pennsylvania in *Kirkbride v. Contractors Inc.*, 521 Pa. 97, 555 A.2d 800 (1989) and by the Restatement of Torts Second, § 908(2), cited in *Kirkbride*. However, many cases, both appellate and common pleas court, and texts use the term "net worth" alone or in addition to "wealth."

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 97-1384. Filed for public inspection August 29, 1997, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 200]

Promulgation of New Rule 220.1 Governing Voir Dire; No. 285; Doc. No. 5

Order

Per Curiam:

And Now, this 14th day of August, 1997, new Pennsylvania Rule of Civil Procedure 220.1 governing Voir Dire is promulgated to read as follows.

This Order supersedes the Order No. 202, Civil Procedural Rules Docket No. 5, dated September 15, 1993

which promulgated Rule 220.1 governing juror information questionnaire and which was subsequently suspended until further Order of the Supreme Court by the Order No. 205, Civil Procedural Rules Docket No. 5, dated December 17, 1993.

This Order shall be effective January 1, 1998 and shall be processed in accordance with Rule of Judicial Administration 103(b).

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 220.1. Voir Dire.

(a) Voir dire shall be conducted to provide the opportunity to obtain at a minimum a full description of the following information, where relevant, concerning the prospective jurors and their households:

- (1) Name;
- (2) Date and place of birth;
- (3) Residential neighborhood and zip code (not street address);
- (4) Marital status;
- (5) Nature and extent of education;
- (6) Number and ages of children;
- (7) Name, age and relationship of members of prospective juror's household;
- (8) Occupation and employment history of the prospective juror, the juror's spouse and children and members of the juror's household;
- (9) Involvement as a party or a witness in a civil lawsuit or a criminal case;
- (10) Relationship, friendship or association with a law enforcement officer, a lawyer or any person affiliated with the courts of any judicial district;
- (11) Relationship of the prospective juror or any member of the prospective juror's immediate family to the insurance industry, including employee, claims adjuster, investigator, agent, or stockholder in an insurance company;
- (12) Motor vehicle operation and licensure;
- (13) Physical or mental condition affecting ability to serve on a jury;
- (14) Reasons the prospective juror believes he or she cannot or should not serve as a juror;
- (15) Relationship, friendship or association with the parties, the attorneys and prospective witnesses of the particular case to be heard;
- (16) Such other pertinent information as may be appropriate to the particular case to achieve a competent, fair and impartial jury.

(b) The court may provide for voir dire to include the use of a written questionnaire. However, the use of a written questionnaire without the opportunity for oral examination by the court or counsel is not a sufficient voir dire.

Official Note: The parties or their attorneys may conduct the examination of the prospective jurors unless the court itself conducts the examination or otherwise directs that the examination be conducted by a court employee. Any dispute shall be resolved by the court.

A written questionnaire may be used to facilitate and expedite the voir dire examination by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions.

(c) The court may permit all or part of the examination of a juror out of the presence of other jurors.

Explanatory Comment

New Rule 220.1 governing voir dire, the examination of prospective jurors, furthers the goal of establishing a uniform civil practice throughout the Commonwealth with respect to the information which the parties may obtain concerning prospective jurors.

The rule specifies the information which the parties should be able to obtain through voir dire but does not require a particular manner of voir dire. Subdivision (a) is devoted to listing the information to which the parties are entitled.

The rule does not dictate the mechanics of voir dire, but leaves the method of voir dire to the local courts of common pleas. Subdivision (b) does give some guidance, however. Voir dire may include the use of a written questionnaire, but no form of questionnaire is mandated or suggested. The note observes that a written questionnaire may "facilitate and expedite" voir dire by providing basic background information. The rule provides that "the use of a written questionnaire without the opportunity for oral examination is not a sufficient voir dire." The parties are entitled to both hear prospective jurors and observe their demeanor.

The rule recognizes that service upon a jury may be a new and disquieting experience to citizens called as prospective jurors. Information may be sought which a prospective juror feels uncomfortable revealing in open court. Thus, subdivision (c) provides that the "court may permit all or part of the examination of a juror out of the presence of other jurors."

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 97-1385. Filed for public inspection August 29, 1997, 9:00 a.m.]

**Title 255—LOCAL COURT
RULES**

DAUPHIN COUNTY

Amendment of Rule 1920.51; No. 1793 S 1989

Order

And Now, this 12th day of August, 1997, Dauphin County Rule of Civil Procedure 1920.51 is amended as follows:

Rule 1920.51. Appointment of Master.

(a)(1) Reserved.

(a)(2)(i) A Master shall be appointed by the Court to take testimony and file a report in the form prescribed by the Pennsylvania Rules of Civil Procedure for an action for **divorce or** annulment and the claims for alimony, alimony pendente lite, equitable distribution of marital

property, [**child support or**] counsel fees, costs or expenses, or any aspect thereof.

(a)(2)(ii) [**Reserved.**] All interim claims for alimony pendente lite or the modification or termination thereof, i.e., those which are raised during initial discovery or before a Master is appointed for purposes of conducting a full hearing on all economic claims, shall be heard by the Domestic Relations Office in accordance with Pa.R.C.P. 1910.1. et seq. and the procedures established by the Domestic Relations Office.

Comment: Claims for counsel fees, costs and expenses in any divorce action shall continue to be heard by the Master pursuant to Dauphin County Local Rule of Civil Procedure 1920.51(a)(2)(i). Copies of internal procedural guidelines are available from the Domestic Relations Office.

This amendment shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

CLARENCE C. MORRISON,
President Judge

[Pa.B. Doc. No. 97-1386. Filed for public inspection August 29, 1997, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of New Rules 1915.15 and 1930; No. 1793 S 1989

Order

And Now, this 12th day of August, 1997, it is hereby ordered that Dauphin County Rules of Civil Procedure 1915.15, 1920.1, and 1930 are rescinded in their entirety. New Rules 1915.15 and 1930 are promulgated as follows:

Rule 1915.15. Form of Complaint.

In addition to the information required by Pa.R.C.P. 1915.15(a) each complaint or Motion for Hearing relating to child custody or visitation shall contain a second cover sheet substantially in the following format:

	:	IN THE COURT OF COMMON PLEAS
	:	DAUPHIN COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	CIVIL ACTION
	:	CUSTODY/VISITATION
	:	
Defendant	:	NO.

ORDER OF COURT

AND NOW, upon consideration of the attached Complaint, it is hereby directed that the parties and their respective counsel appear before the Custody Conference Officer, on the _____ day of _____, _____, at a Pre-Hearing Custody Conference. At such Conference, an effort will be made to resolve the issues in dispute; or if this cannot be accomplished, to define and narrow the issues to be heard by the Court, and to enter into a Temporary Order. All children age five or older

shall also be present at the Conference. Failure to appear at the Conference may provide grounds for entry of a temporary or permanent Order.

FOR THE COURT:

Date _____ By _____
Custody Conference Officer

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.

DAUPHIN COUNTY LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

Rule 1930. Seminar for separating parents in contested custody matters.

1. In all divorce and custody proceedings filed on or after October 1, 1997, and in such other cases as the Court shall direct, where the interests of children under the age of 18 years are involved and the issue of custody and/or visitation remains in dispute and unresolved following a custody conference, the parties shall complete a program entitled "Seminar."

2. The Court Administrator, in conjunction with the provider, shall establish the dates the parties shall attend the Seminar and shall forward the file to the assigned judge in accordance with D.C.R.C.P. 1915.3C(2).

3. Both parties shall attend the Seminar prior to the date of the court hearing.

4. Any request for an extension of time within which to complete the Seminar shall be made to the provider and/or the assigned Judge.

5. The fee for the Seminar shall be determined by the provider and must be paid prior to the initial Seminar. Payment shall be made by certified check, money order or cash. NOTE: No personal checks will be accepted. Any request for waiver or reduction of the fee shall be filed with the Court and shall be accompanied by a verified affidavit of indigency or other proof of economic hardship, in accordance with Pa.R.C.P. 240, at least five days prior to the scheduled Seminar.

6. The requirements to attend the seminar may be waived if:

(a) the parties agree, subject to the approval of the Court, not to participate in the Seminar;

(b) The Court, on motion, determines that participation is not necessary; or

(c) the parties select and participate in a comparable parenting education program.

7. No hearing or trial shall be delayed or court action withheld because of the failure of a party to attend the Seminar.

8. Failure to comply with this Rule may result in the dismissal of the action, striking of pleadings, or other appropriate remedy including sanction for contempt and attorneys fees.

9. Should a party fail to attend the Seminar, the Court may sua sponte bring a contempt action against a non-complying party. A party who has complied with the Rule shall not be required to either bring the contempt action or appear at any contempt proceeding.

10. Copies of this Rule and Program Description shall be available in the Office of the Prothonotary of the Court of Common Pleas of Dauphin County.

These amendments shall be effective October 1, 1997.

By the Court

CLARENCE C. MORRISON,
President Judge

[Pa.B. Doc. No. 97-1387. Filed for public inspection August 29, 1997, 9:00 a.m.]

WYOMING AND SULLIVAN COUNTIES

Amendment to 44th Judicial District Rules; No. 97-849 Civil, 97-284—Criminal

Order of Court

And Now, the 18th day of August, 1997, *It Is Ordered* that Rule 101A of "44th Jud. Dist. Rules—Crim." is amended to provide:

Rule 101A. Approval of police complaints and arrest warrant affidavits by attorney for the Commonwealth.

The District Attorneys of Wyoming County and Sullivan County having filed a certification pursuant to Pa.R.Crim.P. 101A, criminal complaints, and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging one or more of the following offenses, shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing:

(a) Criminal Homicide in violation of 18 Pa.C.S. Section 2501; Murder of any degree in violation of 18 Pa.C.S. Section 2502; Voluntary Manslaughter in violation of 18 Pa.C.S. Section 2503; or Involuntary Manslaughter in violation of 18 Pa.C.S., Section 2504; or

(b) Rape in violation of 18 Pa.C.S. Section 3121; Statutory Sexual Assault in violation of 18 Pa.C.S. Section 3122.1; Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S. Section 3123; Sexual Assault in violation of 18 Pa.C.S. A. Section 3124.1; Aggravated Indecent Assault in violation of 18 Pa.C.S. A. Section 3125; Indecent Assault in violation of 18 Pa.C.S. A. 3126;

(c) Homicide by Motor Vehicle in violation of 75 P. S. Sections 3732 and 3735; Aggravated Assault by Vehicle (DUI related) in violation of 75 Pa.C.S. A. Section 3735.1; or

(d) Aggravated Assault in violation of 18 Pa.C.S. A. Section 2702.

It Is Further Ordered that Rule 2002A of "44th Jud. Dist. Rules—Crim." is amended to provide:

Rule 2002A. Approval of search warrant applications by attorney for the Commonwealth.

The District Attorneys of Wyoming County and Sullivan County having filed a certification pursuant to Pa. R. Crim. P. 2002A, search warrants, in all circumstances, shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

It Is Further Ordered that the said amended Rules of the 44th Judicial District shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

BRENDAN J. VANSTON,
President Judge

[Pa.B. Doc. No. 97-1388. Filed for public inspection August 29, 1997, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT****Notice of Suspension**

Notice is hereby given that Frank Thompson-McLeod having been suspended from the practice of law in the State of Tennessee for a period of one year, the Supreme Court of Pennsylvania issued an Order dated August 18, 1997, suspending Frank Thompson-McLeod from the Bar of this Commonwealth for a period of one year.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 97-1389. Filed for public inspection August 29, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CHS. 3, 5, 7, 9, 11, 13 AND 15]

Amendments

The Liquor Control Board (Board) under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), adopts amendments to §§ 3.6, 3.31—3.33, 3.35—3.37, 3.51, 5.15, 5.16, 5.22, 5.23, 5.31, 7.1, 7.3—7.5, 7.7, 7.31, 7.32, 7.43, 7.51—7.54, 9.11, 9.13, 9.23, 9.24, 9.27—9.30, 11.21, 11.23, 11.42, 11.51, 11.62, 11.72, 11.172, 11.176, 11.181, 13.72 and 15.62.

The Board regulations will be amended by this order to eliminate obsolete and misleading information, burdensome requirements placed on licensees and applicants and will streamline the license application process.

Comments

Notice of proposed rulemaking was published at 27 Pa.B. 1852 (April 12, 1997), with a 30-day written public comment period. The Independent Regulatory Review Commission (IRRC) recommended amending the proposed amendments relative to issuance of 4-year permits and language concerning extensions of amusement permits.

The Board proposed that all permits issued after December 31, 1997, expire December 31, 2000, and the issuance of 4-year permits expire after December 31, 2000. These permits are presently issued annually to wholesale alcohol purchasers, pharmacists, hospitals, State-owned institutions, manufacturing pharmacists, chemists and nonbeverage manufacturers. IRRC suggested staggering these permits beginning in 1998 to reduce the amount of work required for both the Board and the permittees. The Board holds the position that the number of permittees (approximately 485) is not sufficient to warrant staggering over a 4-year period and that by staggering the issuance of these permits over 4 years, the work load would actually increase. IRRC suggested amending the second sentence of § 5.31(a)(2) (relating to amusement permit) for the sake of clarity. This section deals with the renewal of amusement permits and presently states, "If issued, the permit will expire with the license and may be extended at the time of validation unless revoked or otherwise subject to suspension." The Board agrees to amend this section for the sake of clarity and adopts IRRC's language which states, "Amusement permits expire with the license. Amusement permits may be extended at license validation unless the permit is revoked or subject to suspension."

No other comments, either in support of, or in opposition to the proposed amendments, were received by the Board during the public comment period.

Fiscal Impact

These final-form regulations will reduce overall costs to Board licensees, applicants for licenses and permits as well as for the State. Local governments will not be affected by the amendments.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 24, 1997, the Board submitted a copy of the notice of proposed rulemaking to IRRC and the Chairpersons of the House Committee on Liquor Control and the Senate Committee on Law and Justice for review and comment. The final-form rulemaking was transmitted to the Chairpersons and IRRC on July 9, 1997.

These final-form regulations were deemed approved by the Senate Committee on Law and Justice on July 29, 1997, were deemed approved by the House Committee on Liquor Control on July 29, 1997, and were approved by IRRC on August 7, 1997, in accordance with section 5(c) of the Regulatory Review Act.

Contact Person

Persons requiring an explanation of the final-form regulations or information related thereto should contact Jerry Danyluk, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA, 17124-0001.

Findings

The Board finds that:

(1) Public notice of intention to adopt amendments to the administrative regulations 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, at 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the final-form regulations set forth in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Board, acting under the enabling statute orders that:

(a) The regulations of the Board, 40 Pa. Code Chapters 3, 5, 7, 9, 11, 13 and 15, are amended by amending §§ 3.6, 3.31—33, 3.35, 3.37, 3.51, 5.16, 5.22, 5.23, 7.1, 7.3—7.5, 7.7, 7.31, 7.32, 7.43, 9.11, 9.13, 9.23, 9.24, 9.28—9.30, 11.21, 11.23, 11.42, 11.51, 11.62, 11.72, 11.172, 11.176, 11.181 and 13.72; by adding § 15.62; and by deleting §§ 3.36, 5.15, 7.51—7.54 and 9.27 to read as set forth at 27 Pa.B. 1852 and by amending § 5.31 to read as set forth in Annex A.

(b) The Board shall submit this order, 27 Pa.B. 1852 and Annex A to the Office of the Attorney General for approval as to form and legality as required by law.

(c) The Board shall certify this order, 27 Pa.B. 1852 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*.

JOHN E. JONES, III,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 4400 (August 23, 1997).)

Fiscal Note: Fiscal Note 54-50 remains valid for the final adoption of the subject regulations.

Annex A
TITLE 40. LIQUOR
PART I. LIQUOR CONTROL BOARD
CHAPTER 5. DUTIES AND RIGHTS OF
LICENSEES

Subchapter B. EMPLOYEES OF LICENSEES

§ 5.31. Amusement permit.

(a) *Requirements.*

(1) Under section 493(10) of the Liquor Code (47 P. S. § 4-493(10)), the Board may issue an amusement permit authorizing dancing, theatricals, floor shows and motion picture exhibitions in licensed premises, or in another place operated in connection therewith, to the holder of a retail liquor or retail dispenser license, except clubs, upon proper application and payment of the required fee.

(2) An application for an amusement permit may be filed with the Board at any time during the license period. Amusement permits expire with the license. Amusement permits may be extended at license validation unless the permit is revoked or subject to suspension.

(3) An amusement permit may be denied to a licensee against whom revocation or criminal proceeds are pending or to a licensee who, in the Board's opinion, has failed to conduct the licensed premises in accordance with the laws of the Commonwealth. A licensee denied an amusement permit may appeal the decision of the Board by requesting a hearing before the Board within 20 days of notice of denial.

(4) An amusement permit may not be assigned. When the retail liquor or retail dispenser license of the licensee is transferred by the Board from one person to another, or from one place to another, the amusement permit held by the licensee may be transferred in like manner upon the payment of a filing fee of \$10.

(5) An amusement permit is not required for television devices, audio/video playback devices, radio, instrumental music, games or events/tournaments/contests.

(b) *Suspension or revocation of an amusement permit.*

(1) The Office of Administrative Law Judge, upon sufficient cause shown that a licensee holding an amuse-

ment permit, or a partner, officer, director, servant, agent or employe of the licensee, has permitted in the licensed premises a violation of the Liquor Code or this title, or upon other sufficient cause shown, may, upon due notice and proper hearing being given to the licensee, suspend or revoke the permit.

(2) The Office of Administrative Law Judge, upon sufficient cause shown that a licensee holding an amusement permit, or a partner, officer, director, servant, agent or employe of the licensee, is guilty of, or pleads guilty to a violation of the laws of the Commonwealth before a court may after hearing suspend or revoke the amusement permit of the licensee upon the receipt of a transcript of the record in that proceeding.

(3) The action of the Office of Administrative Law Judge in suspending or revoking an amusement permit is final. A new amusement permit will not be approved until the expiration of 1 year from the date of revocation.

(c) *Revocation/suspension of a permit.* If the liquor or malt or brewed beverage license is revoked or suspended, for whatever reason, the amusement permit of the licensee will be similarly automatically revoked or suspended. There will be no refund made nor credit given for the unused portion of the fee paid for the permit, upon suspension or revocation.

(d) *Hours for amusement.*

(1) A licensee holding an amusement permit may permit dancing, theatricals, floor shows and motion pictures in the licensed establishment only during the hours when the sale of liquor or malt or brewed beverages is permitted.

(2) Paragraph (1) does not apply to a licensee or licensed establishment located in a municipality which has, by ordinance, resolution or other appropriate action in accordance with law, fixed the hours for the amusement in licensed establishments. The hours so fixed are controlling when certified copies of the ordinance, resolution or other appropriate action in accordance with law, are filed by the municipality with the Board.

[Pa.B. Doc. No. 97-1390. Filed for public inspection August 29, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 162]

Calculation of Title Insurance Company Gross Premiums

The Department of Revenue (Department), under the authority contained in section 408(a) of the Tax Reform Code of 1971 (72 P.S. § 7408(a)), proposes to add § 162.11 (relating to calculation of title insurance company gross premiums) to read as set forth in Annex A.

Purpose of the Regulation

The Department is proposing a change in the method of calculating the gross premiums tax on title insurance policies for which the issuer charges the insured an all-inclusive fee under the rate schedule approved by the Insurance Department.

Explanation of Regulatory Requirements

There are two methods under which title insurance companies issue policies: the all-inclusive fee and the approved attorney system. Under the all-inclusive fee system, the title insurer charges a fee under a schedule approved by the Insurance Department. In addition to the charge for the policy, this fee includes a charge for ancillary services, such as title searches, abstracts, attorneys' fees and document preparation. The title company performs these ancillary services. Under the approved attorney fee system, an approved attorney performs the ancillary services and the insurer charges a fee for the policy referred to as the approved attorney rate.

Depending on the method used, the Department currently subjects to the gross premiums tax either the entire all-inclusive fee or the approved attorney rate.

The Department is proposing to tax a title insurance policy issued under the all-inclusive fee schedule approved by the Insurance Department that portion of the all-inclusive fee that is equivalent to the fee that would be charged under the approved attorney fee schedule for the same policy coverage. See § 162.11(b).

Subsection (c) sets forth the method of calculation and provides a detailed example. Notwithstanding the amount of the fee charged to the insured, subsection (d) provides that a title insurance company must calculate the amount of its taxable premiums relative to the total fee charged on the basis of the number of policies and the total liability covered by the policies with respect to the liability ranges prescribed in the approved attorney fee schedule then in effect. An example details how the schedule should be prepared.

Fiscal Impact

The Department estimates that the proposed regulation will cause annual revenue losses of \$1.2 million. This figure is based on estimated fiscal year cash payments of the six foreign title insurance companies that are currently appealing or litigating tax liabilities under the all-inclusive fee schedule. Costs in the current fiscal year reflect refunds due the six appellants/litigants, which are estimated to be \$2.7 million, including principal and interest (accrued for periods between 1984 and 1995). Reference should be made to the Regulatory Analysis

Form, Question (20), for more information regarding estimated annual revenue losses.

Paperwork

The proposed regulation will have a minimal impact on the paperwork requirements for title insurance companies. The proposed regulation will require a title insurance company to complete and file an additional schedule reporting taxable premiums under the approved attorney rate fee schedule with its annual gross premiums tax report. This schedule, however, is simply completed by information readily available to the title insurance companies because of their own recordkeeping systems.

Effectiveness/Sunset Date

The proposed regulation will become effective upon final publication in the *Pennsylvania Bulletin*. The proposed regulation is scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing any comments, suggestions or objections regarding the proposed regulation to Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act, (71 P.S. § 745.5(a)), on August 20, 1997, the Department submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposed regulation, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-385. (1) General Fund;

	<i>One-Time Cost</i>
(2) Implementing Year 1997-98 is	\$2.7 million;
(3) 1st Succeeding Year 1998-99 is	\$1.2 million;
2nd Succeeding Year 1999-00 is	\$1.2 million;
3rd Succeeding Year 2000-01 is	\$1.2 million;
4th Succeeding year 2001-02 is	\$1.2 million;
5th Succeeding year 2002-03 is	\$1.2 million;
(4) 1996-97 \$ Non-Applicable; FY 1995-96 \$; FY 1994-95 \$;	
(7) Tax Refunds—Executive Authorization; will pay one-time costs; (8) recommends adoption.	

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE VI. CORPORATION TAXES

CHAPTER 162. INSURANCE COMPANIES
SUBJECT TO TAX IN THIS COMMONWEALTH

TITLE INSURANCE COMPANIES

§ 162.11. Calculation of title insurance company gross premiums.

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

Excess fee—The difference between the all-inclusive fee for the total transaction and the all-inclusive fee for the maximum liability coverage specified in the approved attorney fee schedule.

(b) Except as provided in subsection (c), gross premiums for all title insurance companies subject to gross premiums tax shall be calculated using the applicable approved attorney fee schedule approved by the Insurance Department for the title insurance company. If a title insurance policy is issued under the all-inclusive fee schedule approved by the Insurance Department, the taxable gross premium shall be that portion of the all-inclusive fee that is equivalent to the fee that would be charged under the approved attorney fee schedule for the same policy coverage.

(c) The taxable premium for policies that are written in excess of the maximum liability coverage amount specified in the approved attorney fee schedule shall be calculated as follows:

(1) If the title insurance policy is written under the approved attorney system, the taxable premium is the entire fee.

(2) If the title insurance policy is written under the all inclusive system, the taxable premium is the sum of the following:

(i) The approved attorney fee for the maximum liability coverage specified in the approved attorney fee schedule.

(ii) The excess fee.

Example:

Title Insurance Company X writes one title insurance policy for more than \$1 million. The liability coverage of that policy is \$20 million. The \$20 million policy was written under the all inclusive system for a total fee of \$38,583. The approved attorney fee schedule in effect for Title Insurance Company X is as follows:

<i>Unit of Insurance or Fraction Thereof</i>	<i>Fee</i>
\$0.00 to \$15,000	\$45
\$15,001 to \$100,000.....	Add \$3 per \$1,000
\$100,001 to \$500,000.....	Add \$2.50 per \$1,000
\$500,001 to \$1 million	Add \$2 per \$1,000
\$1,000,001 and greater.....	Subject to negotiation

The all-inclusive fee schedule in effect for Title Insurance Company X is as follows:

<i>Unit of Insurance or Fraction Thereof</i>	<i>Fee</i>
\$0.00 to \$15,000	\$303
\$15,001 to \$35,000.....	Add \$7 per \$1,000
\$35,001 to \$50,000.....	Add \$6 per \$1,000
\$50,001 to \$100,000.....	Add \$5 per \$1,000
\$100,001 to \$500,000.....	Add \$4.50 per \$1,000
\$500,001 to \$1 million	Add \$3.50 per \$1,000
\$1,000,001 and greater.....	Subject to negotiation

The maximum policy specifically covered by the approved attorney fee schedule and the all-inclusive fee schedule is \$1 million; the approved attorney fee for a \$1 million policy is \$2,300; the total fee for the \$20 million policy written under the all-inclusive system is \$38,583; and the all-inclusive fee for a \$1 million policy is \$4,333. Therefore, the excess fee for this policy is \$34,250 (\$38,583—4,333) and the taxable gross premium is \$36,550 (\$2,300 (approved attorney fee for \$1 million policy) + 34,250 (excess fee)).

(d) A title insurance company shall calculate the amount of its taxable premiums on the basis of the number of policies and the total liability covered by the policies within the liability ranges as prescribed in the approved attorney fee schedule then in effect. A title insurance company shall submit a schedule setting out the relevant data by policy coverage ranges and calculating the taxable gross premiums as indicated. (Refer to the schedule in the example which follows.) This schedule shall be attached to the title insurance company's gross premiums tax report. Copies of the applicable approved attorney fee schedule and the all-inclusive fee schedule in effect for the title insurance company also shall be attached to the gross premiums tax report.

Example:

Title insurance company writes 3,201 title insurance policies covering a total liability of \$391 million under the all-inclusive system during the tax year. The distribution of policies within the ranges set forth in the fee schedule is as follows:

A	B	C	D	E	F	G	H	I
Range	Number of Policies	Total Liability for Policies in Range	Premium on first \$15,000 of Coverage [Col. B × \$45]	Premium on next \$85,000 Per Policy @ \$3 per 1,000	Premium on next \$400,000 per policy @ \$2.50 per 1,000	Premium on next \$500,000 per policy @ \$2 per 1,000	Excess Fee for Negotiated Policies	Total [Col. D +Col. E +Col. F +Col. G +Col. H]
0 to 15,000	100	1,000,000	4,500	—	—	—	—	4,500

A	B	C	D	E	F	G	H	I
15,001 to 100,000	2,000	90,000,000	90,000	180,000 (60,000,000 @ \$3 per 1,000)	—	—	—	270,000
100,001 to 500,000	1,000	200,000,000	45,000	255,000 (85,000,000 @ \$3 per 1,000)	250,000 (100,000,000 @ \$2.50 per 1,000)	—	—	550,000
500,001 to 1,000,000	100	80,000,000	4,500	25,500 (8,500,000 @ \$3 per 1,000)	100,000 (40,000,000 @ \$2.50 per 1,000)	60,000 (30,000,000 @ \$2 per 1,000)	—	190,000
1,000,001 or more	1	20,000,000	45	255 (85,000 @ \$3 per 1,000)	1,000 (400,000 @ \$2.50 per 1,000)	1,000 (500,000 @ \$2 per 1,000)	34,250	36,550
TOTAL	3,201	391,000,000	144,045	460,755	351,000	61,000	34,250	1,051,050

Under this section, the title insurance company's taxable gross premiums are \$1,051,050.

[Pa.B. Doc. No. 97-1391. Filed for public inspection August 29, 1997, 9:00 a.m.]

[61 PA. CODE CHS. 101, 103 and 155]

Personal Income and Corporate Taxes

The Department of Revenue (Department), under the authority contained in sections 354, 408 and 603 of the Tax Reform Code of 1971 (TRC) (72 P. S. §§ 7354, 7408 and 7603), proposes to amend §§ 101.1, 103.12 and 155.30 (relating to definitions; net profits; and regulated investment companies), to read as set forth in Annex A.

Explanation of Regulatory Requirements

Section 101.1 is proposed to be amended by replacing the existing definitions of "employee" and "employer" with new definitions consistent with the requirements of Act 110 of 1989 (72 P. S. § 7301(g) and (h)).

The definition of "income" is being expanded to implement the provisions of section 602(f)(2)(A) of the code (72 P. S. § 7602(f)(2)(A)) and to reflect the holdings of the Commonwealth Court in *Morgan v. Commonwealth*, 400 A.2d 1384 (Pa. Cmwlth. 1979) and *Wettach v. Commonwealth*, 620 A.2d 730 (Pa. Cmwlth. 1993). The revisions provide that the term "income" includes income received by a taxpayer directly or through partnerships, associations, Pennsylvania S corporations or estates or trusts. The revisions also specify that:

(1) The taxable income of a partnership or Pennsylvania S corporation is to be computed in the same way and on the same basis as the taxable income of an individual.

(2) The taxable income of an individual is the total of the eight classes of income enumerated and classified in section 303 of the TRC, each class computed without setoff between or among any other class and, unless a net taxable class, without deductions.

Section 103.12 is also proposed to be amended to reflect the holdings in *Morgan* and *Wettach*.

The definition of "personal income tax income" set forth in § 155.30(b)(4) is proposed to be amended to provide that the term means income computed in the same manner and on the same basis as the income of an individual under Article V (relating to Personal Income Tax).

Affected Parties

Regulated investment companies that are subject to the capital stock/foreign franchise tax and business owners, investors and tax practitioners may be affected by the proposed amendments.

Fiscal Impact

The Department has determined that the proposed amendments will have no fiscal impact on the Commonwealth.

Paperwork

The proposed amendments will not generate additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The proposed amendments will become effective upon final publication in the *Pennsylvania Bulletin*. These proposed amendments are scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed amendments to Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed amendments on August 20, 1997, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposed amendments, the Department has provided IRRC and the House and Senate Finance Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-381. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE V. PERSONAL INCOME TAX

CHAPTER 101. GENERAL PROVISIONS

§ 101.1. Definitions.

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

* * * * *

Employe— [Every individual performing services if the relationship between him and the person for whom he performs the services is the legal relationship of employer and employe as determined by the usual common law rules. Generally, the relationship of employer and employe exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which the result is accomplished. That is, an employe is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is not an employe.

(i) The definition of "employe" for Pennsylvania Personal Income Tax purposes is the same as that for Federal income tax withholding purposes. Consequently, an individual who is issued a Form W-2 indicating Federal income tax withheld, is an employe unless he can affirmatively prove that the Federal withholding was not required, that is, that an employer-employe relationship does not exist and the withholding was done merely as a convenience. In addition, the remuneration paid for certain types of services is not subject to Federal income tax withholding regardless of whether an employer-employe relationship exists. In these cases, the failure to withhold does not indicate nonemploye status and a determination must be made based on the particular facts of the relationship. The remuneration referred to is cited at section 3401(a) of the IRC and includes, inter alia, that paid:

- (A) For agricultural labor.
- (B) For domestic service in certain circumstances.
- (C) For services performed by an ordained, commissioned or licensed minister of a church in the exercise of his ministry.
- (D) For services performed by an individual under the age of 18 in the delivery or distribution of newspapers.

(ii) Generally, F.I.C.A. employe tax is only withheld on individuals who are "employes" within the common law meaning. Consequently, an individual who is issued a Form W-2 indicating F.I.C.A. employe tax withheld, will be considered an employe unless he can affirmatively prove:

(A) That he is among the classes of individuals cited at section 3121(d) of the IRC who are employes for F.I.C.A. purposes only.

(B) That no employer-employe relationship otherwise exists. The classes of individuals referred to are:

- (I) Certain agent-drivers or commission drivers.
- (II) Full-time life insurance salesmen.
- (III) Certain home workers.
- (IV) Certain traveling or city salesmen.

(ii) Generally, evidence of payment of Federal Self-Employment Tax is conclusive proof that an individual is not an employe. However, this does not apply to certain classes who are subject to Self-Employment Tax regardless of whether an employer-employe relationship exists. In these cases, the payment of Self-Employment Tax does not indicate nonemploye status and a determination must be made based on the particular facts of the relationship. The classes referred to are cited at section 1.1402(c)-3 of the IRC and include, inter alia:

- (A) Certain newspaper vendors.
- (B) Certain sharecroppers.
- (C) Employes of foreign governments.
- (D) Ministers and members of religious orders unless exempt.
- (E) State and local government employes compensated on fee basis.

(iv) Where the presence or absence of an employer-employe relationship cannot be determined on the basis of Federal income tax withholding, F.I.C.A. employe tax withholding or payment of Self-Employment Tax, the following factors are considered, in addition to the elements enumerated in subparagraph (i) in making the determination. No one factor is conclusive; rather, the test is one of the totality of the following circumstances:

- (A) Whether the individual is required by his principal, or by the person from whom remuneration is received, to work fixed hours, follow a prescribed routine or perform prescribed duties.
- (B) Whether the individual participates in pension, unemployment, disability or hospitalization plans offered by the principal.
- (C) Whether the individual is guaranteed an amount of remuneration by the principal.

(D) Whether the individual is either reimbursed for expenses or receives an expense allowance.

(E) Whether the individual represents only one principal.] The term includes any individual who performs any service, of whatever nature, for any other individual or any entity and earns or receives remuneration therefor. For the purpose of Chapter 113 (relating to withholding of tax), the term has the same meaning as when used in Chapter 24 of the IRC (26 U.S.C.A. §§ 3401—3406) (relating to collection of income tax at source on wages).

Employer—[An individual, partnership, association, corporation, governmental body or unit or agency, or another entity employing one or more persons for compensation. A person required under the Internal Revenue Code, as amended, to withhold Federal income tax from compensation of an employe is prima facie deemed to be an employer.] The term means any person for whom an individual performs any service, of whatever nature, provided that:

(i) If the person for whom the individual performs the service does not have the payment of the remuneration for the service, the term means the person having the payment of the remuneration.

(ii) For the purpose of Chapter 113 (relating to withholding of tax), the term has the same meaning as when used in 26 U.S.C.A. Chapter 24 of the IRC.

* * * * *

Income—The total of the classes enumerated under Chapter 103 Subchapter B (relating to the determination of tax) received by a taxpayer directly, or through partnerships, associations or Pennsylvania S corporations and the amount of each class derived by the taxpayer through estates or trusts[. There may be no setoff between or among the classes.] determined and computed in accordance with the requirements of this article relating to the taxation of a natural individual's personal income, including the requirements that:

(i) There is no setoff between, or among, any different classes of personal income tax income.

(ii) No deduction is allowed for expenses, whether paid or incurred for the production or collection of income or for the management, conservation or maintenance of property, except:

(A) Allowable unreimbursed employe business expense.

(B) Allowable costs of goods sold and expense incurred in the operation of a business.

(C) Allowable costs of acquisition, expenses of sale and collection expenses.

(D) Expenses necessary to the production or collection of rents and royalties or for the management, conservation or maintenance of rents, royalties, patents or copyrights.

(iii) In the case of a Pennsylvania S corporation, partnership or other association, trust or estate, the distributive income of the same is classed, determined and computed in the same way and on the same basis as the taxable income of a natural individual; and, in the case of a Pennsylvania S corporation, partnership or other association, each

shareholder, partner or member take into income the shareholder's, partner's or member's pro rata share of the income or loss in each applicable class of income received by the Pennsylvania S corporation, partnership or other association.

(iv) Married persons may not compute their tax as if they were one person; and no setoff between married persons is permitted. For example, an individual's net profit from manufacturing toys is \$100, his net loss from the business of selling garden supplies is \$20, his wife's loss from a business she operates is \$20, and his net loss from passive ownership of investment rental properties is \$10. His total net business profits are \$80 which is his [total] income, against which he may not set off his losses on rentals or his wife's business losses.

* * * * *

CHAPTER 103. IMPOSITION AND DETERMINATION OF TAX

§ 103.12. Net profits.

(a) Net profits shall be the net income from the operation of a business, profession or other activity after provision for all costs and expenses incurred in the conduct thereof [are]. They shall be determined either on a cash or accrual basis in accordance with accepted accounting principles and practices [but without deduction of taxes based on income].

(b) Net profits are different from other classes of personal income in that:

(1) The profits are derived from the marketing of a product or service to customers on a commercial basis; from securities employed as working capital in the business operations; from accounts and notes receivable from sales of products or services sold in the ordinary course of the business operations; or from assets which serve an operational function in the ordinary course of business operations.

(2) The marketing activity is conducted with the manifest objective of achieving profitable operations.

(3) The marketing activity is conducted with regularity and continuity and is not limited or exclusive.

(c) Net profits shall be computed wholly without reference to any item of revenue, cost, expense or liability derived or incurred in connection with, or attributable to:

(1) The ownership or disposition of assets that are held for investment purposes or otherwise serve an investment function.

(2) The trading in securities for personal purposes and not for the accounts of customers.

(3) The sale, discontinuation or abandonment of a business or segment thereof.

(4) Any tax imposed on, or measured by, gross or net earned or unearned income.

(5) An isolated or nonrecurring transaction which is not a normal or routine business activity.

(d) Choosing to form a partnership or other entity or to associate with others, receiving and reporting income or gain as the income of the partnership, entity or associates or dividing the

same among its partners, beneficial owners or associates or the trading in securities for the benefit of shareholders, partners, members or associates does not of itself make the income of the partnership, entity or associates net profits.

CHAPTER 155. CAPITAL STOCK TAX AND FOREIGN FRANCHISE TAX

§ 155.30. Regulated investment companies.

* * * * *

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

* * * * *

(4) *Personal Income Tax Income.* [The term includes compensation, net profits from the operation of a business, profession or farm, interest income, dividends received, net gains or income from the sale, exchange or disposition of property, rents, royalties, patents and copyrights income from estates and trusts and gambling winnings.] The term means income computed in the same manner and on the same basis as the income of an individual under Article V (relating to Personal Income Tax).

[Pa.B. Doc. No. 97-1392. Filed for public inspection August 29, 1997, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CHS. 71, 75 AND 83]

Licensing

The Department of Transportation (Department), Bureau of Driver Licensing, under the authority contained in 75 Pa.C.S. §§ 1508, 1508.1, 1509 and 6103, proposes to amend Chapters 71, 75 and 83 (relating to school bus drivers; drivers license examination; and physical and mental criteria, including vision standards relating to the licensing of drivers) to read as set forth in Annex A.

Purpose of these Chapters

The purpose of Chapter 71 is to provide rules regarding the course of instruction and physical examination for school bus drivers as required by 75 Pa.C.S. 1509 (relating to qualifications for school bus driver endorsement).

The purpose of Chapter 75 (relating to Driver's License Examination) is to provide standards and procedures for the issuance, renewal and replacement of photographic driver's licenses under 75 Pa.C.S. 1510(a) (relating to issuance and content of driver's license).

The purpose of Chapter 83 is to provide rules regarding the physical and mental criteria used by physicians in conducting physical examinations of applicants for learner's permits and driver's licenses and by physicians and other persons authorized to diagnose and treat disorders and disabilities delineated in this chapter in determining whether a person examined by the provider should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

Purpose of these Proposed Amendments

The purpose of these amendments is to amend Chapters 71, 75 and 83, consistent with the provisions of 75 Pa.C.S. § 1508.1 (relating to physical examinations), to permit physician assistants and certified registered nurse practitioners to conduct the physical examinations required for the issuance of a driver's license and a school bus driver endorsement. Under 75 Pa.C.S. 1508(a) (relating to examination of applicant for driver's license), every applicant for a driver license shall be examined for the type or class of vehicles that the applicant desires to operate. The examination includes a physical examination, a screening test of the applicant's eyesight and a test of the applicant's ability to read and understand official traffic-control devices, knowledge of safe driving practices and the traffic laws of the Commonwealth. Further, the applicant must provide an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class for which the applicant desires to drive.

Historically, in this Commonwealth, licensed physicians conducted the physical examinations of applicants for a driver's license and the school bus endorsement. However, health care systems have evolved and with the cost reducing methods of managed care, schools now have certified registered nurse practitioners (CRNP) rather than physicians and many doctors' offices now maintain only one physician and several physician assistants.

A CRNP is a registered nurse licensed in this Commonwealth by both the State Board of Nursing and the State Board of Medicine. Further, CRNPs are licensed in a particular clinical specialty area and perform 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.

A physician assistant is a person certified by the State Board of Medicine to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

CRNPs and physician assistants have been performing physical examinations for several years, and under the authority contained in 49 CFR 390.5 and 391.43(a)(1), may perform the commercial driver physical examinations.

The following represents a summary of the significant amendments:

(1) Sections 71.2, 75.2 and 83.2 (all relating to definitions) are proposed to be amended to provide a definition for the terms "certified registered nurse practitioner" and "physician assistants." These health care provider definitions were developed by the State Board of Medicine.

(2) Sections 71.3, 75.6 and 83.1 (relating to physical examinations; physical examination; and purpose) are proposed to be amended, consistent with 75 Pa.C.S. § 1508.1, to permit CRNPs and physician assistants to perform the physical examination of applicants as prescribed in these chapters.

(3) Section 71.3(c), certificate of school transportation physician, has been restyled as "physical examination certificate" since the certificate issued for the successful completion of the annual physical examination of a school bus driver may now be administered by a CRNP or a physician assistant, and thus issuance of the certificate is not limited to a school transportation physician.

(4) Section 75.6 is proposed to be amended by deleting the reference to other applicants or drivers who may not be physically or mentally qualified to be licensed to drive and thus are required to submit to a physical examination. The intent of this legislation and the regulatory amendments is to allow CRNPs and physician assistants to perform the preliminary physical examination required for initial licensing. The deleted phrase refers to individuals who are already licensed and that the Department has reason to believe are medically incompetent. Examination of these drivers is covered under Chapter 83 and must still be performed by a physician. These examinations are not related to the application for initial licensure and their inclusion here is confusing.

Persons and Entities Affected

These proposed amendments affect physicians, CRNPs and physician assistants who give the physical examination to applicants as prescribed in these chapters. Persons applying for their learner's permit or school bus endorsement are also affected.

Fiscal Impact

These proposed amendments will not impose any increased costs on private persons, State or local governments. These proposed amendments will not require any additional reports or other paperwork requirements.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. 745.5(a)), on August 20, 1997, the Department submitted, a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Transportation. In addition to submitting these proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request. If IRRC has objections to any portions of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

Sunset Date

The Department is not establishing a sunset date for these proposed amendments, since these proposed amendments are needed to administer provisions required under the 75 Pa.C.S. (relating to Vehicle Code). The Department will, however, continue to closely monitor these amendments for their effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Rebecca L. Bickley, Director, Bureau of Driver Licensing, Riverfront Office Center, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person is Lawrence Jones, Manager, Bureau of Driver Licensing, Department of Transportation, Riverfront Office Center, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 787-7740.

BRADLEY L. MALLORY,
Secretary

Fiscal Note: 18-342. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 71. SCHOOL BUS DRIVERS

§ 71.2. Definitions.

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

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.

* * * * *

Physician assistant—A person certified by the State Board of Medicine to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

* * * * *

§ 71.3. Physical examination.

(a) *General rule.* A physical examination shall be given by a school transportation physician, a **CRNP or a physician assistant**:

* * * * *

(c) [**Certificate of school transportation physician**] **Physical examination certificate.** The examining school transportation physician, **CRNP or physician assistant** shall issue a certificate, valid for the ensuing year, to every driver who passes a physical examination.

* * * * *

CHAPTER 75. DRIVER'S LICENSE EXAMINATION

Subchapter A. GENERAL PROVISIONS

§ 75.2. Definitions.

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

* * * * *

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.

* * * * *

Physician assistant—A person certified by the State Board of Medicine to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

* * * * *

§ 75.6. Physical examination.

An applicant for a driver's license, who has never been issued a driver's license in this Commonwealth or another state, [and every other applicant or driver the Department has reason to believe may not be physically or mentally qualified to be licensed to drive a motor vehicle] shall submit to a physical examination by a licensed physician, [who] or CRNP or a physician assistant. The licensed physician, or CRNP or physician assistant performing the examination shall report the findings of the physical examination to the Department on a physical examination certificate or form provided by the Department. The Department may request that the report be submitted on a special certificate relating to the alleged mental or physical disability of the applicant or licensee.

CHAPTER 83. PHYSICAL AND MENTAL CRITERIA, INCLUDING VISION STANDARDS RELATING TO THE LICENSING OF DRIVERS

§ 83.1. Purpose.

Section 1517(b) of the act (relating to medical advisory board) authorizes the Department to adopt physical and mental criteria, including vision standards, for licensing of drivers under Chapter 15 of the act (relating to licensing of drivers). These physical and mental criteria have been formulated by the Medical Advisory Board under the authority of sections 1517 and 1518 of the act (relating to medical advisory board; and reports on mental or physical disabilities or disorders). In addition to their use by the Department in connection with its responsibilities under Chapter 15 of the act, these physical and mental criteria shall be used by physicians, CRNPs and physician assistants in conducting physical examinations of applicants for learner's permits and driver's licenses and by physicians and other persons authorized to diagnose and treat disorders and disabilities covered in this chapter in determining whether a person examined by the provider should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

§ 83.2. Definitions.

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

* * * * *

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.

* * * * *

Physician assistant—A person certified by the State Board of Medicine to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

* * * * *

[Pa.B. Doc. No. 97-1393. Filed for public inspection August 29, 1997, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51, 53, 93 AND 109]

Administration, Commission Property and Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 51, 53, 93 and 109. The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments deal with administration, Commission property and boating.

A. Effective Date

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1998, or upon publication of an order adopting the final-form regulations, whichever occurs later.

B. Contact Person

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

These proposed amendments are published under the statutory authority of sections 741, 2502, 5122 and 5123 of the code and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations pertaining to administration, Commission property and boating. The specific purpose for the various proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

1) *Section 51.28 (relating to report of the presiding officer)*. In accordance with current practice, all proposed reports (pertaining to revocations and suspensions), regardless of whether exceptions are filed, are forwarded to the Commission's Law Enforcement Committee for review and consideration. However, under to the General Rules of Administrative Practice and Procedure, a proposed report becomes the final agency decision if no exceptions

are filed to the proposed report within 30 days. In those instances when no exceptions are filed, it is unnecessary for the Law Enforcement Committee to review the matter because the proposed report already represents the final agency action. To eliminate an unnecessary step in the current procedure, which will reduce the processing time of these cases, staff proposed that this section be amended. The Commission approved the publication of a notice of proposed rulemaking consistent with staff's recommendation.

2) *Sections 51.33 and 51.61 (relating to effective date of filing licenses and trout/salmon permits; and permits required for disturbance of waterways or watersheds).* A review of these regulations revealed a need to clarify or make minor corrections to insure that anglers are able to understand them and that the original intent is contained in them. The proposed changes do not alter or change the regulations in a significant manner.

3) *Section 53.8 (relating to boats).* The law enforcement jurisdiction of the National Park Service (NPS) is limited to the Delaware River, shore to shore on the water only, within the confines of the scenic river area. Additionally, NPS's authority extends to the very few acres that it owns and the Commission and the New York Department of Environmental Conservation access areas where the parties have entered into formal lease agreements. The six Commission access areas involved are Buckingham, Equinunk, Calicoon, Damascus, Narrowsburg and Zane Grey.

The Commission is quite fortunate to be able to rely on NPS's presence and its law enforcement efforts. However, NPS has been put in the position of having to contend with the conflicting laws and regulations of the Commonwealth and New York. The fisheries differences have been resolved for the most part, but confusion remains regarding boat registrations.

Accordingly, staff proposed an amendment to § 53.8 (relating to boats) to avoid confusion and the possible prosecution of unsuspecting persons using Commission access areas on the Delaware River. The Commission approved the publication of a notice of proposed rulemaking containing this change.

4) *Section 53.26 (relating to dogs).* In recent years, staff have seen a tremendous increase in the number of dogs roaming unsupervised on Commission owned or controlled properties. These animals are causing a number of identifiable problems by barking, growling, stalking and charging anglers and boaters as well as leaving dog "droppings" on lawn areas, paths and parking lots. Most of the dogs on Commission property are not brought there by anglers or boaters. It also is recognized that, on some properties, legitimate dog training activities can be conducted without interfering, to any great degree, with the property's intended users.

In an attempt to protect adequately the primary users of Commission properties (that is, boaters and anglers) and still allow others to walk or train, or both, their dogs, the Commission needs reasonable regulations. The Commission approved the publication of a notice of proposed rulemaking, containing a proposed regulation relating to control of dogs on Commission property.

5) *Section 93.13 (relating to issuing agents).* Under section 5304 of the code (relating to issuing agents), the Commission may designate issuing agents for boat registrations. Boat registration issuing agents, other than the Commission, issue only temporary boat registrations; they do not process renewals of boat registrations.

Boat registration issuing agents are authorized by the code to charge and retain an issuing agent fee not exceeding \$2 for each registration. Although the Commission collects and retains issuing agent fees for fishing licenses and permits issued by Commission offices, its offices have not collected the issuing agent fees for temporary boat registrations.

In order for the Commission to start collecting boat registration issuing agent fees for temporary boat registrations issued directly by Commission offices, a clarifying amendment to the existing regulations is required. The proposed amendment will make it clear that Commission offices are designated issuing agents. The Commission approved the publication of a notice of proposed rulemaking containing this change.

6) *Section 109.4 (relating to waterskiing, aquaplaning, kiteskiing and similar activities).* At its January 1997 meeting, the Commission directed staff to meet with proponents of changes to regulations on waterski observers to discuss their concepts for creating a carefully-crafted limited exceptions to existing regulations and report back to the Commission at the May 1997 meeting. Staff met with Frank Gates to discuss his concerns and those of a group of devoted water-skiers who strongly believe that they need some relief from the current requirements in order fully to pursue their sport. Staff and Frank Gates discussed several alternatives, and it was decided that the proponents of change or their attorney would get back to staff with proposed wording. Later, staff were informed that the proponents of change would like the Commission to seek public comment on the proposal set forth in the January 1997 agenda.

Late in the 1996 session of the General Assembly, Legislators proposed an amendment to pending legislation to provide (in pertinent part):

The presence of a competent observer shall not be required in a boat towing a water-skier if all of the following conditions are met:

- (1) The operator of the boat meets all the qualifications of a competent observer and is wearing an approved personal flotation device while the skier is being towed.
- (2) The boat is equipped with all of the following:
 - (a) A rearview mirror which is at least 5 inches by 10 inches
 - (b) A ski platform
 - (c) A boom, towing eye or pylon mounted permanently inside the hull of the boat to which the towing rope is secured.
- (3) Only one person is being towed.
- (4) The device on which the person is riding is only attached to the person and not to the boat.
- (5) Conditions, including other boating activities or congestion in the vicinity of the proposed operation, do not impede safe and prudent boat or waterskiing operations.
- (6) The waterskiing takes place on a day other than a weekend or holiday.

As used in this provision, the term "competent observer" means a person who has the ability to assess when a water-skier is in trouble, who knows and understands the waterskiing hand signals and is capable of helping a skier.

At the request of Commission staff, this amendment was withdrawn to give the Commission staff the opportunity to meet with proponents of the changes to observer requirements and to consider possible changes to Commission regulations. In addition to policy concerns, the staff had concerns with the drafting of the proposed amendment. The Boating Advisory Board discussed the legislative proposal at its meeting on December 20, 1996, and recommended against changing the current regulations on observer requirements, which are set forth in § 109.4 (relating to waterskiing, aquaplaning, kiteskiing and similar activities).

The proponents of change have asked the Commission to consider an amendment to § 109.4(c). Although staff are not convinced that a modification of the observer requirement is necessary or appropriate, it is believed that the wording of the proposed change as set forth in Annex A may be an adequate springboard for further discussion. The Commission has been encouraged by members of the General Assembly to at least seek public input on a possible proposed change to these regulations. At its meeting on May 5, 1997, the Commission approved the publication of a notice of proposed rulemaking seeking public comment on a possible change to § 109.4(c), provided that the notice explicitly provides that, at this stage, the Commission is only seeking public input and does not necessarily endorse the proposed change.

F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose new costs on the private sector and the general public in that persons who initially register their boats at Commission offices will have to pay a \$2 issuing agent fee.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations @ fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

(Editor's Note: Amendments to §§ 53.8 and 109.4, proposed to be amended in this document, appeared at 27 Pa.B. 3999 (August 9, 1997) and will be codified in MTS 275 (October, 1997).)

Fiscal Note: 48A-69. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

Subchapter C. SUSPENSION, DENIAL OR REVOCATION OF LICENSES, PERMITS, REGISTRATIONS OR PRIVILEGES

§ 51.28. Report of the presiding officer.

* * * * *

(c) [The] If exceptions to the proposed report are not filed, the proposed report will be considered the final administrative adjudication of the Commission.

(d) If exceptions to the proposed report are filed, the proposed report, together with the entire record, the briefs, the exceptions, [if any,] and briefs on and opposing exceptions will be filed by the Executive Director with the [Chairman] Chairperson of the Commission's Law Enforcement Committee.

Subchapter D. ISSUING AGENTS

§ 51.33. Effective dates of filing licenses and trout/salmon permits.

Fishing licenses and permits, such as trout/salmon permits, are valid for the year printed on the license certificate or [stamp] permit, and the month of December of the preceding year, except for tourist licenses that are valid for the dates specified on the license certificate.

Subchapter G. PERMIT REQUIREMENTS

§ 51.61. Permits required for disturbance of waterways or watersheds.

* * * * *

(b) Examples of permits that may be required to undertake specific activities in the waters or watersheds of this Commonwealth include[, but are not limited to,] the following:

* * * * *

(18) Permit for use of an algicide, herbicide or fish control chemical in waters of this Commonwealth.

(19) Permit to draw off impounded water.

CHAPTER 53. COMMISSION PROPERTY

§ 53.8. Boats.

* * * * *

(i) A boat using a [Fish and Boat Commission] lake or access area shall be registered and display the official registration number and current validation stickers described under Subpart C and Part III of the code, except that this provision does not apply to non-commercial users of access areas on the Delaware River and West Branch of the Delaware River bounded by the State of New York. Public service boats as defined under section 5302[(3)] of the code (relating to exemptions from registration) and boats participating in events authorized under § 109.6 (relating to special marine events) are exempt from this section.

* * * * *

§ 53.26. Dogs.

(a) Dogs are permitted on Commission property if they are licensed and otherwise in compliance with all other provisions of the Dog Law (3 P. S. §§ 459-101—459-1205).

(b) The maximum number of dogs that an owner or handler is permitted to have on Commission property at one time is two.

(c) The owner or handler shall keep the dogs on a leash not exceeding 6 feet in length while on Commission property.

(d) The owner or handler shall keep the dogs under his supervision and control while on Commission property.

(e) The owner or handler shall immediately scoop, contain and retain the droppings of the dog. The owner or handler may not dispose of the dog droppings on Commission property.

(f) The owner or handler is responsible for the conduct of the dog while on Commission property.

(g) Subsection (c) does not apply when an owner or handler is training a dog for water retrieval purposes and when the following apply:

(1) The dog is actually performing customary water retrieval functions.

(2) The dog remains within 10 feet of the owner/handler while on land.

(3) The dog is under the immediate control of the owner/handler at all times.

(4) The dog does not interfere with anglers or boaters engaged in fishing, boating or other lawful activities.

(h) An owner or handler of a hunting dog is exempt from subsections (c) and (e) when he keeps his dog off lawn areas, trails and parking lots and when he is engaged in legal hunting or training during the seasons established by the Pennsylvania Game Commission.

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

§ 93.13. Issuing agents.

(a) The [appointment] designation of issuing agents for temporary boat registrations shall be limited to the Commission and Commission offices, county treasurers and businesses dealing in boats, boating equipment or sporting goods.

* * * * *

(d) The Commission will collect and deposit in the Boat Fund the \$2 issuing agent fee for all temporary boat registrations issued by Commission offices.

CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES

§ 109.4. [Water skiing] Waterskiing, aquaplaning, [kite skiing] kiteskiing and similar activities.

* * * * *

(c) *Observer required.* [It is unlawful for a person to operate a boat for towing or otherwise assisting a person on water skis unless there is at least one

competent observer in the boat besides the operator, in a position to observe the progress of the person being towed. It is unlawful for a person to water ski being towed by a watercraft or device not containing an operator and observer as required by this section.] (1) *General rule.* Except as otherwise provided in this subsection, it is unlawful for a person to operate a boat towing or otherwise assisting a person on water skis unless there is at least one competent observer in the boat in addition to the operator of the boat. The observer shall be positioned in the boat so as to observe the progress of the person being towed. It is unlawful for a person to water ski being towed by a watercraft or device not containing an operator and observer as required by this subsection.

(2) *Special conditions.* The Executive Director, or a designee, may issue a permit to allow a limited exception to the requirements of paragraph (1). A permit issued under this paragraph will permit operation of a boat towing a water skier without an observer, in addition to the operator, on board the boat. These operations will be permitted only under the following conditions:

(i) Both the operator of the boat and the water skier meet safety training requirements as evidenced by documented completion of a safe boating course and active membership in a state or National waterskiing organization, which provides members with information on waterskiing safety.

(ii) The operator fulfills the definition of a “competent observer” as set forth in this section, wears an approved personal flotation device (PFD) and is a person 18 years of age or older.

(iii) The boat is equipped with the following:

(A) A rearview mirror which is at least 5 inches by 10 inches configured so that the operator may at all times observe the progress of the person being towed.

(B) A ski platform.

(C) A boom, towing eye or pylon mounted permanently inside the hull of the boat to which the towing rope is secured.

(iv) Only one person is being towed.

(v) The water skis or other device on which the person is riding are attached only to the person and not to the boat.

(vi) Conditions, including weather, other boating activities and congestion in the vicinity of the proposed operation, do not impede safe and prudent boat or waterskiing operations.

(vii) The waterskiing takes place on a day other than a weekend or holiday. The Executive Director, for good cause shown, may permit waterskiing under this section on a Saturday or Sunday before the hour of 10 a.m if the Executive Director finds that other boating activities on the waters at the same time will not interfere with the waterskiing.

(viii) The waterskiing takes place on waters described and approved for the operations in the permit.

(ix) The waterskiing takes place at times as the Executive Director or a designee indicates in the permit.

(x) The boat towing the waterskier displays a special waterski flag of a size and design approved by the Commission.

* * * * *

[Pa.B. Doc. No. 97-1394. Filed for public inspection August 29, 1997, 9:00 a.m.]

**[58 PA. CODE CH. 93]
Boating**

The Fish and Boat Commission (Commission) proposes to amend Chapter 93 (relating to boat registration and numbering). The Commission is proposing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments deal with boat registration.

A. Effective date

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1998, or upon publication of an order adopting the final-form regulations, whichever occurs later.

B. Contact person

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory authority

These proposed amendments are published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics).

D. Purpose and background

The proposed amendments are designed to update, modify and improve Commission regulations pertaining to boat registration. The specific purpose of the various proposed amendments is described in more detail under the summary of proposal.

E. Summary of proposal

1) *Section 93.1 (relating to registration)*. The change clarifies the existing regulation to provide that 1-year registrations will not be issued.

2) *Section 93.2 (relating to permanent and temporary registration)*. In addition to some minor wording changes, it is proposed that this section be amended to make it clear that a person acquiring a previously registered boat must register it in the new owner's name and to provide that temporary decals will display the expiration date, instead of the issuance date, and that the expiration date will be last day of the second month after issuance. For boats previously registered in this Commonwealth, it is proposed to clarify the regulations to require that temporary and new registration stickers be displayed.

3) *Section 93.3 (relating to application for boat registration)*. The Commission proposes amending this section to make it consistent with the titling regulations and to improve its clarity. In addition, it is proposed to make it clear that the holder of a registration who trades or replaces his previously registered boat may transfer the remaining period of registration (but not the number) to the new boat on the payment of the \$5 transfer fee. The Commission is also proposing to spell out the procedures to be used when the last known registrant of a boat with

expired registration has not signed the forms to transfer the boat to the applicant for registration.

4) *Section 93.4 (relating to certificate of registration)*. The Commission proposes that a small validation sticker be applied to the certificate of registration. To validate the registration, the certificate will have to be signed (as presently required) and the small sticker applied. A similar approach is used in Maryland.

5) *Section 93.7 (relating to duplicate certificate of registration)*. The Commission proposes a clarifying change in the regulation on duplicate registration certificates.

6) *Section 93.10 (relating to change of address)*. It is proposed that the regulation be clarified to provide that change of address notifications be made in writing.

7) *Section 93.12 (relating to dealers, manufacturers and jobbers)*. In a change suggested by the Bureau of Law Enforcement, it is proposed to clarify the definition of manufacturers. In addition, a change is proposed to deal with the registration status of boats traded in to dealers.

8) *Section 93.13 (relating to issuing agents)*. A provision has been proposed which clarifies issuing agents' responsibilities for handling of nonpublic information about persons registering boats.

9) *Section 93.14 (relating to proof of ownership)*. The Commission proposes to clarify the requirements on proof of ownership of boats for initial registration and to require submission of a Form PFBC-734, instead of an affidavit, when other documentation is not available.

10) *Section 93.17 (relating to abandoned boats)*. This proposed provision, modeled on a similar provision in the titling regulations, sets forth how an applicant can obtain registration for an abandoned boat.

The Commission approved the publication of a notice of proposed rulemaking, containing these changes. The Commission's staff will solicit the advice of the Boating Advisory Board concerning the proposed changes so that the Commission may consider the Board's input prior to acting on final rulemaking.

F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, PA Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-70. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

§ 93.1 Registration.

(a) [Boat] With the exception of a "Manufacturer/Dealer/Jobber" registration certificate, which is valid for 1 year, and a "State Owned" registration certificate, which is valid until the removal of the property from inventory, all other boat registration certificates issued under this chapter are valid for a period not exceeding 2 years. The Commission will not issue 1-year registration certificates except to "Manufacturer/Dealer/Jobbers." The registration period expires on March 31 of the second year following issuance.

(b) [The] Except for Manufacturers/Dealer/Jobber registrations, the fee for the registration will be twice the annual registration fee as set forth in the code.

* * * * *

(d) The Commission ordinarily relies solely on the information submitted by an applicant to show that the applicant is the true and lawful owner of the boat for which registration is sought. Issuance of a boat registration does not constitute an adjudication or finding with respect to ownership of the boat. However, the Commission will defer issuance of a new or renewal registration for any boat after it receives written notice of the existence of a reasonable dispute as to the ownership of a boat. The parties who dispute the ownership of the boat shall be responsible to obtain a determination of ownership from an appropriate civil forum or by settlement and to notify the Commission, in writing, of the determination.

§ 93.2. Permanent and temporary registration.

(a) Boat not previously registered in this Commonwealth.

(1) A person acquiring a boat which has not been previously registered in the person's name in this Commonwealth shall complete an application for boat registration as set forth in § 93.3 (relating to application for boat registration). The applicant will receive a copy of the completed application [, signed by the issuing agent,] which will be recognized as the boat's certificate of registration for a period [not to exceed 60 days from the date of issuance] specified in subsection (d). This temporary certificate of registration shall be carried on the boat when the boat is in operation and shall be available for inspection by an authorized officer. The new owner will receive a set of temporary validation decals from the authorized issuing agent [which will be valid for 60 days from the date of issuance] who will enter the expiration date (month/year), calculated in accordance with subsection (d), on the decal. [The issuing agent shall indicate the date of issue on the temporary validation decals.] Before

the boat is operated, these temporary validation decals shall be displayed on each side of the bow—the front half—of the boat in a position to provide for maximum visibility.

* * * * *

(b) Boat previously registered in this Commonwealth but having expired registration.

(1) A person acquiring a boat which has been previously registered in another person's name in this Commonwealth and possesses an expired registration shall complete an application for boat registration as set forth in § 93.3. The applicant will receive a copy of the completed application [, signed by the issuing agent,] which will be recognized as the boat's certificate of registration for a period [not to exceed 60 days from the date of issuance] specified in subsection (d). This temporary certificate of registration shall be carried on the boat when the boat is in operation and shall be available for inspection by an authorized officer. The new owner will receive a set of temporary validation decals from the authorized issuing agent [which will be valid for 60 days from the date of issuance] who will enter the expiration date (month/year), calculated in accordance with subsection (d), on the decal. [The issuing agent shall indicate the date of issue on the temporary validation decals.] Before the boat is operated, these temporary validation decals shall be displayed on each side of the bow—the front half—of the boat in a position to provide for maximum visibility. If the boat is displaying expired validation decals, the owner or operator shall remove the expired validation decals and replace them with the temporary validation decals. The previously assigned registration number currently on the boat will remain with the boat as long as the boat is registered in this Commonwealth.

* * * * *

(c) Boat previously registered in this Commonwealth having current registration.

(1) A person acquiring a boat which has been previously registered in another person's name in this Commonwealth [and is] displaying current biannual validation decals shall complete an application for boat registration as set forth in § 93.3. The applicant will receive a copy of the completed application [, signed by the issuing agent,] which will be recognized as the boat's certificate of registration for a period [not to exceed 60 days from the date of issuance] specified in subsection (d). This temporary certificate of registration shall be carried on the boat when the boat is in operation and shall be available for inspection by an authorized officer. The new owner will receive a set of temporary validation decals from the authorized issuing agent who will enter the expiration date (month/year), calculated in accordance with subsection (d), on the decal. Before operating the boat on the waters of this Commonwealth, the owner or operator shall remove the prior validation decals and replace them with the temporary validation decals. The previously assigned registration number will remain with the boat as long as the boat is registered in this Commonwealth. It is unlawful for a person acquiring a boat described in this subsection to operate the boat on the waters of this Commonwealth until the registration is transferred to the new owner as provided in this section.

[(2) A person who applies for boat registration for a boat displaying current biannual validation decals in the person's name up until October 1 of the first year of the biannual registration cycle will not receive new biannual validation decals but will receive a new biannual certificate of registration card from the Commission which shall be carried onboard the boat while it is being operated. The current biannual validation decals on the boat will be valid.

(3) A person who applies for boat registration for a boat displaying current biannual validation decals in the person's name between October 1 of the first year of the biannual registration cycle and October 1 of the second year of the biannual registration cycle will receive from the Commission new biannual validation decals that will extend the current boat registration by 1 year. Upon receipt of the new biannual registration decals, the owner or operator shall remove the biannual validation decals currently on the boat and replace them with the new biannual validation decals provided by the Commission. The biannual validation decals shall be displayed in accordance with § 93.5. The new owner will also receive from the Commission a new biannual certificate of registration card which shall be carried onboard the boat while it is being operated.

(4) A person who applies for boat registration for a boat displaying a current biannual validation decal after October 1 of the second year of the biannual registration cycle will receive from the Commission new biannual validation decals that will extend the current boat registration by 2 years. Upon receipt of the new biannual validation decals, the owner or operator shall remove the biannual validation decals currently on the boat and replace them with the biannual validation decals provided by the Commission. The biannual validation decals shall be displayed in accordance with § 93.5. The new owner will also receive from the Commission a new biannual certificate of registration card which shall be carried onboard the boat while it is being operated.]

(2) The Commission will send the registrant biannual validation decals and a new biannual certificate of registration. The registrant shall display the new biannual validation decals in accordance with § 93.5 and shall carry the registration card onboard the boat while it is operating. In determining the expiration date of the new biannual registration, the Commission will use the following guidelines:

(i) Application received on or before September 30 of the first year of the biannual registration cycle: New validation expires at the end of the current registration cycle.

(ii) Application received between October 1 of first year of the biannual registration cycle and September 30 of the second year of the cycle: New validation expires at the end of the next registration cycle.

(iii) Application received after October 1 of the second year of the biannual registration cycle: Validation expires after 2 years.

(d) *Temporary decals.* [The temporary validation decals are color coded to indicate the year for

which they are valid.] The temporary validation decals are valid [for only 60 days from] until the last day of the second month after the date of issuance [on] of the decal, which date will be not less than 60 nor more than 90 days after issuance of the decal. The owner or operator shall ensure that the temporary validation decals are removed and the biannual validation decals, when received from the Commission, are displayed in place of the temporary validation decals. The temporary validation decal shall display the date on which it expires in the following format: "Expires last day of (month)/(year)." The authorized issuing agent shall enter the expiration date (month/year) on the decal.

§ 93.3. Application for boat registration.

(a) *New registration.* Application for a boat registration for a new boat or a used boat that was not previously registered in this Commonwealth shall conform with the following:

(1) *Forms.* The owner of a boat desiring registration shall apply on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Fish and Boat Commission, [; Boat Registration Division; Post Office Box 68900, Harrisburg, PA 17106-8900] Licensing and Registration Section.

(2) *Required information.* The applicant shall provide the following information on the application (REV-336) for a boat registration:

* * * * *

(ii) The name [and address of the former owner] of the person from whom the boat was purchased.

(iii) The state registration number, if any, currently assigned to the boat.

* * * * *

(v) The full hull identification number (HIN).

* * * * *

(vii) The length of the boat [to the nearest half-foot] in feet and inches.

(viii) The type of propulsion, such as, outboard, inboard [or other], sterndrive or unpowered.

* * * * *

(xii) [A statement as to use, for example: pleasure, rental business, jobber/dealer, manufacturer, commercial-passenger, commercial-fishing, commercial-other or other] The primary usage such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, and the like.

* * * * *

(xvii) The date of birth of the primary registrant.

* * * * *

(5) Incomplete or incorrect applications will not be processed until completed and may be returned by the Commission to the applicant or issuing agent.

(b) *Renewals.* Only [Form PFC] Forms PFBC-730a and PFBC-733 shall be used to renew registrations of boats which are being kept by the same owner. If the registration has lapsed, the owner shall obtain Form [PFC] PFBC-730a or PFBC-733 from the [Boat

Registration Division] Licensing and Registration Section of the Commission to renew the lapsed registration.

(c) [*Transfers*] *Previously registered boats.* Application for a certificate of registration for a boat previously registered in this Commonwealth shall conform with the following:

* * * * *

(2) A bill of sale, signed by the **last** registered owner, may be substituted for the required signatures on REV-336 [**or the purchaser may complete the PFC-734 "Statement of Purchase" form**].

(3) If the registered owner of a boat to be transferred is deceased, the personal representative (executor/administrator) of the decedent shall sign Form REV- [366] 336 for the [**last registered owner**] **deceased owner**. The personal representative shall indicate his capacity with his signature and shall provide documentation—**an original death** certificate and letters testamentary [**or similar documentation**], **letters of administration, original short certificate, court order filed under small estates procedurs or Form PFBC-R1**—certifying his capacity to act on behalf of the decedent's estate. **An original death certificate is not required if Form PFBC-R1 is signed by the attending physician or funeral director.** If the boat registration is to be transferred from joint ownership, when one of the joint owners is deceased, the other joint owner shall present the **original** death certificate to effect the transfer.

(4) **When an applicant seeks to register a boat having an expired registration and the last registered owner has not signed the REV-336 or bill of sale because he is not the seller of the boat, the Commission will, prior to processing the application for registration, notify the last registered owner at his last known address that the applicant is seeking to register the boat. If the last registered owner claims an ownership interest in the boat and objects to the transfer of the registration to the applicant, the Commission will defer further processing until the parties resolve the ownership issues through established civil processes. If the last registered owner does not object to the transfer or fails to respond to the notice after 30 days, the Commission may process the request for registration if it is otherwise satisfied that the applicant is the true and lawful owner of the boat and entitled to registration.**

(d) *Transfer of registration to new boat.* The holder of a valid Pennsylvania registration certificate on a boat previously owned by him may transfer the registration certificate for the remainder of the original boat's registration period to a new boat upon payment of the transfer fee for multiyear registrations as set forth in the code and submission of a complete Form PFBC R-4. If the registration fee for the new boat is greater than the registration fee for the old boat based on the length of the boat, the applicant shall also pay the difference between the registration fees for the new and old boat. The applicant shall submit the certificate of registration for the old boat and certify that the validation stickers have been removed from the old boat at the time of transfer. The old boat's number shall remain with the old boat, and the new boat shall be issued a new number unless it was previously numbered in this Commonwealth.

§ 93.4. Certificate of registration.

(a) The owner shall sign the certificate of registration, Form [PFC] PFBC-730b, in ink and place a numbered, registration certificate validation sticker on the reverse side of the certificate to validate the registration. A registration certificate is not valid unless a sticker is applied.

* * * * *

§ 93.7. Duplicate certificate of registration.

The Commission will issue a duplicate certificate of registration upon receipt of Form [PFC] PFBC-730a or Form [PFC] PFBC-732 from the registered owner and payment of the appropriate fee. **The Commission will not issue the numbered registration certificate validation sticker for duplicate registrations, but the lack of the sticker will not affect the validity of a duplicate registration certificate.**

§ 93.10. Change of address.

The owner shall notify the Commission, **in writing**, within 15 days after a change of address. The original certificate of registration shall be retained for use until a new certificate is issued.

§ 93.12. Dealers, manufacturers and jobbers.

* * * * *

(d) A manufacturer is a person or business engaged in building, **testing**, or constructing boats **or boat parts** from raw material or parts. To be eligible for a manufacturer's registration, an applicant shall demonstrate to the satisfaction of the Commission that the applicant is regularly engaged in the business of manufacturing **or testing** boats **or boat parts** for sale.

* * * * *

(g) **Boat dealers, jobbers or manufacturers who take in trade a boat bearing previous Pennsylvania boat registration are required, within 15 days of obtaining the boat, to place the boat under the dealer/jobber/manufacturer's dealer registration. The dealer, jobber or manufacturer shall complete Form 336 and forward it to the Boat Registration Section. No fee is applicable to a transaction when dealers place boats taken in trade under its dealer registrations. It is unlawful for a boat dealer, jobber or manufacturer to operate or allow to be operated a boat received in trade bearing Pennsylvania boat registration until the boat is placed under its dealer registration under this subsection.**

§ 93.13. Issuing agents.

* * * * *

(c) If [**an agent is**] the Executive Director determines that a sufficient number of agents are not available in an area [**which meets subsection (a) or (b), the Executive Director**] reasonably to address the needs of the boating public, the Executive Director may appoint [**an agent**] additional agents from other interested individuals [**if the appointment is in the best interest of the boating public**] or reduce the number of temporary boat registrations that existing agents are required to issue during the year.

(d) Issuing agents shall have access to nonpublic information concerning holders of boat registrations and titles, including their home addresses.

Issuing agents who are provided nonpublic information about boat registration holders or boat owners in the course of their duties may not release or disclose the nonpublic information except for official purposes.

§ 93.14. Proof of ownership for initial registration.

(a) Proof of ownership for initial registration shall be established by a manufacturer's certificate of origin indicating transfer of ownership from the manufacturer, distributor or dealer to the applicant if the boat was manufactured after January 1, 1993. When registering a new boat for the first time, the original manufacturer's certificate of origin shall be attached to the Form REV-336 and submitted to the Commission.

(b) If a manufacturer's certificate of origin is not available, proof of ownership shall be established by one of the following:

* * * * *

(c) If [the requirements of subsections (a) and (b) are not available] neither a manufacturer's certificate of origin nor the documents described in subsection (b) are available, the applicant shall submit [an executed affidavit] an executed Form PFBC-734 (Affidavit of Purchase/Ownership) fully setting forth the facts to support the applicant's claim of ownership in the boat. [Affidavits for materials used in the construction of] Applications seeking to prove ownership of homemade boats shall be supported with bills of sale for the major components of the boat. Affidavits are executed under penalty of law.

* * * * *

(e) This section applies to initial registration of a boat. It does not apply to registration of boats previously or currently registered in this Commonwealth.

§ 93.17. Registration of abandoned boats

(a) Policy. Before registering a boat, the Commission must be satisfied that the applicant for registration has sufficient ownership interest in the boat to qualify for registration. Requests to register boats found abandoned on private property and Commonwealth waters present particular problems. It is the policy of the Commission to register these boats only if the applicant demonstrates ownership by taking the steps described in this section and complies with other applicable law and regulations

(b) Boats abandoned on private property. Subject to the following, a landowner, his lessee or his agent may register a boat that has been abandoned on his land or the waters immediately adjacent to his land for at least 3 months.

(1) A person desiring to register an abandoned boat in his name shall provide written notice to the Commission of his intent to register the boat. The notice shall, at a minimum, set forth the date and place the boat was found, a description of the boat, including the make, model and year, and, if known, the hull identification number, registration number, temporary decal number and other identifying data. The person desiring to register an abandoned boat may provide written notice to the Commission by completing Form PFBC-R2, "Notice of Intent to

Register Boat Abandoned on Private Property" and mailing the form to the Commission.

(2) If a boat abandoned on a person's land or waters has a hull identification number, registration number, temporary decal number or other identifying indicia, the Commission will notify the last registrant of the boat that the boat has been abandoned and that the requester desires to register the boat in his name.

(3) Upon receipt of the written request, the Commission will notify the last registrant by certified mail that someone desires to register the boat in his name and if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, register the boat in the name of the person desiring to register it.

(i) The notice shall:

(A) Describe the make, model, hull identification number and registration number of the boat.

(B) State the location where the boat is being held.

(C) Inform the registrant of his right to reclaim the boat within 30 days after the date of the notice upon payment of all registration fees and other applicable charges.

(D) State that failure of the registrant to reclaim the boat is deemed consent to the registration of the abandoned boat in the name of the requester with dissolution of all interests of the prior registrant.

(ii) If the last known registrant does not respond, the Commission may notify the requester to proceed under paragraph (4). The Commission is not required to send a letter if it cannot identify the boat's last registrant or ascertain an address. If the abandoned boat has a registration number, temporary decal number or other identifying indicia, evidencing that the boat is registered in another state, the Commission will notify the other state and ask it to notify the boat's last registrant by certified mail that someone desires to register the boat in his name. The other state's notice shall provide that if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, register the boat in the name of the person desiring to register it. The other state is not required to send a letter if it cannot identify the boat's last registrant or ascertain an address. When the other state notifies the registrant, if known, as provided in this section and advises the Commission that the transfer of registration to the requester is unobjectionable to the other state, the Commission may notify the requester to proceed under paragraph (4).

(4) Regardless of whether the abandoned boat has a hull identification number, registration number, temporary decal number or other identifying indicia, the person desiring to register the boat in his name shall place a notice in a newspaper of general circulation published in the county where the boat is located for 3 consecutive days. The notice shall describe the boat, its location, the date it was abandoned and any identifying number. The person also shall state in the notice that if the boat is not claimed and removed within 30 days after

publication in the newspaper, the person will apply for registration of the boat in his name.

(5) After the notices described in paragraphs (3) and (4) have expired, but no earlier than 60 days after the person desiring registration has first notified the Commission, the person may apply to the Commission for registration of the boat in his name.

(i) The application shall be accompanied by the following items:

(A) A statement made under penalty of law that the boat has been abandoned for at least 3 months.

(B) Proof that the applicant provided notices as set forth in this section.

(C) Proof that a notice was published in a newspaper as required by paragraph (4).

(ii) In cases involving boats registered in other states, the Commission may extend the 60-day period described in paragraph (5) to 180 days.

(6) Upon receipt of the required materials and the payment of fees required by law, the Commission will register the boat in the name of the applicant.

(7) The Commonwealth, its agencies and political subdivisions may register any boat abandoned on areas under their ownership by proceeding in the manner set forth in this section.

(c) *Boats abandoned on Commonwealth waters.* A person finding a boat abandoned on the waters of this Commonwealth (not private property) shall notify the Commission of the description and location of the boat as well as the date on which it was found. A person may notify the Commission by completing Form PFBC-R3, "Notice of Abandoned Boat Found on Commonwealth Waters" and mailing the form to the Commission.

(1) The Commission may take possession of a boat abandoned on the waters of this Commonwealth or may authorize a salvor to take possession provided the salvor complies with these provisions, is a vehicle salvage dealer as defined in 75 Pa.C.S. § 1337 (relating to use of "Miscellaneous Motor Vehicle Business" registration plates), and holds a current, valid certificate of authorization issued by the Department of Transportation under 75 Pa.C.S. § 7302 (relating to certification of authorization).

(2) Any salvor taking possession of a boat under this section shall notify the Commission in writing within 48 hours after taking possession.

(3) The Commission, after taking possession of an abandoned boat or after receiving notice that a salvor has taken possession of an abandoned boat, shall notify by certified mail, return receipt requested the last known registrant of the boat. The notice shall:

(i) Describe the make, model, hull identification number and registration number of the boat.

(ii) State the location where the boat is being held.

(iii) Inform the registrant of his right to reclaim the boat within 30 days after the date of the notice upon payment of all towing and storage charges and all registration fees.

(iv) State that failure of the registrant to reclaim the boat is deemed consent to the destruction, sale or other disposition of the abandoned boat with dissolution of all interests of the registrant.

(4) If the identity of the last registrant cannot be determined, the contents of the notice described in paragraph (3) shall be published three times in a newspaper of general circulation in the area where the boat was found abandoned. If the boat is in possession of a salvor, publication of the notice shall be the responsibility of the salvor. If the boat is in possession of the Commission, publication of the notice is the responsibility of the Commission. Publication of the notice shall have the same effect as the notice sent by certified mail.

(5) The Commission, after 45 days of the date of notice sent by certified mail described in paragraph (3) or publication of the notice described in paragraph (4), may dispose of the boat if it is in its possession or may authorize the salvor to dispose of the boat in its possession as provided in paragraph (6) or (7).

(6) The Commission, if in possession of the unclaimed abandoned boat, or the salvor, if in possession of the unclaimed abandoned boat, may sell the boat at public auction if it has value. From the proceeds of the sale of the abandoned boat, the Commission or the salvor, as applicable, shall be reimbursed for the costs of towing, storage, notice, publication, mailing and costs of the auction. The remainder of the proceeds of the sale shall be forwarded to the Commission, which will hold them for 60 days from the date of sale for claim by the registrant. If the proceeds are not so claimed, they shall be deposited in the boat fund for use of the Commonwealth.

(7) If an unclaimed abandoned boat is valueless except for salvage, the salvor in possession shall apply to the Commission for registration, and upon issuance of the same, the salvor may destroy, dismantle, salvage or recycle the boat and retain any proceeds realized therefrom to offset the costs of towing, storage, notice, publication and mailing.

[Pa.B. Doc. No. 97-1395. Filed for public inspection August 29, 1997, 9:00 a.m.]

[58 PA. CODE CHS. 61, 63, 65 and 67]

Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapters 61, 63, 65 and 69. The Commission is publishing these proposed amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments concern with fishing.

A. *Effective date*

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1998, or upon publication of an order adopting the amendments, whichever comes later.

B. *Contact person*

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This pro-

posal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. *Statutory authority*

These proposed amendments are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and background*

The proposed amendments are designed to update, modify and improve Commission regulations relating to fishing. The specific purpose for the various proposed amendments is described in more detail under the summary of proposal.

E. *Summary of proposal*

1) *Sections 61.1, 61.4 and 61.7 (relating to Commonwealth inland waters; the Conowingo Reservoir; and Susquehanna River and tributaries)*. Regulations for the Susquehanna River (footnote in §§ 61.1 and 61.7) and the Conowingo Reservoir (§ 61.4) prohibit the harvest of American shad; this was done primarily to protect adult shad that were being trapped and transported up river for stock rebuilding purposes. River herring and hickory shad are other anadromous fish species for which restoration is expected within the Susquehanna River Basin through the operation of the fish passage facilities at the dams. Harvest of hickory shad is prohibited in the Conowingo Reservoir where the Commission follows the regulatory lead of the state of Maryland. Prohibiting harvest of American shad, hickory shad and both species of river herring will remain important during the initial phases of fish passage at the dams. It is appropriate that these fish stocks be protected from harvest during the population building phases in the entire Susquehanna River Basin.

Amending § 61.7 and footnote #4 to § 61.1 to make it illegal to take, catch or kill hickory shad and alewife and blueback herring (collectively known as river herring) will provide the appropriate protection. Amending § 61.4 to make it illegal to take, catch or kill alewife and blueback herring (collectively known as river herring) will add protection to these species in addition to the protection already provided to American shad and hickory shad in the Conowingo Reservoir. At its meeting, the Commission approved the publication of a notice of proposed rulemaking containing these changes with the clarification that landlocked alewife taken from inland ponds, lakes or reservoirs (such as Lake Raystown), collected by legal means and measuring less than 8 inches in length may be harvested for use as baitfish.

2) *Sections 61.1, 61.2, 63.11 and 63.12 (relating to Commonwealth inland waters; Delaware River and River Estuary; eel chutes; and eelpots and fyke nets)*. Management of American eels is a subject of much discussion among East Coast jurisdictions. According to the *American Eel and Horseshoe Crab Public Information Document* prepared by Atlantic States Marine Fisheries Commission (ASMFC) American Eel Plan Development Team, "status of American eel populations along the Atlantic seaboard is poorly understood. At the same time, growing exploitation of American eel has raised concern by various fisheries management interests. Domestic and overseas markets utilize nearly all life history stages of eels and demand for the species continues to be greater than the fishery can supply." The economic value of eels, particularly baby eels or elvers (also glass eels), has been referred to as the next most lucrative commodity next to illegal drugs. Values of several hundred dollars per pound of elvers are not uncommon, particularly when destined for

aquaculture use in Asia or Europe. It is common knowledge that major suppliers follow the migration and obtain elvers in various jurisdictions through permitted or illegal, or both, fisheries. The lack of uniformity, particularly length limits, complicates and hinders action by law enforcement personnel.

The Commonwealth, by virtue of having only one or two commercial fisheries for eels, is relatively well off compared to most other jurisdictions. Even so, the Commission's regulations merit some attention in light of problems with American eel fisheries. Under the code, an applicant can be issued an eel chute (weir) license for \$25 for reaches of the North and West Branches of the Susquehanna River, the Juniata River downstream of Mount Union and in the Delaware River. In recent years, undoubtedly due to a scarcity of eels in the Susquehanna drainage, no permits have been issued. Two were issued for the Delaware River in 1996 with only one involving active fishing and reporting a catch slightly over 400 pounds. Much of the Delaware River, especially that involving the Delaware Water Gap National Recreation Area, is now closed to commercial take of any species, including eels. The authority requiring issuance of eel chute licenses is statutory, and the Commission has no explicit statutory authority to refuse to issue the licenses to qualified licensees. However, the Commission does have explicit statutory authority to prohibit the sale of eels taken from Commonwealth and boundary waters. Accordingly, staff recommended that § 63.11(13) be amended so that eels caught lawfully under this section may not be sold or offered for sale. In addition, this section should be amended to add a new subsection providing that eels taken with eel chutes shall be subject to the same size and creel limits as eels taken with hook and line.

It is not known how many anglers take eels with eelpots as currently permitted under § 63.12. It is speculated that few if any take advantage of this practice, which does not require any special permit or license. Staff further suggested that eelpots be considered an illegal device having no place in today's fisheries management plan for American eel.

Use of fyke nets as authorized by § 63.12 requires a \$10 permit and may occur only in the Delaware River common to this Commonwealth and New Jersey. In 1996, staff initiated a moratorium on issuing fyke net permits in anticipation of possible changes brought about by an ASMFC coastwide eel management plan. This was intentionally done to minimize inconvenience to anglers who geared up to harvest and sell elvers only to lose that opportunity a year or so later. One permit was issued before word on the moratorium became known to staff. It is not known whether or not that permit was utilized. Based on social conflicts involving fyke netters in other jurisdictions, uncertainty of American eel stocks and the philosophical difference of a commercial elver fishery contrary to recreational angling throughout the rest of this Commonwealth, except Lake Erie, staff suggested that the fyke net program be retired.

American eels, both adult and young, still play a role in recreational angling in this Commonwealth. It is the intent of staff to continue to permit the taking of eels as bait and as conventional sport harvest (if taken on hook and line). In doing so, a 6-inch minimum length limit (with a 50 fish possession limit) needs to be considered to facilitate law enforcement relative to the harvest and trafficking of elvers through Commonwealth markets and to be consistent with regulations in neighboring jurisdic-

tions. This means an angler taking elvers with a seine, dip net or other legal device will have a 6-inch minimum and an 8-inch maximum. The 8-inch maximum applies to eels, chubs, suckers, lampreys and fallfish when taken as baitfish. Otherwise, those over 8-inches in length can be taken only by hook and line. The Commission approved the publication of a notice of proposed rulemaking consistent with staff's recommendations.

3) *Sections 63.6—63.8 (relating to authorized devices for game fish, baitfish and fishbait; exceptions to limitations on devices; and long bows, spears and gigs).* A review of these regulations revealed a need to clarify or make minor corrections to insure that anglers are able to understand them and that the original intent is contained therein. The proposed changes do not alter or change the regulations in any significant manner.

4) *Section 65.24 (relating to miscellaneous special regulations).* Management of Harveys Lake, a 658-acre natural lake in Luzerne County, has been dynamic and at times controversial in the last 10 years or so. In the mid-1980's, stocking was terminated as the lake exceeded the 200-acre maximum for the adult trout program. Fingerlings stocked on a put-grow-and-take basis were used in recognition of suitable thermal and chemical traits characteristic of a two-story lake. Evaluation of fingerling stockings in comparison to larger size trout indicated very poor survival during the first and perhaps most critical year in the lake. Losses over the dam and predation by chain pickerel, perhaps walleye and resident waterfowl were thought to be limiting factors in the use of fingerlings. About the same time, results from use and harvest studies across the State on trout-stocked waters were being used to revise stocking rates for better use of hatchery trout and to provide more opportunity for trout angling. Staff recognized the potential to provide year long opportunity for trout angling on a few select two-story lakes/reservoirs through the stocking of adult trout at a very light stocking rate, particularly when use of fingerlings did not achieve success. Thus, adult trout stocking was phased back into the program for Harveys Lake. Brown trout have been emphasized given their greater potential to achieve a larger size in a two-story lake with alewife forage.

Staff would now like to advance the management of Harveys Lake, bearing in mind several key aspects, including: 1) keeping the lake open as long as possible for warmwater/coolwater species angling; 2) providing more trout fishing opportunity by stocking adult trout prior to opening day, during the spring inseason period, and in the fall; 3) stocking a mix of rainbow and brown trout in recognizing differences in catchability and the idea that some, primarily brown trout, will provide the basis for a trophy fishery; and 4) using special regulations to manage for a trophy fishery without eliminating opportunity for the typical trout angler to catch and keep a few trout from recent stockings. New regulations are envisioned to manage for a trophy fishery while still permitting anglers to enjoy recently stocked trout center on a reduced daily creel, an elevated minimum length limit and a short period of no-fishing. For a program based on the stocking of hatchery trout, a three trout daily creel will be used in an attempt to prolong the fishery. While the Statewide 7-inch length limit will still apply, only one of the three fish daily limit may exceed 18 inches. This is intended to emphasize the trophy potential of trout stocked in Harveys Lake as it takes brown trout on the average two seasons before the 18 inch length is attained. The no-fishing season of April 1 through 8 a.m. of the opening day of regular trout season is like that for waters in the

late winter-extended trout fishing program. It is staff's intent to maximize the number of days Harveys Lake is open for angling but have a very short closure so preseason stocking for the mid-April opener can occur.

The general approach has been aired at several meetings, including meetings of the Luzerne County Federation of Sportsmen and the Harveys Lake Protection Association. Overall reaction has been favorable. The Commission approved the publication of a notice of proposed rulemaking containing these changes.

5) *Section 69.12 (relating to seasons, sizes and creel limits—Lake Erie).* Fisheries Management staff have noted changes in: (1) water quality; (2) aquatic macrophyte (vegetation) density; and (3) fish species composition in Presque Isle Bay. Generally, improvement in water quality has been noted. Aquatic macrophyte density has increased undoubtedly as a consequence of zebra mussel colonization and related increases in water clarity. Changes in fish species composition can be expected to exhibit modes fluctuations as a consequence of environmental factors. However, substantial increases in rough-fish, primarily quillback, have been noted in recent surveys. Recent surveys also have found evidence of natural reproduction of muskellunge.

Increases in Great Lakes muskellunge stocks in Lake Erie in the vicinity of Buffalo, New York, have been documented. Additionally, recent studies by New York biologists suggest that Great Lakes muskellunge utilize very specific spawning habitats and young muskellunge associate themselves with very specific types of aquatic vegetation. cursory survey information suggests that these habitats and aquatic plants are available in Presque Isle Bay. Given adequate habitat (spawning and nursery) and availability of adequate forage fish, staff are anxious to foster recovery of the Great Lakes strain muskellunge by protecting larger and mature size classes. Great Lakes muskellunge exhibit maturity schedules where all or most females attain sexual maturity by age 7 at approximately 39 inches. Given this schedule, staff recommended to the Commission that a minimum size limit of 40 inches be established with a one fish daily creel limit. Restrictive regulations and perhaps supplemental stocking of Great Lakes strain muskellunge from out-of-State sources will be used to restore wild muskellunge populations to Presque Isle Bay with a multiyear evaluation. The Commission approved the publication of a notice of proposed rulemaking consistent with staff's recommendations.

6) *Sections 69.31 and 69.33 (relating to seasons; and use of trap nets).* A notice of proposed rulemaking containing changes to §§ 69.21—69.39 was published at 26 Pa.B. 5982 (December 14, 1996). Staff also directly solicited comments from all licensed commercial fishermen on Lake Erie. Although the Commission did not receive any comments during the public comment period, it received one comment shortly after the comment period ended. The commentator offered many suggestions worthy of consideration. However, the extensive changes that he suggested, while within the scope of the proposed rulemaking, required further staff review and will profit from public input. Accordingly, the Commission adopted the regulations as proposed at its January 1997 meeting and agreed to consider additional changes as proposed rulemaking at its spring 1997 meeting.

During a technical staff review in March 1997, staff considered the commentator's requests. Staff found no compelling reason to regulate the time of year when walleye are harvested commercially; therefore, staff rec-

ommended that when the total allowable harvest is attained, the season is closed. Staff also acknowledged that trap nets fish more easily and efficiently in shallow water thereby improving the expectation that the total allowable catch can be attained. The distance limits recommended by staff are intended to preserve navigation.

As a result of the technical review, staff recommended to the Commission that the regulations be amended. The Commission, at its spring 1997 meeting, approved the publication of a notice of proposed rulemaking consistent with staff's recommendations.

F. *Fiscal Impact*

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

G. *Paperwork*

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

(*Editor's Note:* A proposal to amend § 61.7 remains outstanding at 27 Pa.B. 1653 (April 5, 1997). A proposal to amend § 65.24 remains outstanding at 27 Pa.B. 1468 (March 22, 1997).)

Fiscal Note: 48A-68. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

* * * * *

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogheny Reservoir:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
* * * * *	* * * * *	* * * * *	* * * * *
AMERICAN EEL	Open year-round	8 inches	50
* * * * *	* * * * *	* * * * *	* * * * *
SUNFISH, YELLOW PERCH, CRAPPIES, CATFISH, ROCK BASS, SUCKERS, [EELS], CARP, WHITE BASS	Open year-round	No minimum	50 (combined species)
AMERICAN EEL (as baitfish)	Open year-round	6 inches to 8 inches	50
* * * * *	* * * * *	* * * * *	* * * * *

**** Note: Unlawful to take, catch or kill American Shad, **hickory shad and alewife and blueback herring (collectively known as river herring)** in Susquehanna River and its tributaries. See §§ 61.4 and 61.7.

§ 61.2. Delaware River and River Estuary.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Delaware River and to Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
* * * * *	* * * * *	* * * * *	* * * * *
AMERICAN EEL	Open year-round	8 inches	50
AMERICAN EEL (as baitfish)	Open year-round	6 inches to 8 inches	50
* * * * *	* * * * *	* * * * *	* * * * *

§ 61.4. Conowingo Reservoir.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Conowingo Reservoir, which includes the Susquehanna River from the Maryland State Line upstream to Holtwood Dam:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
*****	*****	*****	*****
AMERICAN and HICKORY SHAD and ALEWIFE and BLUEBACK HERRING (collectively known as river herring)	Closed (No open season)	Closed	0
*****	*****	*****	*****

§ 61.7. Susquehanna River and tributaries.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Susquehanna River and its tributaries including the Juniata River, the West Branch, "North Branch" and other tributaries within the Susquehanna River Basin, except the Conowingo Reservoir—see § 61.4 (relating to Conowingo Reservoir):

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
AMERICAN and HICKORY SHAD and ALEWIFE and BLUEBACK HERRING (collectively known as river herring) *	Closed year-round	Closed	0
*****	*****	*****	*****

*Note: Landlocked alewife taken from inland ponds, lakes or reservoirs that are collected by legal means and measure less than 8 inches in length may be harvested for use as baitfish.

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.6. Authorized devices for game fish, baitfish and fishbait.

* * * * *

(d) It is unlawful to use more than two lines at any time when fishing for game fish, baitfish or both.

§ 63.7. Exceptions to limitations on devices.

The limitations on fishing devices contained in this chapter do not:

* * * * *

(3) Limit the means or devices by which fish may be taken under special permits issued under Chapter 29 of the code (relating to special licenses and permits), **except trout/salmon permits.**

* * * * *

§ 63.8. Long bows, spears and gigs.

* * * * *

(b) *Delaware River.* The following provisions apply to use of long bows, **including compound**, spears and gigs on the Delaware River:

(1) In addition to the species in subsection (a), herring, except shad, and catfish may be taken [**using long bows and arrow, spears or gigs**].

(2) It is unlawful to use long bows and arrow, **including compound**, spears or gigs to take fish within 275 yards of an eel weir.

* * * * *

§ 63.11. Eel chutes.

It is unlawful to operate an eel chute except in compliance with the following terms and conditions:

* * * * *

(13) The Commission hereby determines under section 3311 of the code (relating to sale of certain fish prohibited) that eels caught lawfully under this section may **not** be sold or offered for sale.

(14) **Eels taken with eel chutes shall be subject to the same size and creel limits as eels taken with hook and line.**

§ 63.12. [**Eelpots and fyke nets**] (Reserved).

[(a) **Unlawful.** It is unlawful to take, catch or kill fish by means of eelpots or fyke nets except in compliance with the terms and conditions of this section.

(b) **Location.** Eelpots and fyke nets shall be lawful for use only in the Delaware River between this Commonwealth and the State of New Jersey.

(c) **Seasons.** Eelpots and fyke nets may be used only during the period July 31—May 31 of each year. The use of these devices is prohibited during the month of June.

(d) **Species.** Eelpots and fyke nets may be used only to catch carp, catfish, eel and suckers. It is unlawful to take, catch or kill other species of fish by means of these devices. Other species which may

be caught in these devices shall be immediately returned unharmed to the waters from which they were taken.

(e) *Size.* It is unlawful to use or possess an eelpot or fyke net having an entrance or more than 6 inches in diameter or an outside diameter of more than 30 inches. It is unlawful to use or possess any eelpot or fyke net that includes wings or rods.

(f) The Commission hereby determines, under

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
*****	*****	*****
Luzerne	Harveys Lake	During the period from the opening day of trout season through midnight March 31, the daily creel limit for trout (combined species) is 3, one of which may exceed 18 inches in length. The season is closed from April 1 through 8 a.m. of the opening day of regular trout season. Warmwater/coolwater species — Inland regulations apply.
*****	*****	*****

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES
Subchapter A. GENERAL PROVISIONS

§ 69.12. Seasons, sizes and creel limits—Lake Erie.

* * * * *

(d) The following seasons, sizes and creel limits apply to Lake Erie and Presque Isle Bay, including peninsula waters:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
MUSKELLUNGE and MUSKELLUNGE HYBRIDS PIKE Northern	Inland seasons apply: See § 61.1	[30] 40 inches 24 inches	[2] (combined species) 2
*****	*****	*****	*****

Subchapter D. COMMERCIAL FISHING, SEASONS AND NETS

§ 69.31. Seasons.

* * * * *

(b) [The commercial fishing season for walleye is the period after September 19 and before December 1 or a lesser period that the Executive Director may determine is appropriate to provide for the protection and management of these fish. Prior to the opening of the commercial walleye season on September 20, the Executive Director will announce the total allowable commercial catch of walleye for that season. The total allowable catch will be equal to the reported commercial catch of walleye in 1980 or a lesser figure as the Executive Director determines appropriate to provide for the protection and management of walleye in the Pennsylvania portion of Lake Erie. The Executive Director will declare the walleye season to be closed when he determines that the total allowable catch may be attained. It is unlawful for a person fishing under a commercial fishing license or for commercial purposes to attempt to catch walleye except during the commercial walleye season established under this

section 3311 of the code (relating to sale of certain fish prohibited), that eels caught lawfully under this section may be sold or offered for sale.]

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

subsection. Walleye accidentally caught out of season shall be returned to the waters from which they were taken regardless of condition. These walleye may not be sold. These walleye shall be reported within 2 business days to the Commission. Commercial operations are not permitted to target walleye as a species for harvest prior to September 20.] The commercial fishing season for walleye is January 1 until the date established by the Executive Director as marking the probable attainment of the total allowable catch for walleye for that year. The total allowable catch for walleye for any year will be determined by the Executive Director and announced annually on or before March 1. After the announcement, the Executive Director may, from time to time, revise the total allowable catch for that year if he determines that conditions so warrant. The Executive Director or a designee will monitor monthly, weekly and daily reports of catch of walleye and will declare the season to be closed on a date the Director determines will prob-

ably mark attainment of the total allowable catch. It is unlawful for a person fishing under a commercial fishing license or with a device subject to licensing under section 2902 of the code (relating to net permits) to take, catch or attempt to catch walleye except during the walleye season established under this subsection. Walleye accidentally caught out of season shall be immediately returned to the waters from which it was taken regardless of its condition and reported within 2 business days to the Commission at the address where commercial catch reports are filed.

<i>Species</i>	<i>Size Limit</i>
Yellow perch (<i>Perca flavescens</i>)	8 1/2 inches
Walleye (<i>Stizostedion vitreum</i>)	15 inches

(d) **Limitations on use.** [From March 1 through November 30, no part of a trap net may be set within 1.5 miles of the Lake Erie shoreline. In addition, after June 1 and before November 30, no part of a trap net may be set closer to shore than the line from a point on the Ohio/Pennsylvania border 42°:02.5"N, 80°:31.2"W; thence 063°T to 42°:13.0"N, 80°:00.0"W; thence 058°T to 42°:19.1"N, 70°:45.7"W.] From January 1 through June 15, no part of a trap net may be set within 0.5 miles of the Lake Erie shoreline, except between longitudes 80°00' and 80°10' where no part of a trap net may be set within 1.5 miles of the Lake Erie shoreline. From June 16 through December 31, no part of a trap net may be set within 1.5 miles of the Lake Erie shoreline.

[Pa.B. Doc. No. 97-1396. Filed for public inspection August 29, 1997, 9:00 a.m.]

**[58 PA. CODE CHS. 63, 65 AND 69]
Fishing**

The Fish and Boat Commission (Commission) proposes to amend Chapters 63, 65 and 69. The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code (code)). The proposed amendments deal with fishing.

A. Effective Date

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1998, or upon publication of an order adopting the final-form regulations, whichever occurs later.

* * * * *

§ 69.33. Use of trap nets.

* * * * *

(b) *Species.* A commercial trap net licensee may not possess or sell a fish except in compliance with the following size limits and seasons. The following size limits apply to commercial trap net licensees except that 5% of each licensee's daily catch by [weight] number per species may be undersized fish that may be lawfully sold:

<i>Season</i>
[March 1 until total allowable catch is taken] No closed season until the total allowable catch is taken
[September 20 until December 1 or attainment of total allowable catch, whichever comes first] No closed season until the total allowable catch is taken

* * * * *

B. Contact Person

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

These proposed amendments are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations pertaining to fishing. The specific purpose of the various amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

1) *Sections 63.8 and 69.12 (relating to long bows, spears and gigs; and seasons, sizes and creel limits—Lake Erie).* The Commission has received requests from individuals who scuba dive in Lake Erie to allow the taking of burbot through the use of spears or gigs. The Bureau of Fisheries and Bureau of Law Enforcement personnel in the Northwest Regional Office and Erie County have reviewed the requests, and no one has any particular objections.

The proposed amendments would permit the taking of burbot from Lake Erie at a depth of at least 60 feet or more using nonmechanical spears or gigs. The proposed season would be from June 1 to September 30 annually, with a daily creel limit of five fish per day. The possession of mechanically propelled spearguns would be illegal. Divers possessing spears/gigs and taking or attempting to take burbot would be required to have a valid fishing license.

The Executive Director, acting on the recommendation of the Bureau of Fisheries and Law Enforcement, has exercised his authority to make temporary changes to fishing regulations so that the proposed change will be in effect on a trial basis during the period July 12—September 30, 1997. The Commission approved the publication of a notice of proposed rulemaking containing these changes.

2) *Section 65.24 (relating to miscellaneous special regulations)*. The Allegheny River tailwater located in Warren County provides a popular multispecies fishery for anglers. As a result of the coldwater release from the Allegheny Reservoir, the 8.75 mile section located immediately downstream from the outflow of the reservoir is managed to provide trout angling opportunities through the annual planting of fingerling trout. Under current regulations, the 0.75 mile segment immediately downstream of the reservoir is managed under Miscellaneous Waters Special Regulations with no closed season on trout and a daily creel limit of three trout per day. The remaining 8 miles of trout habitat is managed under Statewide regulations.

The provision of a coldwater release and the increased productivity of this water combine to offer a unique opportunity for management designed to further enhance the year-round trout fishery. Therefore, staff proposed that the regulations for trout be revised on the Allegheny River tailwater. Specifically, staff proposed that the regulations provide for year-round angling with no tackle restriction under a 14 inch minimum size limit and two trout daily creel limit during the regular trout season (8 a.m. opening day through midnight Labor Day), with no harvest permitted during the remainder of the season. This proposal is supported by the Cornplanter Chapter of Trout Unlimited. The Commission approved the publication of a notice of proposed rulemaking consistent with the staff's recommendation.

F. *Paperwork*

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Pennsylvania Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of

electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

(Editor's Note: A proposal to amend § 65.24 remains outstanding at 27 Pa.B. 1468 (March 22, 1997)).

Fiscal Note: 48A-71. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.8. Long bows, spears and gigs.

* * * * *

(c) [**Restrictions.** Spears or gigs may not be mechanically propelled, may not have more than five barbed points, and may not be used in approved trout waters.] *Lake Erie.* Scuba divers, who possess a valid fishing license and Lake Erie stamp, shall be permitted to take burbot at a depth of at least 60 feet.

(d) [**Persons with disabilities.** The Executive Director, or a designee, may issue permits to persons exempt from the fishing license requirement under section 2709(b) of the code (relating to exemptions from license requirements)—except a person who is blind—and a person who is permanently deprived of the use of a leg or an arm or both arms allowing them to use crossbows or mechanically propelled spears and gigs subject to limitations and conditions as set forth in the permit. Persons who wish to apply for a permit under this section may apply on forms provided by: Director, Bureau of Law Enforcement, Pennsylvania Fish and Boat Commission, Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000.] **Restrictions.** Spears or gigs may not be mechanically propelled, may not have more than five barbed points, and may not be used in approved trout waters.

(e) **Persons with disabilities.** The Executive Director, or a designee, any issue permits to persons exempt from the fishing license requirement under section 2709(b) of the code (relating to exemptions from license requirements) except a person who is blind—and a person who is permanently deprived of the use of a leg or an arm or both arms allowing them to use crossbows or mechanically propelled spears and gigs subject to limitations and conditions as set forth in the permit. Persons who wish to apply for a permit under this section may apply on forms provided by: Director, Bureau of Law Enforcement, Pennsylvania Fish and Boat Commission, Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000.

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous Special Regulations.

The following waters are subject to the following miscellaneous special regulations.

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
*****	*****	*****
Warren	Allegheny River—[.75 mile below Kinzua Dam] 8.75 miles downstream from the outflow of the Allegheny Reservoir to the confluence with Conewago Creek	[No closed season on trout. Daily limit three.] Trout—minimum size limit—14 inches; daily creel limit—2 trout per day (combined species) from 8 a.m. on the opening day of regular trout season through midnight Labor Day, except during the period from the day after Labor Day to the opening day of regular trout season of the following year, when no trout may be killed or had in possession. Other inland seasons, sizes and creel limits apply.
*****	*****	*****

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

§ 69.12. Seasons, sizes and creel limits—Lake Erie.

* * * * *

(d) The following seasons, sizes and creel limits apply to Lake Erie and Presque Isle Bay, including peninsula waters:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
*****	*****	*****	*****
BURBOT (when taken by scuba divers by use of nonmechanical spears or gigs at a depth of at least 60 feet)	June 1 to September 30	None	5
*****	*****	*****	*****

[Pa.B. Doc. No. 97-1397. Filed for public inspection August 29, 1997, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 141 AND 143]

Small Game; Mandated Revocation of Hunting and Trapping License and Rights

To effectively manage the wildlife resources of this Commonwealth, the Commission (Commission) at its June 24, 1997, meeting, proposed the following amendments to read as set forth in Annex A:

Amend § 141.22 (relating to small game) by changing the shot size restriction for taking furbearers.

Amend Chapter 143, Subchapter G (relating to mandated revocation of hunting and trapping license and right) by adding §§ 143.124—143.127, to require a person whose hunting or furtaking privileges have been denied under to section 2522(c)(1)—(3) of the code (relating to shooting at or causing injury to human beings) to show proof of taking a vision examination and complete a hunter education course before his license can be restored.

These amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal of these amendments is 30 Pa.C.S. (relating to Game and Wildlife Code)(code).

These proposals were made public at the June 24, 1997, meeting of the Commission, and comments on these proposals may be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 until September 19, 1997.

Proposed amendment to § 141.22

1. Introduction

To effectively manage the wildlife resources of the Commonwealth, the Commission, at its June 24, 1997, meeting proposed changing § 141.22 to increase the size of shot that may lawfully be used to take furbearers to size BB. This change is proposed under sections 322(c)(5) and 2102 of the code (relating to specific powers and duties; and regulations).

2. Purpose and Authority

Representatives of the furtaking community initiated the proposed change because of their belief that the smaller shot currently required does not have adequate shocking and penetrating power to humanely harvest furbearers. Commission staff review of the recommendation produced agreement.

Section 322(c)(5) of the code authorizes the Commission to fix the type and number of devices which may be used to take game or wildlife. Section 2102 of the code directs the Commission to promulgate regulations relating to the

types of devices allowed for hunting or furtaking. These provisions provide the statutory basis for the proposed change.

3. Regulatory Requirements

The proposed change would relax current regulatory requirements.

4. Persons Affected

Individuals who wish to engage in furtaking would be affected.

5. Cost and Paperwork Requirements

The proposed change would not result in any additional cost either to the Commission or to hunters.

Proposed amendment to Chapter 143, Subchapter G

1. Introduction

On December 19, 1996, the Governor signed Act 184 of 1996, which amended section 2522 of the code (relating to shooting at or causing injury to human beings). Two major changes introduced by Act 184 involve the imposition of additional prerequisites to receiving a hunting or furtaking license after suspension for having shot at, injured or killed a human being. One of these prerequisites is providing evidence to the Commission, of having successfully completed a hunter/trapper education course. The other is providing evidence of having taken a vision examination administered by a licensed ophthalmologist or optometrist. The proposed additions to Chapter 143, Subchapter G provide standards for the vision examination and require proof of completion of a hunter/trapper education course. These provisions are adopted under authority contained in section 2721 of the code (relating to license issuance supervision) and section 2102 of the code.

2. Purpose and Authority

As indicated in the Introduction, recently adopted Act 184 requires successful completion of a hunter/trapper education course and a vision examination before individuals who have had their hunting and furtaking license suspended by reason of having shot at, injured or killed a human being can have their privileges reinstated. To implement these regulations, the Commission, at its June 24, 1997, meeting proposed adding §§ 143.124—143.127, to Subchapter G which would prescribe standards for those vision examinations and implement the requirements.

Section 2721 of the code provides that the issuance of all hunting and furtaking licenses "... shall be in accordance with regulations of the Commission." Section 2102 of the code authorizes the Commission to promulgate regulations relating to hunting and furtaking.

3. Regulatory Requirements

Under the proposed sections, a person whose hunting and furtaking privileges have been denied as a result of having shot at, injured or killed a human being shall provide to the Commission, on forms provided, proof of meeting minimum visual acuity standards and evidence of having successfully completed a Commission-sponsored hunter/trapper education course.

4. Persons Affected

The only persons that would be affected by the proposed sections are those who have been denied hunting and furtaking privileges as the result of having shot at, injured or killed a human being.

5. Cost and Paperwork Requirements

Those persons wishing to have their hunting and furtaking privileges restored would need to bear the costs of taking a the Commission-sponsored hunter/trapper education course, having a visual examination by a licensed ophthalmologist or optometrist and submitting simple forms evidencing satisfaction of those requirements. Because of the relatively small number of persons involved, it is anticipated that the cost to the Commission will be minimal.

Effective Dates

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

Contact Person

For further information on the proposed changes the contact person is James R. Fagan, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

DONALD C. MADL, Executive Director

Fiscal Note: 48-100. No fiscal; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.22. Small game.

(a) Unlawful activities. It is unlawful to:

(1) Take small game, [furbearers,] protected mammals or protected birds using shot larger than #4 lead, #4 Bismuth/tin or #2 steel.

(2) Take furbearers using shot larger than size BB lead, size BB Bismuth/tin or size BB steel.

[(2)] (3)***

[(3)] (4)***

[(4)] (5)***

[(5)] (6)***

[(6)] (7)***

* * * * *

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter G. MANDATED REVOCATION OF HUNTING AND [TRAPPING] FURTAKING LICENSE AND RIGHTS

§ 143.124. Restoration of hunting and furtaking privileges of offenders in hunting related shooting incidents.

A person whose hunting and furtaking privileges have been denied under section 2522(c)(1)—(2) and (3) of the act (relating to shooting at or causing injury to human beings), shall, prior to having hunting and furtaking privileges restored, comply with the following:

(1) Provide to the Commission on a form provided, evidence that the offender has met the following minimum visual acuity standards:

(i) A combined vision of 20/40 or better corrected or 20/40 or better corrected vision in the sighting eye.

(ii) In the case of a single sighted offender, mono vision of 20/40 or better corrected.

(iii) A plotted visual field of at least 120° along the horizontal meridian, excepting normal blind spots.

(iv) An affirmation by a licensed optometrist or ophthalmologist that the offender is visually safe to sport hunt.

(2) Provide to the Commission on a form provided, evidence that the offender has successfully completed a Commission sponsored hunter/trapper education course.

§ 143.125. Compliance with Commission order.

When the Commission requires a person to wear corrective lenses under section 2522(g) of the act (relating to shooting at or causing injury to human beings), that person shall at all times while hunting or furtaking wear corrective lenses.

§ 143.126. Unlawful acts.

It is unlawful for a person whose hunting and furtaking privileges have been denied under section 2522(c) of the act (relating to shooting at or causing injury to human beings), to hunt or take fur or to purchase or attempt to purchase a hunting or furtaking license prior to complying with this subchapter.

§ 143.127. Penalties.

A person who violates this subchapter shall be subject to the penalties as provided in the act.

[Pa.B. Doc. No. 97-1398. Filed for public inspection August 29, 1997, 9:00 a.m.]

MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND

[31 PA. CODE CHS. 242 AND 246]

Medical Professional Liability Catastrophe Loss Fund and Mediation

The Medical Professional Liability Catastrophe Loss Fund (Fund), under the authority of the Health Care Services Malpractice Act (act) (40 P. S. §§ 1301.101—1301.1006) proposes to adopt amendments to read as set forth in Annex A.

Background:

On November 26, 1996, Governor Tom Ridge signed into law the act of November 26, 1996 (P. L. 776, No. 135) (Act 135). This legislation amends the act and constitutes the first substantive changes to the act in over 14 years. The Fund was first established under the act, and its purpose is to provide professional liability insurance to Pennsylvania's health care providers, as defined in the

act, at a reasonable cost and ensure just compensation to the victims of alleged professional negligence. See section 103 of the act (40 P. S. § 1301.103). The recent amendments to the act alter the professional liability insurance marketplace, the Fund's role in the marketplace and certain of the procedures and processes governing professional liability malpractice litigation in this Commonwealth.

The purpose of these proposed amendments is to provide uniform procedures and forms to enable insurance companies and self-insurers to comply with the liability insurance provisions of the act, to promulgate guidelines and requirements governing the purchase of insurance by health care providers as mandated by the act and to issue regulations necessary to properly effectuate the administrative and financial operations of the Fund. In addition, the proposed rulemaking embodied in Chapter 246 (relating to medication) implements section 702(i) of the act (40 P. S. § 1301.702(i)) by providing uniform procedures to be used in conducting mediation where primary medical malpractice insurance carriers and self-insureds disagree in a case involving the Fund. The mediation provisions create a system whereby mediation can be used to resolve differences, rather than litigation.

Summary:

General Amended Provisions

Chapter 242

Definitions (§ 242.2) This section deletes definitions that refer to the prior method of calculating the Fund surcharge. Added to this section are definitions of the "prevailing primary premium," which is now the basis upon which the Fund surcharge is calculated, under the act and the definition of the term "interest."

Notice and amount of surcharge (§ 242.3) The proposed amendments to this section clarify the notice requirements regarding any change in the amount of surcharge and the applicability of the change.

Computation of surcharge (§ 242.4) The proposed amendment to this section mandates that basic insurance carriers shall obtain statements from health care providers as to their addresses and specialties, and that the primary insurer must accurately compute the insurance premium and Fund surcharge. The amendments to this section are necessitated by the General Assembly's adoption of the prevailing primary premium to calculate Fund surcharge.

Adjustment of surcharge (§ 242.5) The proposed amendment to this section provides that primary insurers must submit the Fund surcharge within 20 days after the date on which the policy is written or renewed, or the effective date of the policy. Late remittance by the insurer or self-insurance plan shall result in the payment of interest by the party. Also, a refund check will not be issued to a carrier or health care provider unless unusual circumstances arise which indicate that a refund shall be made.

Reporting forms and procedures (§ 242.6) The proposed amendment to this section attempts to clarify the procedures and forms used by insurers and self-insured plans when reporting to the Fund. Specifically, the original Form 5116 or Declarations Page is to be mailed to the health care provider within 20 days of the effective date of the policy or self-insurance. A Declarations Page, indicating acknowledgment of insurance and surcharge paid shall be submitted to the Fund at its Harrisburg,

office, and shall contain all of the information requested on Form 5116. The Form 2116 Remittance Advice, summarizing all surcharges collected, payable and refundable, accompanied by a check, shall be received in the Director's Office within 20 days from the effective date of the policy. In amended subsection (a)(3), there are additional requirements regarding information that must be contained on the Form 2116 in order to assist the Fund in verifying coverage.

Discontinuation of basic coverage insurance and notices of noncompliance (§ 242.7) The proposed amendments to this section contain requirements applicable in the event the health care provider changes the term of professional liability coverage. In the circumstances, the surcharge shall be calculated on an annual basis and shall reflect the surcharge percentages in effect for all calendar years over which the policy is in effect. Additional payments necessitated by the change shall be remitted within 20 days of the effective date of the annual surcharge. Cancellations are to be reported on Form 2116 by indicating the unused portion of the policy. These dates, the return premium and the return surcharge shall be recorded in parenthesis.

Overpayments, credits and duplicate payments (§ 242.9) The proposed amendment to this section states that in the event of overpayments made by insureds, agents or insurers, the overpayments shall be recovered by offsets against amounts due from companies to the Fund. Also, the amendment mandates that refunds shall be paid directly to the health care provider by the agent or insurer, and upon showing of proof of payment, the Fund will then issue the appropriate credit to the agent or insurer.

Self-insurers (§ 242.10) The proposed amendment to this section makes clear that this chapter applies to approved and accepted self-insurance plans and self-insurers, and that they shall pay the surcharge to the Fund, accompanied by reporting forms required under § 242.6, within 20 days of the effective date of the self-insurance plan and on an annual basis thereafter within 20 days of the inception of the annual self-insurance.

Compliance (§ 242.17) The proposed amendment to this section provides that the health care provider who fails to pay the surcharge or emergency surcharge within the prescribed time limits shall be responsible for the payment of interest, and will not be covered by the Fund in the event of loss for the period of time in which any delinquencies exist. Also, late remittances by insurance carriers of surcharges collected from health care providers and late remittance of surcharges due from self-insurance providers shall include interest.

Effective date (§ 242.18) The proposed amendment to this section makes clear that the effective date of Chapter 242 as well as the commencement date for using the prescribed forms is November 26, 1996.

Corrections (§ 242.21) This new section provides that any corrections to previously submitted Form 216 shall be clearly marked "Correction." Any Correction Form 216 shall be separate from other reporting forms and shall identify the original Form 216 being corrected, and shall contain only the health care providers erroneously submitted. The insurer or the self-insurer shall respond with a Correction Form 216 within 20 days after being notified of an erroneous submission.

Chapter 246. Mediation

Purpose (§ 246.1) This section identifies the purpose of Chapter 246 pertaining to mediation of disputes between insurers, self-insurers or the Fund in medical malpractice actions.

Definitions (§ 246.2) This proposed section defines terms used in Chapter 246 of the regulations.

Agreement of parties (§ 246.3) This proposed section provides that when multiple insurers or the Fund, or both, disagree on a case, the Fund may provide for a mediator upon the request of any party, as defined in § 246.2. Whenever any of the parties agree to mediation, chapter 246 applies.

Administration and delegation of duties (§ 246.4) This proposed section provides that upon the request of a party to a case within Fund coverage limits, the Fund may provide for a mediator. Special mediation sessions may be held to determine each defendant's proportionate share of liability. Selected mediators shall immediately disclose any circumstances creating a presumption of bias or interest in the outcome of the proceedings, or any circumstances that may prevent prompt meeting with the parties. If a party thereafter objects to a mediator on the basis of identifiable bias, interest or unavailability, a new mediator will be selected who is agreeable to all participants.

Binding mediation (§ 246.5) This proposed section provides that if all parties agree to binding mediation, all parties shall be bound by the conclusions of the mediator. If parties cannot agree to binding mediation, they should utilize the assistance of an impartial mediator in a good faith attempt to work toward a mutually satisfactory solution.

Date, time and location of the mediation proceedings (§ 246.6) This proposed section provides that a mediator will immediately work with the parties to establish a date and time of the mediation session and that notice of a mediation session must be provided to all parties at least 3 working days in advance of the session. At the discretion of the mediator, he may meet with or request information from one or more parties.

Mediation session (§ 246.7) This proposed section states that the manner in which mediation sessions shall be conducted must expeditiously permit full production of all relevant information, including written materials and a description of the testimony of each witness, if necessary. Materials or information for complex cases, as designated by the Fund, may be requested by the mediator in advance of a mediation session. Documents provided to the mediator shall also be provided to every other party to the mediation. Mediators will conduct orderly settlement negotiations at mediation sessions, considering the facts, issues and arguments of the parties, and parties will be represented by persons with authority to resolve or settle, or both, disputes.

Mediation by document submission (§ 246.8) This proposed section permits parties to agree that a dispute will be decided on the basis of document submission, and specifies the procedures to be followed in the circumstances.

Conclusions of the mediator (§ 246.9) The mediator shall issue and distribute his decision no later than 2 business days from the date of closing of the final mediation session or complete submission of documents. The decision shall specify the remedy, if any, shall be in

writing and signed by the mediator, and there will be no formal opinion unless all parties agree.

Expenses (§ 246.10) This proposed section provides that witness expenses shall be paid by the party producing the witness and that all of their expenses of the mediation, and including mediator expenses and the expenses of any witness and the cost of any proof produced at the direct request of the mediator, shall be borne equally by all parties, unless they agree otherwise.

Confidentiality (§ 246.11) This proposed section makes clear that statements made and items of proof admitted at mediation sessions are inadmissible in any litigation or arbitration, to the extent allowed by law. Also, this section provides that the parties agree not to subpoena or otherwise require the mediator to testify or produce records, notes or work product in any future proceedings. In addition, no record will be made of the mediation sessions. The conclusion of the mediator in binding mediation shall have the force and effect of a settlement.

Effective Date

The effective date of Chapter 246 is proposed to be November 26, 1996.

Affected Organizations and Individuals

These proposed amendments will have a positive effect on all basic coverage insurers, self-insurers, plaintiffs and all defendants in medical malpractice litigation involving the Fund in that the proposed amendments will provide clarification of uniform procedures and forms to enable insurance companies and self-insurers to comply with the liability insurance provisions of the act. The proposed amendments will properly effectuate the administrative and financial operations of the Fund and provisions will be in place to provide uniform procedures to be used in conducting mediation when there is disagreement on a case involving the Fund.

Accomplishments/Benefits

The proposed amendments in Chapter 242 and the proposed regulations in Chapter 246 will ensure dissemination of proper administrative procedures and requirements and a means by which disagreements on medical malpractice litigation involving the Fund can be resolved without resort to costly litigation.

Fiscal Impact

Public Sector

With respect to Chapter 242, the proposed amendments require more timely remittance of Fund surcharges by insurers, and also provide for payment of interest to the Fund on overdue amounts. Chapter 246 will provide fiscal benefit to the Commonwealth in that mediation provides a means by which to avoid costly litigation.

Private Sector

There will be no added cost to basic coverage insurers, self-insurers, plaintiffs and defendants in medical malpractice litigation involving the Fund. In addition, there will be no cost to the general public.

Paperwork Requirements

The proposed amendments in Chapter 242 provide for no additional paperwork requirements, other than minor changes in the collection and reporting of certain relevant data and its inclusion on already existing forms that are submitted to the Fund.

Effective Date

The proposed amendments will become effective retroactively to November 26, 1996, after they are published in the *Pennsylvania Bulletin* in final form.

Sunset Date

There is no sunset date for these proposed amendments.

Public Hearing

There are currently no plans to hold public hearings.

Public Comment

Interested persons are invited to submit suggestions or objections regarding the proposed amendments to Arthur F. McNulty, Chief Counsel, Pennsylvania Medical Professional Liability Catastrophe Loss Fund, 10th Floor, Suite 1000, 30 North Third Street, P. O. Box 12030, Harrisburg, PA 17108, (717) 783-3770, within 30 days of the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments received within 30-calendar days will be reviewed and considered in the preparation of the final-form regulations. Comments received after the 30-day comment period will be considered for subsequent revisions of these proposed amendments.

Regulatory Review

Under section 5(a) of the Regulatory Review Act, (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Welfare and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

JOHN H. REED,
Director

Fiscal Note: 20-1. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART IX. MEDICAL CATASTROPHE LOSS FUND

CHAPTER 242. MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND

§ 242.2. Definitions.

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

* * * * *

[Cost to each health provider—The gross premium, including experience and schedule rating for basic coverage professional liability insurance.]

* * * * *

[*Gross premium*—The entire premium charged the insured, including, but not limited to, binder charges and policy fees, as is generated to secure an occurrence-based policy. In the case of a claims made policy, the gross premium shall be computed as the sum of all the premiums charged for the claims made policy including the reporting endorsement (that is, tail coverage) or prior acts coverage or its substantial equivalent. Payment of the surcharge shall be made at the time that the respective premium is collected subject to the limitation of § 242.6(a)(3) (relating to reporting forms and procedures).]

* * * * *

Interest—The rate prescribed in section 506 of The Fiscal Code (72 P. S. § 506).

Prevailing primary premium—The schedule of rates approved by the Insurance Commissioner and in use by the Joint Underwriting Association as of January 1, 1996.

§ 242.3. Notice of and amount of surcharge.

(a) The Director, with the prior approval of the Insurance Commissioner, will publish, prior to December 1, in the *Pennsylvania Bulletin*, notice of [a] any change in the amount of surcharge applicable to health care providers and collectible during the following calendar year.

(b) The effective date of [a] any change in the amount of surcharge shall be January 1 and shall be applicable to all policies of basic coverage insurance or plans of self-insurance [having new or renewal dates occurring on or after January 1].

§ 242.4. Computation of surcharge [when professional liability insurance premium part of a composite rate].

(a) The basic insurance carrier shall obtain from the health care provider a statement as to the addresses and specialty of the health care provider, and shall provide a copy of the statement to the Fund in line with the reporting requirements in this chapter.

[(a) Where] (b) When the professional liability insurance premium of an insured is included in a composite rate or with other insurance coverage, it shall be the responsibility of the insurer to accurately compute the portion attributable to the professional liability insurance [, in order to properly determine the surcharge].

[(b)] (c) ***

§ 242.5. Adjustment of surcharge.

(a) Calculation of the surcharge shall be made based on the first policy written or renewed after January 1 of the calendar year. The surcharge amount shall be submitted to the Fund within [60] 20 days of the effective date required by § 242.6 (relating to reporting forms and procedures). [A] Any subsequent adjustment to the premium for the basic insurance coverage shall be reported to the Fund by the basic insurance carrier and the surcharge shall be adjusted accordingly.

(b) In the event of an increase or decrease in the surcharge owed to the [fund] Fund, the carrier shall submit proper evidence of the modification of the premium for the basic insurance coverage policy and shall indicate on the Form 216 a credit or debit to be applied to

the account of the carrier. A refund check may not be issued to a carrier or health care provider unless unusual circumstances arise which indicate that such a refund [may] shall be made.

(c) Late remittance by the insurer or a self-insurance plan shall result in the payment of interest by the insurer or self-insurance plan, and interest shall be computed under section 806 of The Fiscal Code (72 P. S. § 806).

§ 242.6. Reporting forms and procedures.

(a) The following forms have been promulgated or approved for use under this chapter:

(1) *Form 5116—Acknowledgment of Insurance and Surcharge Paid*. This form is intended as the acknowledgment from approved self-insured health care providers that they are self-insured in compliance with the act and have paid the Fund surcharge. Basic coverage insurance carriers may also use this form in lieu of the Declarations Page to acknowledge that the health care provider has purchased basic coverage professional liability insurance and paid the Fund surcharge, if prior approval for its continued use has been obtained from the Fund's legal counsel in accordance with paragraph (2)(iii).

(i) The original of the form or the Declarations Page—whichever is applicable—is to be mailed to the health care provider [; and a copy is to be submitted to the Fund, accompanied by the surcharge payment and Form 216,] within [60] 20 days of the effective date of the policy or self-insurance period.

(ii) Licensed physicians and podiatrists covered under policies issued to hospitals, nursing homes and primary health centers shall also be provided with a complete acknowledgment form. [Individual copies of the form or the Declarations Page—whichever is applicable—accompanied by the surcharge payments for each of these health care providers and Form 216 are to be submitted to the Fund attached to the acknowledgment form applicable to the hospital, nursing home or primary health center.]

(2) *Declarations Page—Acknowledgment of Insurance and Surcharge Paid*. A copy of this form, which forms a part of the medical malpractice policy issued by a commercial carrier, shall be submitted to the Fund in lieu of and in the same manner as Form 5116 as explained in paragraph (1).

(i) The Declarations Page shall display [all of] the following:

(A) [Information] All information requested on the Form 5116, explained in paragraph (1).

* * * * *

(iii) The Declarations Page shall be submitted to the legal counsel of the Director for approval prior to use. After July 1, 1980, no form will be accepted from a commercial carrier unless circumstances preclude the use of the Declarations Page, and prior approval for the continued use of the Form 5116 has been obtained from the legal counsel of the Director. Requests for approval shall be submitted to: Legal Counsel; [Post Office] P. O. Box 12030; [221 North Second Street] 30 North Third Street; Harrisburg, Pennsylvania 17108.

(3) *Form 216—Remittance Advice*. This form is to be used by basic professional liability insurance carriers and approved self-insurers for summarizing surcharges col-

lected, payable and refundable. The form, accompanied by a check, [**should**] shall be received in the Director's Office within [**60**] 20 days from the effective date of the policy. On installment policies, the surcharge applicable to the full annual policy period shall be collected and remitted to the Director at the inception of the policy. **This form shall be dated and include the underwriting insurance company's or self-insurer's name, the name of an authorized contact person, and telephone number of authorized contact person, as a heading. This form shall also include the most current Pennsylvania license number, the name and address of health care provider, coverage dates, policy type (if claims made, retroactive date shall be provided), policy number, specialty code, geographic territory, basic coverage limits, gross premium, surcharge and slot positions when applicable and other information as may be required by the Director.**

* * * * *

§ 242.7. Discontinuation of basic coverage insurance and notices of noncompliance.

* * * * *

(g) When a health care provider changes the term of his professional liability coverage, the surcharge shall be calculated on an annual base and shall reflect the surcharge percentages in effect for all the calendar years over which the policy is in effect. An additional payment necessitated by this subsection shall be remitted within 20 days of the effective date of the annual surcharge.

(h) Cancellations shall be reported on Form 216 by indicating the unused portion of the policy. These dates, the return premium and the return surcharge shall be recorded in parentheses.

§ 242.9. Overpayments, credits[,] and duplicate payments.

(a) When overpayments are made by insureds, agents or insurers, they [**may**] shall be recovered by offsets against amounts due from companies to the Fund.

(b) The offsets shall be recorded on Form 216 with minus signs or brackets to distinguish them from debits and shall be accompanied by evidence in support of refunds resulting from premium reductions under § 242.5(a)(1) (relating to adjustment of surcharge). Surcharge credits of amounts less than \$10 may be waived in accordance with the insurer's policy relative to small return premiums. **Refunds shall be paid directly to the health care provider by the agent or insurer, and upon a showing of proof of payment, the Fund will issue the appropriate credit to the agent or insurer.**

§ 242.10. Self-insurers.

* * * * *

(b) Self-insurers shall pay the surcharge to the Fund accompanied by the reporting forms required under § 242.6 (relating to reporting forms and procedures) within [**60**] 20 days of the effective date of the self-insurance plan and on an annual basis thereafter within [**60**] 20 days of the inception of the annual self-insurance period.

§ 242.17. Compliance.

* * * * *

(b) A health care provider failing to pay the surcharge or emergency surcharge [**within the time limits**] prescribed will not be covered by the Fund in the event of loss.

(c) **A health care provider failing to pay the surcharge or emergency surcharge within the time limits prescribed shall be responsible for the payment of interest, and will not be covered by the Fund in the event of loss for the period of time in which a delinquency exists.**

[(c)] (d) ***

[(d)] (e) ***

* * * * *

(f) **Late remittance by carriers of surcharges collected from health care providers and late remittance of surcharges due from self-insurance providers shall include interest at the rate prescribed in section 506 of The Fiscal Code (72 P. S. § 506.)**

§ 242.18. Effective date.

The effective date of this chapter as well as the commencement date for using the prescribed forms [**shall be November 1, 1976**] is November 26, 1996.

§ 242.21. Corrections.

(a) **Corrections to a previously submitted Form 216 shall be clearly marked "Correction." Correction Form 216 shall be separate from other reporting forms and shall identify the original Form 216 being corrected. This form shall contain only the health care providers erroneously submitted.**

(b) **The insurer or self-insurer shall respond with a Correction Form 216 within 20 days after being notified of erroneous submission.**

(Editor's Note: The following text is new. It has been printed in regular type to enhance readability.)

CHAPTER 246. MEDIATION

Sec.	
246.1.	Purpose.
246.2.	Definitions.
246.3.	Agreement of parties.
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246.5.	Binding mediation.
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246.9.	Conclusions of the mediator.
246.10.	Expenses.
246.11.	Confidentiality.

§ 246.1. Purpose.

This chapter provides uniform procedures to be used in conducting mediation when primary medical malpractice insurance carriers disagree on a case involving the Fund.

§ 246.2. Definitions.

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

Act—The Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006).

Fund—The Medical Professional Liability Catastrophe Loss Fund established by section 701 of the act (40 P. S. § 1301.701).

Insurer—The insurance company or self-insurer providing basic coverage insurance.

Mediation—Meetings between insurers and the Fund, their representatives and a mediator to explore issues, needs and settlement options. Upon the consent of all parties to a mediation proceeding, the mediation shall be binding, and the parties shall be bound by the conclusions of the mediator. Mediation proceedings are confidential and should not be considered public information subject to disclosure under the act of June 21, 1957 (P. L. 390, No. 212), known as the Right-To-Know Law (65 P. S. §§ 66.1—66.4) and the Sunshine Act (65 P. S. §§ 271—286).

Mediator—An individual having specific training or experience in one or more of the following:

- (i) Mediation.
- (ii) Medical malpractice litigation.
- (iii) Insurance law.

Party—The Fund, all basic coverage insurers, self-insurers, plaintiffs and all defendants in medical malpractice litigation involving the Fund.

§ 246.3. Agreement of parties.

Upon the request of a party, the Fund may provide for a mediator in cases where multiple insurers or the Fund, or both, disagree on a case. The procedures in this chapter apply when any of the parties have agreed to mediation.

§ 246.4. Administration and delegation of duties.

Upon the request of a party to a case within the Fund coverage limits, the Fund may provide for a mediator. An individual may not serve as a mediator in a dispute in which that person has a financial or personal interest in the case at issue or the result of the mediation. Immediately upon selection, the selected mediator shall disclose circumstances likely to create a presumption of bias or interest in the outcome of the proceedings or circumstances that may prevent a prompt meeting with the parties. If a party thereafter objects to the mediator on the basis of identifiable bias, interest or unavailability, a new mediator will be selected who is agreeable to all participants in the mediation.

§ 246.5. Binding mediation.

If all parties agree that mediation shall be binding, the parties shall be bound by the conclusions of the mediator. As provided by the act, the administration of the mediation and proceedings conducted thereafter shall be confidential and will not be considered public information subject to the Sunshine Act (65 P. S. §§ 271—286). Documents produced for and relating to the mediation shall be considered part of the Fund's claim file, shall be confidential and will not be considered public information subject to disclosure under the act of June 21, 1957 (P. L. 390, No. 212), known as the Right-To-Know Law (65 P. S. §§ 66.1—66.4). If the parties do not agree to binding mediation, the parties should utilize the assistance of an impartial mediator in an attempt to work toward a mutually satisfactory solution, through good faith negotiation.

§ 246.6. Date, time and location of mediation proceedings.

(a) Upon selection, the mediator will work with the parties to establish the time and location of a mediation session. Additional mediation sessions may be scheduled as agreed to by the parties and the mediator. Notice of a mediation session shall be provided to all parties at least 3 working days in advance of the session. Notice may be given orally or through facsimile communication.

(b) The mediator may meet with or request information pertinent to the mediation from one or more parties prior to scheduling a mediation session.

§ 246.7. Mediation sessions.

(a) Mediation sessions shall be conducted by the mediator in the manner that would most expeditiously permit full production of all information reasonably required for the mediator to understand the issues presented. The information will usually include relevant written materials and a description of the testimony of each witness. For cases designated by the Fund as complex, the mediator may ask the parties for written materials or information in advance of the mediation session in the manner specified in § 246.6 (relating to date, time and location of mediation proceedings). Mediation sessions in noncomplex cases not requiring testimonial evidence should be completed within 3 hours.

(b) At mediation sessions, mediators will conduct an orderly settlement negotiation, considering to resolve or settle, or both, disputes. The mediator may conduct separate meetings with each party in order to improve the mediator's understanding of the respective positions of each party.

§ 246.8. Mediation by document submission.

When all parties agree that a dispute will be decided on the basis of document submission, they shall jointly file a signed statement to that effect with the mediator. Each party shall then send two copies of their respective documentation to the mediator and one copy to each other within 7 days of filing with the mediator. The parties will then have an additional 7 days to file answering statements with the mediator and each other.

§ 246.9. Conclusions of the mediator.

The mediator shall promptly issue and distribute to all parties the mediator's decision no later than 2 business days from the date of closing of the final mediation session or complete submission of documents by the parties. The decision shall be in writing and shall be signed by the mediator. The decision shall specify the remedy, if any, and there shall be no formal opinion unless all parties agree. If the parties so agree, they will share equally in payment of the additional mediator compensation.

§ 246.10. Expenses.

The expenses of witnesses for a party shall be paid by the party producing the witnesses. Other expenses of the mediation, including required travel and other expenses of the mediator, and the expenses of a witness and the cost of proof produced at the direct request of the mediator, shall be borne equally by all parties, unless they agree otherwise. In the case of mediation by document submission, each party will be responsible for costs associated with their own document submission excluding the expenses of a witness and the cost of proof produced at the direct request of the mediator, which shall be borne equally by all parties, unless they agree otherwise.

§ 246.11. Confidentiality.

The parties recognize that mediation sessions are settlement negotiations and that all offers, promises, conduct and statements, whether written or oral, made in the course of the proceedings are inadmissible in litigation or arbitration of their dispute, to the extent allowed by law. The parties agree not to subpoena or otherwise require the mediator to testify or produce records, notes or work product in future proceedings. No recording or

stenographic record will be made of the mediation sessions. If the parties previously agreed to binding mediation, the conclusions of the mediator shall have the effect of a settlement and will be legally enforceable and admissible in court or arbitration proceedings to compel enforcement.

[Pa.B. Doc. No. 97-1399. Filed for public inspection August 29, 1997, 9:00 a.m.]

STATE BOARD OF OPTOMETRY

[49 PA. CODE CH. 23]

Therapeutic Drugs

The State Board of Optometry (Board) proposes to amend its regulations in Chapter 23 (relating to State Board of Optometry) by: (1) adding a new definition in § 23.1 (relating to definitions); (2) amending § 23.82 (relating to continuing education hour requirements); and (3) adding new §§ 23.201 and 23.202 (relating to qualifications for certification; and application procedure), to read as set forth in Annex A.

A. Effective Date

The proposed amendments will be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

B. Statutory Authority

The proposed amendments are authorized under sections 3(b)(14) and 4.1 of the Optometric Practice and Licensure Act (63 P. S. §§ 244.3(b)(14) and 244.4a).

C. Background and Purpose

The purpose of the proposal is to implement the act of October 30, 1996 (P. L. 719, No. 129) (Act 130) effective October 30, 1996. Act 130 amended the Optometric Practice and Licensure Act (act) (63 P. S. §§ 244.1—244.12), to require, inter alia, the certification and regulation of the prescription and administration by optometrists of pharmaceutical agents for therapeutic purposes (therapeutic drugs). The Board is required to certify eligible optometrists in two categories. The first requires an applicant to have: (1) graduated from an accredited school of optometry where a condition for graduation is or was the successful completion of a minimum of 100 hours in therapeutic drugs; and (2) passed a licensure examination to practice optometry which included therapeutic drugs. The second requires an applicant to have: (1) completed a Board-approved course of a minimum of 100 hours in therapeutic drugs; and (2) passed an examination in therapeutic drugs prepared and administered by a qualified and approved professional testing organization.

The proposed amendments also require that therapeutic drugs which will be used by optometrists approved by the Secretary of Health.

Likewise, optometrists will be required by newly added sections to obtain 30 hours of approved continuing optometric education every 2 years beginning with license renewals in 1998. For optometrists certified to prescribe and administer therapeutic drugs, 6 of those hours must concern the prescription and administration of therapeutic

drugs. Prior law required a minimum of 24 hours of continuing professional education during each biennial renewal period.

D. Description of Proposed Amendments

The "Treatment and Management of Ocular Disease Examination" (TMOD) is proposed to be defined in § 23.1 as the examination adopted by the Board as a prerequisite to therapeutic drug certification. The TMOD is a Nationally recognized examination in therapeutic drugs developed and administered by the National Board of Examiners in Optometry. It was first administered as a stand-alone examination in 1985, and as an integral part of the National Board Examination since April of 1993.

The minimum number of hours of required continuing education prerequisite to biennial renewal of an optometric license would be increased from 24 to 30 hours in § 23.82. The new language would also provide that for licensees certified in therapeutic drugs, at least 6 of the required 30 hours must concern the prescription and administration of pharmaceutical agents for therapeutic purposes. The new language would also clarify that completion of the 100-hour course in therapeutic drugs will satisfy the continuing education requirement for the biennial renewal period in which it is completed.

Proposed qualifications for certification in therapeutic drugs are outlined in § 23.201. The section establishes two categories of certification consistent with Act 130. Category 1 applies to applicants licensed by examination to practice optometry in this Commonwealth on or after April 1993. Those persons would be required to: (1) have graduated from an accredited optometric educational institution where a condition for graduation at the time the applicant graduated was the successful completion of a minimum of 100 hours in therapeutic drugs; and (2) have obtained a passing score on one of the following examinations taken on or after April 1993: the TMOD portion of Part II (Clinical Sciences) of the National Board Examination, the TMOD standing alone or an examination for licensure in another jurisdiction which required a passing score on therapeutic drugs. Category 2 certification is available to applicants who were licensed by examination to practice optometry in this Commonwealth before April 1993 or licensed by reciprocity. Those applicants would be required to: (1) successfully complete a course offered subsequent to October 30, 1996, by an accredited optometric educational institution in the United States or Canada, consisting of a minimum of 100 hours in the prescription and administration of pharmaceutical agents for therapeutic purposes; and (2) obtain a passing score on the TMOD taken subsequent to completion of the 100-hour course.

Proposed § 23.202 would set forth the application procedure under each category. It will also provide that applicants for licensure as optometrists by examination in this Commonwealth after the effective date of these proposed amendments will automatically qualify for certification in therapeutic drugs.

During the course of its predrafting deliberations on the implementation of Act 130, the Board received input from various interested parties, including the Chairperson of the House Professional Licensure Committee, Honorable Mario J. Civera, Jr.. Chairperson Civera advised that the legislative intent behind Act 130 would permit recent graduates, for example, those who graduated from optometric college and who took and passed the National licensure examination which included therapeutic drugs as a standard component in the early 1990's, to

be certified in therapeutic drugs without further training. The Legislature further intended, he noted, that current training programs and examination would be required for all others seeking certification in therapeutic drugs. An interpretation of Act 130 to the contrary he opined would not implement the duty of both the Legislature and the Board to serve the public's best interest.

Although the TMOD was first given as a freestanding examination in April of 1985, it did not become a component part of the National Board Examination until April 1993. Consistent with the legislative intent expressed by Representative Civera, the Board will delineate April 1993 as the operative date subsequent to which candidates for certification in therapeutic drugs will be eligible for certification under Category 1 without completing an additional 100-hour course in therapeutic drugs. With respect to Category 2, those persons ineligible to be certified as recent graduates would be required to successfully complete a 100-hour course offered subsequent to October 30, 1996, the effective date of Act 130. Prior to that date, the Board had no authority to approve programs. The Board is satisfied that a sufficient number of 100-hour courses in therapeutic drugs are offered by the various accredited optometric educational institutions in the United States and Canada to accommodate those persons wishing certification. Those applicants would also be required to pass the TMOD subsequent to the conclusion of the course. Having passed the TMOD prior to the required current training would appear to defeat the purpose of Act 130 in assuring up-to-date competency in therapeutic pharmaceuticals.

The Board believes that these educational and examination requirements are consistent with the legislative intent to permit qualified optometrists to prescribe and administer therapeutic drugs in a safe manner.

E. Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (February 1, 1996), in drafting and promulgating the proposed amendments the Board solicited input from the regulated community as well as the Secretary of Health, the Pennsylvania Optometric Association, the Pennsylvania College of Optometry and the Pennsylvania Academy of Ophthalmology. The Board reviewed and incorporated many of the comments of the various individuals and professional organizations in the proposed amendments.

F. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no fiscal impact on the Commonwealth or its political subdivisions. Applicants for certification in therapeutic drugs will be required to pay a small fee to cover the costs of certification. Similarly, applicants may be required to pay additional costs for specified therapeutic drug training and examinations. The public may benefit from reduced costs of health care in that optometrists will be permitted to treat minor eye diseases and conditions without multiple examinations by various health care providers.

G. Sunset Date

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

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 14, 1997, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional

Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to April L. McClaine, Board Counsel, State Board of Optometry, P. O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-525 (Therapeutic Drugs), when submitting comments.

ROBERT A. GINSBURG, O.D.,
Chairperson

Fiscal Note: 16A-525. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

**PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 23. STATE BOARD OF OPTOMETRY
GENERAL PROVISIONS**

§ 23.1. Definitions.

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

* * * * *

TMOD—Treatment and Management of Ocular Disease Examination—An examination developed, prepared, administered and scored by the NBEQ, which the Board adopts as the examination for certification in pharmaceutical agents for therapeutic purposes.

CONTINUING EDUCATION

§ 23.82. Continuing education hour requirements.

(a) An applicant for biennial license renewal or reactivation of license is required to complete, during the 2 years preceding renewal or reactivation, a minimum of [24] 30 hours of continuing education. **For licensees certified in accordance with section 4.1 of the act (63 P.S. § 244.4a) and §§ 23.201 and 23.202 (relating to qualifications for certification; and application procedure), at least 6 of the required 30 hours shall concern the prescription and administration of pharmaceutical agents for therapeutic purposes. Completion of a course described in § 23.201(b)(1) (relating to qualification for certification) shall satisfy the continuing education requirement for the biennial renewal period in which it is completed.**

* * * * *

**CERTIFICATION IN PHARMACEUTICAL AGENTS
FOR THERAPEUTIC PURPOSES**

§ 23.201. Qualifications for certification.

(a) *Category 1.* To obtain certification to prescribe and administer pharmaceutical agents for therapeutic purposes, an applicant licensed by examination to practice optometry in this Commonwealth on or after April 1993, shall meet the following requirements:

(1) Graduation from an accredited optometric educational institution in the United States or Canada where a condition for graduation at the time the applicant graduated was the successful completion of a minimum of 100 hours in the prescription and administration of pharmaceutical agents for therapeutic purposes.

(2) A passing score on one of the following examinations taken on or after April 1993:

(i) The TMOD portion of Part II (Clinical Sciences) of the National Board Examination.

(ii) The TMOD.

(iii) An examination for licensure in another jurisdiction which required passing scores on the prescription and administration of pharmaceutical agents for therapeutic purposes.

(b) *Category 2.* To obtain certification to prescribe and administer pharmaceutical agents for therapeutic purposes, an applicant licensed by examination to practice optometry in this Commonwealth before April 1993, or licensed by reciprocity, shall meet the following requirements:

(1) Successful completion of a course offered subsequent to October 30, 1996, consisting of a minimum of 100 hours in the prescription and administration of pharmaceutical agents for therapeutic purposes offered by an accredited optometric educational institution in the United States or Canada.

(2) A passing score as determined by the NBEO on the TMOD taken subsequent to completion of the course required in paragraph (1).

§ 23.202. Application procedure.

(a) An applicant for certification under Category 1 shall submit the following to the Board:

(1) A completed application obtained from the Board together with the certification fee required by § 23.91 (relating to fees).

(2) Certification on a form provided by the Board

from an accredited optometric educational institution in the United States or Canada that the applicant graduated from the institution and that a condition for the applicant's graduation was the successful completion of a minimum of 100 hours in the prescription and administration of pharmaceutical agents for therapeutic purposes.

(3) Certification from the NBEO that the applicant obtained a passing score on the TMOD portion of Part II (Clinical Sciences) of the National Board Examination taken on or after April 1993 or a passing score on the TMOD taken on or after April 1993, or certification on a form provided by the Board from the appropriate licensing authority of another jurisdiction that the applicant obtained a passing score on a licensing examination in that jurisdiction taken on or after April 1993 which required a passing score on the prescription and administration of pharmaceutical agents for therapeutic purposes at the time the applicant passed the examination.

(b) An applicant for certification under Category 2 shall submit the following to the Board:

(1) A completed application obtained from the Board together with the certification fee required by § 23.91.

(2) Certification on a form provided by the Board from an accredited optometric educational institution in the United States or Canada that the applicant has successfully completed its course offered subsequent to October 30, 1996, consisting of a minimum of 100 hours in the prescription and administration of pharmaceutical agents for therapeutic purposes.

(3) Certification from the NBEO that the applicant has obtained a passing score on the TMOD taken after completion of the course.

(c) On and after ____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal), applicants for licensure as optometrists by examination who meet the qualifications, including a passing score on the TMOD portion of Part II (Clinical Sciences) of the National Board Examination and graduation from an accredited optometric educational institution in the United States or Canada shall be certified to prescribe and administer pharmaceutical agents for therapeutic purposes without further application.

[Pa.B. Doc. No. 97-1400. Filed for public inspection August 29, 1997, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Board of Probation and Parole

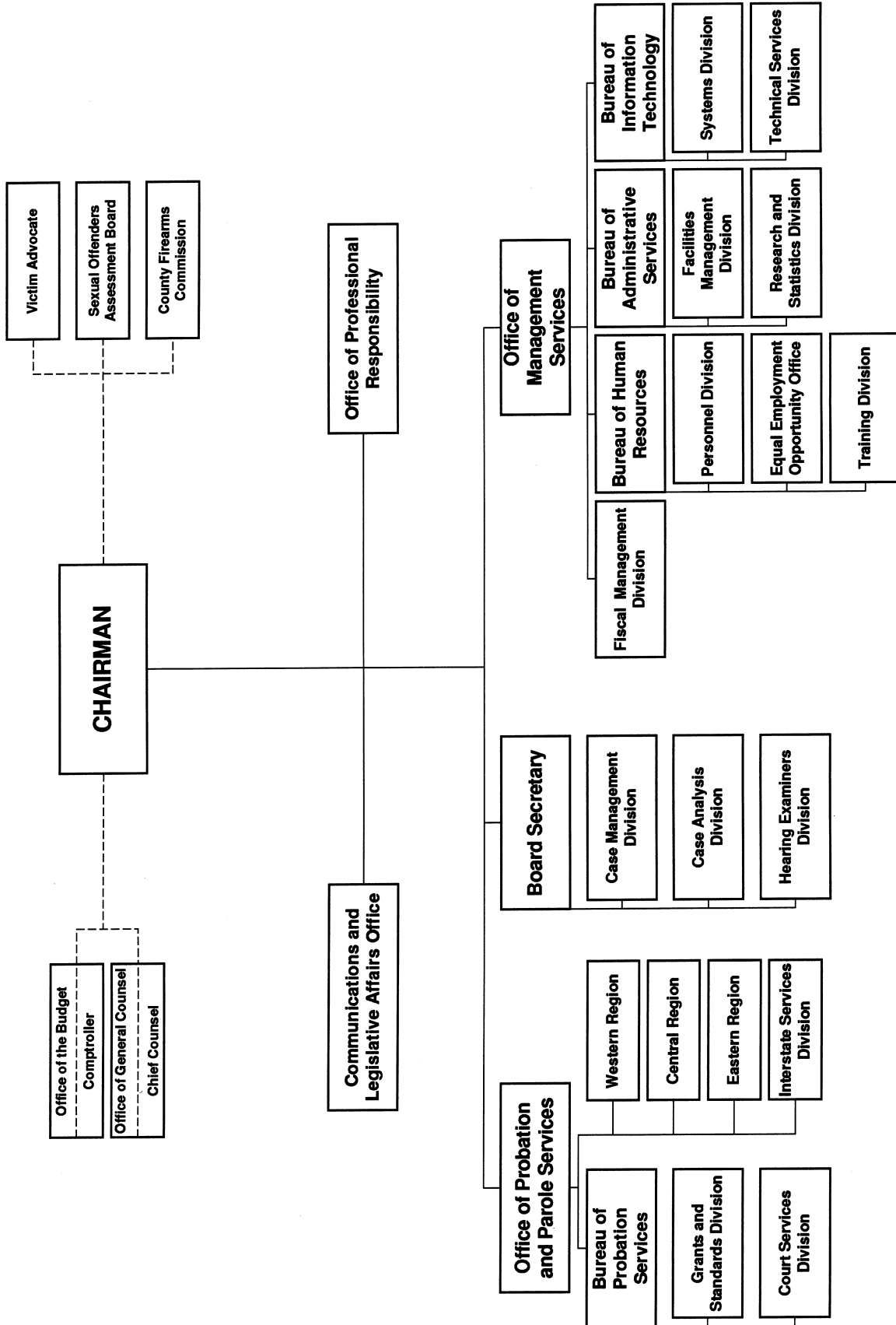
The Executive Board approved a reorganization of the Board of Probation and Parole effective August 19, 1997.

The organization chart at 27 Pa.B. 4470 (August 30, 1997) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 97-1401. Filed for public inspection August 29, 1997, 9:00 a.m.]

BOARD OF PROBATION AND PAROLE



NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 19, 1997.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-13-97	Ambassador Bank of the Commonwealth, Allentown, and Wilbur Savings Bank, Bethlehem Surviving Institution—Ambassador Bank of the Commonwealth, Allentown	Allentown	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-13-97	Northern Central Bank Williamsport Lycoming County	Mobile Branch to be Operated in Bradford, Sullivan, Lycoming, Clinton, Union, Montour, Northumberland, Columbia, Juniata and Snyder Counties	Filed
8-13-97	Mid-State Bank and Trust Company Altoona Blair County	Mobile Branch to be Operated in Bedford, Blair, Centre, Clearfield and Huntingdon Counties	Filed
8-13-97	Financial Trust Company Carlisle Cumberland County	Mobile Branch to be Operated in Franklin, Adams, York, Cumberland, Perry, Lancaster and Dauphin Counties	Filed
8-15-97	Chambersburg Trust Company Chambersburg Franklin County	Mobile Branch to be Operated in Franklin County	Filed
8-18-97	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	WalMart Routes 83 & 851 Shrewsbury York County	Withdrawn

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-13-97	Reeves Bank Beaver Falls Beaver County	<i>To:</i> 1700 Beaver Road Economy Beaver County <i>From:</i> 1676 W. State Street Economy Beaver County	Approved
8-18-97	Dauphin Deposit Bank and Trust Company Harrisburg	<i>To:</i> 2027 Lincoln Way East Chambersburg Franklin County <i>From:</i> 2001 Lincoln Way East Chambersburg Franklin County	Authorization Rescinded

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
8-14-97	Pocono Community Bank (In Organization) Stroudsburg Monroe County	To amend Article Eighth of the Articles of Incorporation by increasing the number of First Directors.	Approved and Effective

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-1402. Filed for public inspection August 29, 1997, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 1997

The Department of Banking of the Commonwealth of Pennsylvania (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of September is 9%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 6.55 to which was added 2.50 percentage points for a total of 9.05 that by law is rounded off to the nearest quarter at 9%.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-1403. Filed for public inspection August 29, 1997, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Pennsylvania Housing Advisory Committee Meeting

The Pennsylvania Housing Advisory Committee will meet to advise the Department of Community and Economic Development regarding housing and related needs, priorities and goals to be delineated in the 1998 Action Plan which supplements the Commonwealth's Consoli-

dated Plan (CP) for Federal fiscal years 1995 through 1999. Meetings of this committee are open to the public under the Sunshine Act. The meeting will be held as follows:

September 10, 1997: Pennsylvania Housing Finance Agency
Board Room
2101 North Front Street, Bldg. #2
Harrisburg, PA 17110
2 p.m. to 5 p.m.

Anyone who has a disability and wishes to attend this meeting and requires an auxiliary aid, service or other accommodation to participate in the proceeding should contact Aldona Kartorie, Room 509, Forum Building, Harrisburg, PA 17120, (717) 720-7409 to discuss how the Department of Community and Economic Development may best accommodate those needs. For anyone with a hearing disability, Text Telephone (TT) calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed above.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 97-1404. Filed for public inspection August 29, 1997, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

A meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will be held on Monday, September 8, 1997. The meeting will be held 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 can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or

through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER
Secretary

[Pa.B. Doc. No. 97-1405. Filed for public inspection August 29, 1997, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of 1997-98 Competitive Funds under the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990

Applications for FY 1997-98 Perkins Vocational and Applied Technology Education competitive funds are invited for the following category:

386—Tech Prep Education: New Programs Development

1. *Eligibility Requirements*

To invite competitive applications from school districts, Area Vocational-Technical schools or intermediate units

currently operating Department of Education approved Tech Prep Education programs, to apply for Tech Prep funding in developing additional programs. All programs developed must meet the requirements of the Tech Prep/School-to-Work Assurances.

2. *Application Requirements*

Applications are due September 30, 1997, by 4:30 p.m.

3. *Application Forms and Guidelines*

Completion of applications requires the use of two references: the general and categorical guidelines. Documents are available from Emmanuel Constantine, Division of Advisory and Approval Services, Bureau of Vocational-Technical Education, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 787-5293.

4. *Completed Applications*

All completed applications are to be mailed or delivered (not faxed) to the Division of Advisory and Approval Services on or before the designated due date.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 97-1406. Filed for public inspection August 29, 1997, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Richard Adams at (717) 327-3666. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

PA 0031208. Sewage, **Garnet Valley School District**, 550 Smithbridge Road, Glen Mills, PA 19342.

This application is for renewal of an NPDES permit to discharge treated sewage from Garnet Valley School District in Concord Township, **Delaware County**. This is an existing discharge to Green Creek.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Phosphorus (as P)		
Total Residual Chlorine	1.0	1.5
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0052744. Sewage, **Concordville Hotel, Inc.**, 780 Baltimore Pike, P. O. Box 607, Concordville, PA 19331-0607.

This application is for renewal of an NPDES permit to discharge treated sewage from Concord Hotel STP in Concord Township, **Delaware County**. This is an existing discharge to UNT to West Branch Chester Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of .025 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine		
(Years 1 and 2)	1.0	1.5
(Years 3, 4 and 5)	0.13	0.3

The EPA waiver is in effect.

PA 0045021. Industrial waste, **Pre Finish Metals, Inc.**, 2195 New Ford Mill Road, Morrisville, PA 19067.

This application is for amendment of an NPDES permit to discharge treated process wastewater from Pre Finish Metals, Inc. in Falls Township, **Bucks County**. This is an existing discharge to an unnamed tributary to Biles Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.0335 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Oil and Grease	15		30
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Total Aluminum	0.20 (lbs/day)	0.40 (lbs/day)	1.78
Total Chromium	0.09 (lbs/day)	0.17 (lbs/day)	0.77
Hexavalent Chromium	0.02	0.04	0.05
Total Copper	0.023	0.046	0.057

The proposed effluent limits for Outfall 001, based on an average flow of 0.0335 mgd during the period from September 29, 1995 through September 30, 1998 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cyanide	0.06 (lbs/day)	0.12 (lbs/day)	0.55
Free Cyanide	monitor/report	monitor/report	monitor/report
Total Iron	0.26 (lbs/day)	0.52 (lbs/day)	2.31
Dissolved Iron	monitor/report	monitor/report	monitor/report
Total Zinc	0.16	0.32	0.40

The proposed effluent limits for Outfall 001, based on an average flow of 0.0335 mgd during the period from October 1, 1998 through expiration are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cyanide	0.06 (lbs/day)	0.12 (lbs/day)	0.55
Free Cyanide	0.012	0.024	0.03
Total Iron	0.26 (lbs/day)	0.52 (lbs/day)	2.31
Free Iron	0.72	1.43	1.79
Total Zinc	0.16	0.32	0.4

The proposed effluent limits for Outfall 001, based on an average flow of 0.0335 mgd during the period from September 29, 1995 through September 30, 1997 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	monitor/report	monitor/report	monitor/report
Total Dissolved Solids	monitor/report	monitor/report	monitor/report

The proposed effluent limits for Outfall 001, based on an average flow of 0.0335 mgd during the period from October 1, 1997 through expiration are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Dissolved Solids	2,500	5,000	6,250

The proposed effluent limits for monitoring point 101 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 7.5 to 9.0 at all times		

The EPA waiver is in effect.

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

PA 0029653. Sewerage, **Jewish Community Center Day Camp**, 601 Jefferson Avenue, Scranton, PA 18510.

This proposed action is for renewal issuance amendment of an NPDES permit to discharge treated sewage into Spring Brook in Covington Township, **Lackawanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Pennsylvania-American Water Company's Waters Reservoir located approximately 4.7 miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of .0078 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	4	8
(11-1 to 4-30)	12	24
Dissolved Oxygen	a minimum of 6 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine		
First Month through 24th Month	monitor and report	
25th Month through Expiration Date	1.2	2.8

The EPA waiver is in effect.

PA 0063681. Industrial waste, SIC: 7542, **Penske Truck Leasing Co., L. P.**, 1182 Route 61 South, Pottsville, PA 17901.

This proposed action is for issuance of an NPDES permit to discharge treated car wash wastewater into Schuylkill River in North Manheim Township, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Pottstown Water Supply on Schuylkill River.

The proposed effluent limits for Outfall 001 based on a design flow of .000125 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30	60	
Oil and Grease	15		30
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3666.

PA 0008443. Industrial waste, SIC: 4911, **Pennsylvania Power & Light Company**, Two North Ninth Street, Allentown, PA 18101.

This proposed action is for renewal of an NPDES permit for existing discharges of treated process water, cooling water, sewage, stormwater and fly ash leachate from the Montour Steam Electric Station in Derry Township, **Montour County**.

The following effluent limitations are proposed for these discharges to the receiving waters of Chillisquaque Creek and an unnamed tributary to Mud Creek, which are both classified for the following uses: warm water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Authority located on the Susquehanna River approximately 20 river miles downstream.

The proposed effluent limits for Outfall 050, based on a design flow of 7.1 mgd for this discharge from the detention basin to Chillisquaque Creek are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	100	125
Oil and Grease	15	20	30
Ammonia-N	monitor and report		
Temperature	This discharge shall not change the stream temperature by more than ±2°F in any one hour period		
pH	6.0—9.0 at all times		
Free Available Chlorine		0.08	0.19
Total Cl ₂ , Residual			
1st Month—36th Month	report		
37th Month—Permit Expiration Date	0.09		0.29
Total Copper	monitor and report		
Total Aluminum	monitor and report		
Total Zinc	monitor and report		
Total Iron	1.7	3.4	4.3
Total Thallium	0.0023	0.0046	0.0058
Total PCBs	monitor and report		
Clam-trol-1	N. D.	N. D.	
Clam-trol-2	N. D.	N. D.	

Internal Monitoring Point 150, Unit No. 1 and Unit No. 2: The proposed effluent limits for this discharge of cooling tower blowdown are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Chromium	0.2	0.2	
Total Zinc	1.0	1.0	

Outfall 051: The proposed effluent limits, based on a design flow of 0.02 mgd, for this discharge from the sewage treatment plant to the stormwater basin are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Total Cl ₂ Residual	monitor and report	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 at all times	

Outfall 052: The proposed effluent limits, based on a design flow of 0.54 mgd, for this discharge from the stormwater basin to Chillisquaque Creek are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30		125
Oil and Grease	15	20	30
pH	6.0—9.0 at all times		
Total Cl ₂ Residual 1st Month—36th Month	report		
37th Month—Permit Expiration Date	0.09		0.29
Total PCBs	monitor and report		
Total Aluminum	monitor and report		
Total Iron	monitor and report		
Total Manganese	monitor and report		

Internal Monitoring Point 152: The proposed effluent limits for this discharge of the final portion of cooling tower basin water to the stormwater basin during maintenance outages are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Free Available Chlorine		0.2	0.5
Total Chromium	0.2	0.2	
Total Zinc	1.0	1.0	

Outfall 055: The proposed effluent limits for this discharge of leachate/runoff from dry fly ash disposal area No. 3 to an unnamed tributary of Mud Creek that will occur only when a 10-year, 24-hour rainfall event is exceeded are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cadmium	monitor and report		
Total Copper	monitor and report		
Total Lead	monitor and report		
Total Nickel	monitor and report		
Total Selenium	monitor and report		
Total Zinc	monitor and report		
pH	6.0—9.0 at all times		

Other Conditions:

- (1) Requirement to submit a Toxic Reduction Evaluation.
- (2) Procedures for granting time extensions to achieve final water quality-based effluent limitations.
- (3) Requirement to submit acute chronic whole effluent toxicity testing.
- (4) There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

The EPA waiver is not in effect.

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

PA 0046671. Sewage, **Linden Hall United Steelworkers**, R. D. 1, Linden Hall Road, Box 225A, Dawson, PA 15428.

This application is for renewal of an NPDES permit to discharge treated sewage from the Linden Hall United Steelworkers Sewage Treatment Plant in Lower Tyrone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of the Youghiogheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority—McKeesport located on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.035 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				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0096539. Sewage, **Burrell Food Systems, Inc.**, 250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319.

This application is for renewal of an NPDES permit to discharge treated sewage from the Burrell Food Systems, Inc. STP in Burrell Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of the Conemaugh River, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks on the Conemaugh River.

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				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.3			4.6
(11-1 to 4-30)	6.4			12.8
Lead	monitor and report			
Oil and Grease	monitor and report			
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			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0222372. Sewage, **VFW Post 740**, 10613 Route 98, Edinboro, PA 16412.

This application is for a new NPDES permit to discharge treated sewage to an unnamed tributary to Little Elk Creek in Franklin Township, **Erie County**. This is a new discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS NO₂-NO₃, fluoride and phenolics, there are not potable water supplies (PWS) to consider between the point of discharge and Lake Erie.

The proposed effluent limits for Outfall 001, based on average design flow of 0.001200 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10	20
Total Suspended Solids	20	40
NH ₃ -N	6	12
Phosphorus as "P"	1.0	2.0
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0030031. Sewage. **Kerbert Enterprises, Inc.**, Kerbert Industrial Park, R. D. 6, P. O. Box 418, Meadville, PA 16335.

This application is for a renewal of an NPDES Permit to discharge treated sewage to the unnamed tributary to Conneaut Outlet in Greenwood Township, **Crawford County**. This is an existing discharge.

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

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.5 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	9.0	18
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0222356. Industrial waste. **Former Teledyne—Penn Union Facility**, 350 Allwood Road, Clifton, New York 07015; Facility location in Edinboro, **Erie County**.

This application is for a new NPDES Permit to discharge industrial waste to Darrows Creek in Edinboro, Erie County. This is a new discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation.

The proposed discharge limits for Outfall No. 001, based on a design flow of .144 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitoring only		
Tetrachloroethylene	.007		.010
Trichloroethylene	.026		.040
Cis-1, 2-Dichloroethylene	monitoring only		
Total Iron	1.8		2.8
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0029122. Sewage. **Saxonburg Area Authority**, 420 West Main Street, Saxonburg, PA 16056.

This application is for renewal of an NPDES Permit to discharge treated sewage to Thorn Creek in Jefferson Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed

downstream potable water supply considered during the evaluation is the Zelenople Municipal Water Works intake on Connoquenessing Creek located at Zelenople, approximately 24 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.5 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
TSS	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	2		4
(10-1 to 4-30)	6		12
Total Phosphorus (as P)	2		4
Copper	monitor and report		
Zinc	monitor and report		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,800/100 ml as a geometric average		
Total Residual Chlorine (Interim)	monitor and report		
(Final)	0.07		0.23
Dissolved Oxygen	minimum of 6 mg/l at all times		
pH	6.0—9.0 at all times		

1. Final water quality based effluent limitations for Copper and Zinc.
2. Requirement to submit a Toxic Reduction Evaluation.
3. Conditions for future permit modification.
4. Procedures for granting time extensions to achieve final water quality based effluent limitations.
5. Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
6. Procedures for demonstrating alternative method detection limits.

The EPA waiver is in effect.

PA 0025470. Sewage. **Vernon Township Sanitary Authority (Fredricksburg Plant)**, 66 Jackson Avenue, Meadville, PA 16335.

This application is for renewal of an NPDES Permit to discharge treated sewage to Cussewago Creek in Vernon Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the General Authority of the City of Franklin on French Creek located at Franklin, approximately 25 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of .37 mgd, are:

<i>Parameter</i>	<i>Average Monthly 9mg/l)</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	10		20
Phosphorus (as Total P) (4-1 to 10-31)	2		4
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	22,600/100 ml as a geometric average		
Total Residual Chlorine (Interim Limit)	XX		XX
(Final Limit)	.4		1.4
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**DISCHARGE OF CONTROLLED INDUSTRIAL
WASTE AND SEWERAGE WASTEWATER**

**Applications under the Pennsylvania Clean
Streams Law**

(Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department). Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protests. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Industrial waste and sewerage applications received under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).

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

WQM Permit No. 2597416. Sewage. **Millcreek Township Sewer Authority**, P. O. Box 8158, Erie, PA 16505-0158. This project is for the construction of an 8-inch gravity sewer and of an 8-inch force main sewer, including a submersible pump station.

WQM Permit No. 6297405. Sewage. **Randy and Stacey Daugharty SRSTP**, 306 Jamestown St., Sugar Grove, PA 16350. This project is for the construction of a Single Residence Sewage Treatment Plant in Sugar Grove Borough Township, **Warren County**.

INDIVIDUAL PERMITS

(PAS)

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as

erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a 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 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 825-2511.

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

Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.

Northcentral Regional Office: Regional Water Management Program Manager, 308 W. 3rd Street, Williamsport, PA 17701, (717) 327-3669.

Beaver County Conservation District, District Manager, 1000 3rd Street, Beaver, PA 15009, (412) 774-7090.

NPDES Permit PAS100241. Stormwater. **Tri State Indoor Sports**, 160 Hickory Drive, Beaver Falls, PA 15010 has applied to discharge stormwater from a construction activity located in South Beaver Township, **Beaver County**, to UNT to the north fork of Little Beaver Creek.

NPDES Permit PAS100242. Stormwater. **National Gypsum Company**, 2001 Rexford Road, Charlotte, NC 28211 has applied to discharge stormwater from a con-

struction activity located in Shippingport Township, **Beaver County**, to Haden Run to the Ohio River.

Centre County Conservation District, District Manager, 414 Holmes Avenue, Bellefonte, PA 16823, (814) 355-6817.

NPDES Permit PAS10F067. Stormwater. **Chris Kopac**, Vista Woods, 100 N. Patterson Street, State College, PA 16801 has applied to discharge stormwater from a construction activity located in Patton Township, **Centre County**, to UNT to Buffalo Run.

Chester County Conservation District, District Manager, Gov. Serv. Ctr., Ste. 395, 601 Westtown Rd., West Chester, PA 19382, (610) 696-5126.

NPDES Permit PAS10G278. Stormwater. **General Real Estate Development Corporation**, 921 Briarwood Circle, West Chester, PA 19380 has applied to discharge stormwater from a construction activity located in West Goshen Township, **Chester County**, to UNT to Broad Run.

NPDES Permit PAS10G279. Stormwater. **General Real Estate Development Corporation**, 921 Briarwood Circle, West Chester, PA 19380 has applied to discharge stormwater from a construction activity located in Malvern Borough, **Chester County**, to the Schuylkill River.

Cumberland County Conservation District, District Manager, 43 Brookwood Avenue, Carlisle, PA 17013, (717) 240-7812.

NPDES Permit PAS10H073. Stormwater. **Shryle Diehl**, 205 E. Yellow Breeches Road, Carlisle, PA 17013 has applied to discharge stormwater from a construction activity located in Penn Township, **Cumberland County**, to the Yellow Breeches Creek.

NPDES Permit PAS10H074. Stormwater. **The McNaughton Company**, 4400 Deerpath Road, Harrisburg, PA 17110 has applied to discharge stormwater from a construction activity located in Hampden Township, **Cumberland County**, to Sears Run.

Indiana County Conservation District, District Manager, 251 Rt. 286N, Indiana, PA 15701, (412) 463-7702.

NPDES Permit PAS103115. Stormwater. **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701 has applied to discharge stormwater from a construction activity located in Jacksonville, Coal Run, McIntyre and Young Townships, **Indiana County**, to Reeds Run.

NPDES Permit No. PAS103114. Stormwater. **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701 has applied to discharge stormwater from a construction activity located in Shelocta Township, **Indiana County**, to Crooked Creek.

NPDES Permit PAS103113. Stormwater. **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701 has applied to discharge stormwater from a construction activity located in Rossitor Township, **Indiana County**, to Canoe Creek.

NPDES Permit No. PAS103112. Stormwater. **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701 has applied to discharge stormwater from a construction activity located in Plumville Township, **Indiana County**, to the north branch of Plum Creek.

Lehigh County Conservation District, District Manager, Lehigh Ag Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, (610) 820-3398.

NPDES Permit No. PAS10Q144. Stormwater. **Alexander Tamerler**, 64 Warba Drive, Allentown, PA 18104 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

Northwest Regional Office: Regional Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

NPDES Permit PAS107802. Stormwater. **Texakoma Oil & Gas Corporation**, One Lincoln Centre, 5400 LBJ Freeway, Suite 500, Dallas, TX 75240 has applied to discharge stormwater from a construction activity located in Jenks and Howe Townships, **Forest County**, to Spring Creek, East Branch Spring Creek, Rappe Run and Warner Run.

Public Hearing

The Department of Environmental Protection will hold a public hearing to receive testimony and comments on the Chiou Hog Farm Limited Liability Company permit application. Chiou has applied for an Individual NPDES permit for discharges of stormwater from construction activities at its site in Monroe Township, Bedford County, located in the Sideling Hill Creek watershed. Specifically, the permit would enable Chiou to commence earth moving activities at the site, such as clearing and regrading, in accordance with acceptable erosion and sediment control procedures. The project site is the former Barry Farm and consists of a total of 237 acres. Eighteen acres of the site are proposed to be disturbed by the earth moving activities.

The hearing will be held on Tuesday, September 30, 1997, at the Monroe Township Municipal Building, R. D. 2, Clearville, PA beginning at 7 p.m.

Any person intending to testify at the hearing should contact Mary Ann Fischer at (717) 541-7969 on or before September 24, 1997. Persons unable to attend the hearing may submit written testimony before October 14, 1997 to Mary Ann Fischer at One Ararat Boulevard, Harrisburg, PA 17110.

All testimony should be to the point. Each individual will have up to 10 minutes for his/her presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting Mary DiSanto at (717) 540-5018 between the hours of 8 a.m. and 4 p.m., Monday through Friday.

Persons with a disability who wish to attend the hearing but who require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact the Department for assistance. TDD users may use the AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

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

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

4897501. Public water supply. **Portland Borough Authority**, P. O. Box 572, Portland, PA 18351. William Godshalk, Authority Chairperson. This proposal involves

the construction of well no. 3 as an additional source of supply to the system and construction of transmission mains: interconnecting the existing 10 inch DIP main to Portland to the existing 8 inch CIP main to Slateford and connecting the proposed well no. 3 to the CIP main with flow reversed to the control/treatment building.

Engineer: Samuel M. D'Alessandro, P. E., RKR Hess Associates, Inc.

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

A. 7031-T1-A3. Pittsburgh Water & Sewer Authority, 441 Smithfield Street, Pittsburgh, PA 15222. Construct a new Hypalon liner and aluminum geodesic dome cover for the McNaugher Reservoir, serving the City of Pittsburgh, **Allegheny County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDICATION

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 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies 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 or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards 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 and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

Northcentral Regional Office: Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.

Montour Oil Service Company, Montoursville Borough, **Lycoming County**. Rick Thomas on behalf of Montour Oil Service Company, 112 Broad Street,

Montoursville, PA 17754 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on August 11, 1997.

Textron-Lycoming-Service Center, Montoursville Borough, **Lycoming County**. David W. Swetland, on behalf of Textron-Lycoming, 652 Oliver Street, Williamsport, PA 17701, has submitted a Notice of Intent to Remediate groundwater contaminated with solvents, BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on July 24, 1997.

Distribution Pole #30780N37199, Muncy Creek Township, **Lycoming County**. PP&L, Two North Ninth Street, Allentown, PA 18101-1179 has submitted a Notice of Intent to Remediate soil contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on August 20, 1997.

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

Housing Authority of the City of Meadville, 611/613 Terrace Street, Meadville, PA, **Crawford County**, has submitted a Notice of Intent to Remediate soil. The site has been found to be contaminated with Lead. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to remediate was published in the *Meadville Tribune* on August 7, 1997.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

A. 101549. Safety Disposal System of PA, Inc., Autoclaves, 201 East 10th Street, Marcus Hook, PA 19061. This Permit Reissuance is related to the potential purchase of the assets of KS Processing by Safety Disposal. Facility located in Marcus Hook Borough, **Delaware County**. Application received in the Southeast Regional Office on August 13, 1997.

A. 101659. Champion Recycling, Inc. c/o Galante Hauling, 16 Yeatan Lane, Glenmoore, PA 19343. Received new application for the above municipal waste transfer facility located in East Caln Township, **Chester County**. Application received in the Southeast Regional Office on August 6, 1997.

A. 100148. G.R.O.W.S. Landfill, 1513 Bordentown Road, Morrisville, PA 19067. Received a Major Permit Modification for G.R.O.W.S. Landfill Gas Management

Plan. Facility located in Falls Township, **Bucks County**. Application received in the Southeast Regional Office on July 31, 1997.

A. 101494. Tullytown Resource Recovery Facility, 200 Bordentown Road, Tullytown, PA 19007. Received a Major Permit Application for Tullytown Resource Recovery Facility Gas Management System. Facility located in Tullytown Borough, **Bucks County**. Application received in the Southeast Regional Office on July 31, 1997.

Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.

A. 300977. Standard Steel (500 North Walnut Street, Burnham, PA 17009). Application for modification for repermitting of a residual waste landfill in Derry Township, **Mifflin County**. Application determined to be administratively complete in the Regional Office August 8, 1997.

Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3653.

A. 101217. (Major Permit Modification). Wellsboro Area Transfer Station, Casella Waste Systems, Inc. (P. O. Box 866, Rutland, VT 05702). Application for modification of existing transfer station located in Delmar Township, **Tioga County** received in the Regional Office on August 13, 1997.

A. 101217. Wellsboro Area Transfer Station, Casella Waste Management Inc. (16 State St., Montpelier, VT 05602). Application for change of ownership/permit reissuance for transfer station located in Delmar Township, **Tioga County**, received in the Regional Office on April 24, 1997 and deemed administratively complete on August 12, 1997.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Renewal applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Bridgeview, Inc., R. R. 1, Box 364, Chestnut Hill Road, Morgantown, PA 19543; Shawn Netterville, Director of Transportation; License No. **PA-HC 0084**; renewal application received on August 5, 1997.

Bio-Haz Solutions, Inc., 3157 Pelham Place, Doylestown, PA 18901; David Hellar, Secretary/Treasurer; License No. **PA-HC 0191**; renewal application received on August 12, 1997.

Sanford Motors, Inc., 1307 South Pennsylvania Avenue, Morrisville, PA 19067; Craig P. Sanford, President; License No. **PA-HC 0122**; renewal application received on August 13, 1997.

T. J. Egan & Company, Inc., 5 Lawrence Street, Bloomfield, NJ 07003; James M. Egan, President; License No. **PA-HC 0079**; renewal application received on August 15, 1997.

AIR POLLUTION

OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

Operating Permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

40-318-049: The Department intends to issue an operating permit to **Modern Plastics Corporation** located in the City of Wilkes-Barre, **Luzerne County** for two spray booths with panel filters.

48-307-058: The Department intends to issue an operating permit to **Centec Corporation** located in the City of Bethlehem, **Northampton County** for a grit blast room with baghouse.

66-315-033: The Department intends to issue an operating permit to **Procter & Gamble Paper Products** located in Washington Township, **Wyoming County** for a diaper production line with baghouse.

Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.

07-308-006A: The Department intends to issue an operating permit to **Amerway, Inc.** (3701 Beale Avenue, Altoona, PA 16601) for a tin/lead solder secondary processing facility controlled by a drop-out box and a fabric collector located in the City of Altoona, **Blair County**.

31-303-005: The Department intends to issue an operating permit to **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) for a relocatable batch asphalt plant controlled by a cyclone, in series with a fabric collector, at their Tyrone Blacktop Plant in Warriors Mark Township, **Huntingdon County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

67-318-119: The Department intends to issue an operating permit to **Blockhouse Furniture** (P. O. Box 370, Red Lion, PA 17356) for a surface coating operation at their facility located at 3285 Farmtrail Road, Manchester Township, **York County**.

Northcentral Regional Office: Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

OP-41-0005A: The Department intends to issue an operating permit to **Transcontinental Gas Pipe Line Corporation** (P. O. Box 1396, Houston, TX 77251-1396) for the operation of three 2050 horsepower natural gas fired reciprocating engines at Station 520 in Mifflin Township, **Lycoming County**.

41-309-003B: The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of an agricultural limestone pulverizing system and associated air cleaning device (a fabric collector) at the Pine Creek Quarry in Limestone Township, **Lycoming County**.

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

63-311-006: The Department intends to issue an Air Quality Operating Permit to **Davison Sand & Gravel Company, Inc.** (400 Industrial Boulevard, New

Kensington, PA 15068) for a concrete production and distribution facility at its Charleroi Plant located in Charleroi Borough, **Washington County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

20-313-021: The Department intends to issue an operating permit to **Lord Corporation** (P. O. Box 556, Saegertown, PA 16433) for the operation of a rotary filter and vacuum pump at Saegertown, **Crawford County**.

24-308-001: The Department intends to issue an operating permit to **SGL Carbon Corp.** (900 Theresia Street, St. Marys, PA 15857) for the operation of 10 graphite purification furnace and fume scrubber at St. Marys, **Elk County**.

37-307-039: The Department intends to issue an operating permit to **Reactive Metals & Alloys Corp.** (P. O. Box 366, West Pittsburg, PA 16160) for the operation of four induction furnaces at Taylor Township, **Lawrence County**.

37-318-023: The Department intends to issue an operating permit to **East Manufacturing Corp.** (40 Furnace Street, New Castle, PA 16101) for the operation of three paint booths and a dry filter bank at New Castle, **Lawrence County**.

37-399-004A: The Department intends to issue an operating permit to **New Castle Industries** (P. O. Box 7359, New Castle, PA 16107) for the operation of four chrome plating tanks and composite mesh-pad system at New Castle, **Lawrence County**.

42-322-001: The Department intends to issue an operating permit to **McKean County Solid Waste Authority** (P. O. Box 448, Mt. Jewett, PA 16740) for the operation of a landfill gas extraction systems and flare at Sergeant Township, **McKean County**.

43-308-009: The Department intends to issue an operating permit to **Cobra Metals, Inc.** (4100 Congress Parkway, West, Richfield, OH 44286) for the operation of a smelting furnaces and afterburner baghouse at Pymatuning Township, **Mercer County**.

62-312-035: The Department intends to issue an operating permit to **United Refining Company** (P. O. Box 780, Warren, PA 16365) for the operation of an oil heater at Warren, **Warren County**.

PA-10-298A: The Department intends to issue an operating permit to **ESM II, Incorporated** (1161 Pittsburgh Road, Valencia, PA 16059) for the operation of two magnesium hammermills and cyclone at Clinton Township, **Butler County**.

PA-24-022A: The Department intends to issue an operating permit to **St. Marys Carbon Co.** (1939 State Street, St. Marys, PA 15857) for the operation of a continuous furnace at St. Marys, **Elk County**.

PA-33-116A: The Department intends to issue an operating permit to **Plunkett Webster Dry Kiln, Inc.** (R. D. 3, Box 182, Brookville, PA 15825) for the operation of a wood burning steam boiler and multicyclone at Oliver Township, **Jefferson County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities

subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permits).

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting the regional office noted below.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.

46-00006: Allegro MicroSystems, W. G., Inc. (3900 Welsh Road, Willow Grove, PA 19090), located in Upper Moreland Township, **Montgomery County**. The facility is primarily used for manufacturing silicon-based integrated circuits. The facility's major air emission points include: a manufacturing line, boilers and emergency services equipment, which emit major levels of Volatile Organic Compounds (VOCs).

15-00033: Department of Public Welfare—Embreeville Center (1822 W. Strausburg Road, Coatesville, PA 19230) located in West Bradford Township, **Chester County**. The facility is primarily used to secure housing for learning disabled juveniles. The facility's major air emissions include three boilers and numerous emergency electrical generators and heaters which emit major levels of Sulfur Oxides.

46-00061: Pennsylvania Department of Corrections—Graterford Facility (Route 29, Graterford, PA 19426) located in Skippack Township, **Montgomery County**. The facility is primarily used to house convicted felons. The facility's major air emissions include four boilers which emit major levels of Nitrogen Oxides (NOx), Sulfur Oxides (SOx) and Total Suspended Particulate Matter (TSP).

09-00011: Perkasio Industries Corporation (50 E. Spruce Street, Perkasio, PA 18944) located in Perkasio Borough, **Bucks County**. The facility is a manufacturer of fluorescent lighting fixtures and related products. The facility's major air emissions include four coating line spray booths, oven and heaters which emit major levels of Volatile Organic Compounds (VOCs).

46-00082: Stabilus (92 County Line Road, Colmar, PA 19230) located in Montgomery Township, **Montgomery County**. The facility is primarily used for coating of automotive parts and accessories. The facility's major air emission points include a coating and painting system, which emits major levels of Volatile Organic Compounds (VOCs).

Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 657-4587.

22-05013: Metal Industries, Inc. of California (P. O. Box 100A, Millersburg, PA 17061) located in Upper Paxton Township, **Dauphin County**. The facility's major sources of emissions include surface coating which primarily emit VOCs.

36-05031: Bollman Hat Company, Willow Street Plant (110 E. Main Street, Adamstown, PA 19501) located in Adamstown Borough, **Lancaster County**. The facility's major source is a hat dipping and drying operation which primarily emit VOC.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.

20-00265: GPU Generation, Inc.—Wayne Station (1001 Broad Street, Johnstown, PA 15097, Attn. Timothy E. McKenzie) located in Wayne Township, **Crawford County**. The facility's major sources include a combustion turbine. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Nitrogen Oxides.

30-00109: Equitrans, Inc., Rogersville Station (3500 Park Lane, Pittsburgh, PA 15275) located in Center Township, **Greene County**. The facility's major source of emissions include one natural gas engine and three natural gas turbine units which primarily emit NOx.

65-00622: General Carbide Corporation, Greensburg Plants (3) (P. O. Box C, Greensburg, PA 15601-0076) located in Hempfield Township, **Westmoreland County**. The facility's major source of emissions include (15) ball mills which mix the carbide in a slurry formation and (11) dryers. Both of these processes use heptane which is a VOC and these processes have the potential of emitting more than 50 tons of VOCs.

65-00839: Texas Eastern Transmission Corporation, Delmont Station (P. O. Box 1642, Houston, TX 77251) located in Salem Township, **Westmoreland County**. The facility's major source of emissions include various sources of natural gas combustion which includes engines, turbines and generators. These sources primarily emit NOx.

65-00837: Consolidated Natural Gas Transmission Corporation, Oakford Compressor Station (Mail Drop 5-2, 625 Liberty Avenue, Pittsburgh, PA 15222) located in Salem Township, **Westmoreland County**. The facility's major source of emissions include 20 internal combustion engines and other combustion sources as well as several storage tanks which primarily emit NOx and VOCs.

PLAN APPROVALS

Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

39-304-009B: Installation of eight grinders and one cutter with cart filter at **Ransom Industries, Inc.** located in Macungie Borough, **Lehigh County**.

40-318-050: Installation of four paint spray booths with panel filters at **Quality Collision Inc.** located in Dallas Township, **Luzerne County**.

45-318-016A: Installation of an alumitek finish operation with filters at **Transistor Devices Inc.** located in Stroudsburg Borough, **Monroe County**.

45-318-025B: Installation of plating lines with scrubbers at **Instrument Specialties Co.** located in Delaware Water Gap Boro, **Monroe County**.

48-302-097G: Installation of a 150 HP Superior Boiler (natural gas) at **Binney & Smith Inc.** located in Forks Township, **Northampton County**.

54-302-034A: Installation of a #4 CB Boiler (D60) (#6 fuel oil) at **Guilford Mills, Inc.** located in Pine Grove Borough, **Schuylkill County**.

Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.

28-318-036: Installation of a spray paint booth by **Appalachian Mill Collection** (11437 Church Hill Road, Mercersburg, PA 17236) in Mercersburg Borough, **Franklin County**.

36-310-074: Installation of a new portable crushing plant at an existing quarry by **Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17505-0550) in East Cocalico Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

Northcentral Regional Office: Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

41-309-004: Installation of an air cleaning device (a fabric collector) on an agricultural limestone production facility by **P Stone, Inc.** (P. O. Box 254, Jersey Shore, PA 17740) in Limestone Township, **Lycoming County**.

08-313-003C: Installation of a replacement air cleaning device (a packed bed scrubber) on various pieces of phosphor processing equipment by **OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) in Department 022, Building 10, North Towanda Township, **Bradford County**.

59-304-007A: Installation of an air cleaning device (a cartridge collector) on five casting cleaning machines by **Ward Manufacturing, Inc.** (P. O. Box 9, Blossburg, PA 16912-0009) at Plant 3 in Blossburg Borough, **Tioga County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Proposed Revision to the State Implementation Plan for Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOC); Public Hearing

Approval of Reasonably Available Control Technology (RACT) Plans for:

Allegro Microsystems W. G., Inc. (Upper Moreland Township, Montgomery County)

Waste Management Disposal Services of PA, Inc. (Pottstown Landfill), (West Pottsgrove Township, Montgomery County)

Rhone-Poulenc Rorer, Inc. (Upper Providence Township, Montgomery County)

Hale Products, Inc. (Conshohocken Borough, Montgomery County)

Fres-Co System USA, Inc. (West Rockhill Township, Bucks County)

Uniform Tubes, Inc. (Trapper Borough, Montgomery County)

Fibre-Metal Products Company (Concord Township, Delaware County)

Ortho-McNeil Pharmaceutical (Lower Gwynedd Township, Montgomery County)

Monsey Products Company (East Pikeland Township, Chester County)

Pierce & Stevens Corporation (East Pikeland Township, Chester County)

Kimberly-Clark Tissue Company (City of Chester, Delaware County)

The Department of Environmental Protection has made

a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approval(s) and/or Operating Permit(s) for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities:

Allegro Microsystems W. G., Inc. (Operating Permit OP-46-0006)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Integrated Circuit Manufacturing	51.3	Recordkeeping	Implemented

This facility will maintain limitations required for it to become a Synthetic Minor for NOx.

Waste Management Disposal Services of PA, Inc. (Pottstown Landfill) (Operating Permit OP-46-0033)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
One Enclosed Flare	5.29 VOC 80.95 NOx	Manufacturer Specifications	Implemented
Two Turbines	2.09 VOC (each) 24.77 NOx (each)	Manufacturer Specifications	Implemented
Landfill	90% VOC Collection 98% VOC Removal	Landfill Gas Collection and Removal	Implemented

Rhone-Poulenc Rorer, Inc. (Operating Permit OP-46-0048B)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Research Lab	8.14 VOC	Recordkeeping	Implemented
Facility Boilers	135 NOx	Presumptive	Implemented

Hale Products, Inc. (Operating Permit OP-46-0057)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Foundry	38.1	Material Substitution	Implemented

This facility is not a major NOx emitter.

Fres-Co System USA, Inc. (Operating Permit OP-09-0027)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Ink Mixing	5	Good Housekeeping	90 days from issuance
Four Bag Machines	11	Manufacturer Specifications	90 days from issuance
Cleaning and Degreasing	2.7	De Minimis	90 days from issuance

This facility is not a major NOx emitter.

Uniform Tubes, Inc. (Operating Permit OP-46-0046a)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Degreasers	55	Presumptive	Implemented
Coating and Lubrication	18.5	Best Management Practices	Implemented
Methanol Dewatering	7.8	Best Management Practices	Implemented

This facility is not a major NOx emitter.

Fibre-Metal Products Company (Operating Permit OP-23-0025)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Safety Products Mfg.	140	Recordkeeping, Maintenance and Inspection Procedures	Implemented

This facility is not a major NOx emitter.

Ortho-McNeil Pharmaceutical (Operating Permit OP-46-0027)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Capsule Coating	50	Recordkeeping, Maintenance and Inspection Procedures	Implemented

This facility will meet the presumptive NOx requirements of section 129.93.

Monsey Products Company (Operating Permit OP-15-0031)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Coating Mixing Tanks	75.0	Tank Covers, Recordkeeping	Implemented

Facility also includes miscellaneous storage tanks and is not a major NOx emitter.

Pierce & Stevens Corporation (Operating Permit OP-15-0011)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Coating and Adhesive Mixers	56.7	Condenser	Implemented

This facility is not a major NOx emitter.

Kimberly-Clark Tissue Company (Operating Permit OP-23-0014A)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Two Fire Pumps	3.44 NOx Total	Manufacturers Specifications	Implemented
Paper Machine 8	72.06 VOC	Good Operating Practices	Implemented
Paper Machine 10	68.88 VOC	Good Operating Practices	Implemented
Paper Machine 12	110.91 VOC	Good Operating Practices	Implemented
Paper Machine 14	16.42 VOC	Good Operating Practices	Implemented
Paper Machine 16	65.46 VOC	Good Operating Practices	Implemented
Paper Machine 17	125.83 VOC	Good Operating Practices	Implemented
Paper Machine 18	79.12 VOC	Good Operating Practices	Implemented
Paper Machine 19	13.79 VOC	Good Operating Practices	Implemented
Pulp Brightening	28.96 VOC	Good Operating Practices	Implemented

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on October 3, 1997 at the Department of Environmental Protection Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to DEP on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before October 3, 1997.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6003.

MINING**APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES****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); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such 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. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor, application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Applications Received:

11920104. Permit renewal, **K & J Coal Company, Inc.** (P. O. Box 189, Westover, PA 16692), commencement, operation and restoration of bituminous strip mine in Chest and Chest Townships; Westover Boro, **Cambria and Clearfield Counties**, affecting 135.0 acres, receiving stream discharge to unnamed tributary to/and Chest Creek, application received August 7, 1997.

1-02154-56860104-07. Stream encroachment, **Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552-7228), is requesting permission to relocate a section of an unnamed tributary to Bear Run. The proposed variance area begins approximately 260 feet upstream of the confluence of the unnamed tributary to Bear Run

with Bear Run, and extends upstream from this point approximately 100 feet. Application received August 2, 1997.

56920107. Permit renewal, **Laura D. Coal, Inc.** (P. O. Box 188, Jennerstown, PA 15547), commencement, operation and restoration of bituminous strip mine in Jenner Township, **Somerset County**, affecting 36.6 acres, receiving stream discharge to unnamed tributaries to Quemahoning Creek, application received August 14, 1997.

McMurray District Office

56841604. **Genesis, Inc. d/b/a Meadow Run Genesis, Inc.** (P. O. Box 317, Stoystown, PA 15563), to revise the permit for the Jenner Prep Plant in Jenner Township, **Somerset County** to post mining land use as part of previously accepted transfer application, no additional discharge. Application received August 1, 1997.

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

54921031R. **M & H Coal Company** (P. O. Box 559, Hegins, PA 17938), renewal of an existing anthracite deep mine operation in Frailey Township, **Schuylkill County** affecting 8.7 acres, receiving stream Middle Creek. Application received August 4, 1997.

49971301. **F. K. & Z. Coal Inc.** (119 Greenwood Street, Trevorton, PA 17881), commencement, operation and restoration of an anthracite underground mine operation in Mt. Carmel Township, **Northumberland County**, affecting 5.0 acres, receiving stream Locust Creek. Application received July 18, 1997.

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

Noncoal Permits Received

5273SM2C2. **Milestone Materials, Inc.** (1900 Sulivan Trail, P. O. Box 231, Easton, PA 18044-0231), correction to an existing quarry operation in Thornbury and Middletown Township, **Delaware County** affecting 245.4 acres, receiving stream Chester Creek. Application received August 1, 1997.

15830602C. **Devault Crushed Stone Co.** (P. O. Box 98, 1805 Berks Road, Worchester, PA 19490), correction to an existing quarry operation to add stone washers in Charlestown Township, **Chester County** affecting 79.5 acres, receiving stream unnamed tributary to Pickering Creek. Application received August 1, 1997.

58920301C. **New Milford Sand & Gravel, Inc.** (R. R. 2, Box 231, New Milford, PA 18834), correction to an existing quarry operation in New Milford Township, **Susquehanna County** affecting 131.0 acres, receiving stream Beaver Creek and unnamed tributary to Beaver Creek. Application received August 4, 1997.

06970302. **Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), commencement, operation and restoration of a Shale Quarry in Robeson and Union Townships, **Berks County**, affecting 289.6 acres, receiving stream Hay Creek to Schuylkill River (includes a stream variance). Application received August 8, 1997.

ABANDONED MINE RECLAMATION

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

Under Act 181 of 1984, the Department of Environmental Protection gives notice of an unsolicited proposal received from Milestone Crushed Corporation, Clarion,

PA, to reclaim an abandoned surface mine in Perry Township, Clarion County. The Department intends to enter into negotiations with Milestone Crushed Corporation to contract for site reclamation, if funding is available.

The project, CS 94-65, involves reclamation of the area mined by AH-RS Coal Corporation where bonds were forfeited by the Department under Permit Number MDP 3672BSM1.

Milestone Crushed Corporation proposes to backfill, regrade and revegetate 30.4 acres. All areas will be regraded to promote surface drainage and provide integration with surrounding unmined areas.

Interested parties should send comments to Richard L. Joyce, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA no later than 4 p.m., September 29, 1997.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection.

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

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

Southeast Regional Office: Program Manager; Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E15-550. Encroachment. **Gary R. Green**, YMCA of Central Chester County, 1 East Chestnut St., West Chester, PA 19380. To remove a reinforced concrete footbridge, and to construct and maintain a prefabricated steel arch bridge with concrete footings and structural plate headwalls at this location, and to construct and maintain two stormwater outfalls within wetlands along the East Branch of the Red Clay Creek (TSF) associated with the construction of the Central Chester County

YMCA Facility. The site is located just north of the intersection of East Cypress Street (S. R. 3046) and Race Street (Kennett Square), PA-DEL USGS Quadrangle N: 17.7 inches; W: 11.4 inches) in Kennett Square Borough, **Chester County**.

E46-782. Encroachment. **Upper Merion Township**, 175 West Valley Forge Rd., King of Prussia, PA 19406. To encroach on approximately 1,080 linear feet of Abrams Run (WWF) (a.k.a. East Branch Crow Creek) and the 100-year floodway to rehabilitate and stabilize an eroded streambed and streambank, and protect an existing sanitary sewer line situated along the western side of the stream bank. The proposed project will include the following activities:

1. The installation of approximately 400 linear feet of 1.5 to 5.6-foot high gabion retaining walls along both sides of the stream channel, beginning at the upstream face of an existing 16.5-foot by 5-foot box culvert situated beneath Kingwood Road.
2. The placement of riprap erosion protection with filter stone or erosion control blanket along the streambed and within a 100-year floodway of the stream.
3. The installation of a Reno mattress blanket at the downstream end of an existing 48-inch diameter CMP culvert situated beneath the Conrail Railroad tracks.
4. The removal of a gravel bar along the streambed along with slight channel realignment.

The project site is located between Kingwood Road and Conrail Railroad tracks, approximately 1000 feet southeast from the intersection of the De Kalb Pike (U. S. Route 202) and Pennsylvania Turnpike (Norristown, PA Quadrangle N: 15.6 inches; W: 17.4 inches) in Upper Merion Township, **Montgomery County**.

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.

Permit No. E13-103. Encroachment. **Hauto Valley Estates, Inc.**, One Industrial Complex, Nesquehoning, PA 18240, to place fill in 0.40 acre of wetlands (PEM) for the expansion of a commercial development. The project is located northeast of the intersection of Angelina Avenue and Nesquehoning Creek, approximately 0.6 mile northeast of the intersection of S. R. 0209 and S. R. 0054 (Nesquehoning, PA Quadrangle N: 21.2 inches; W: 8.2 inches) in Nesquehoning Borough, **Carbon County** (Philadelphia District, Army Corps of Engineers).

Permit No. E48-261. Encroachment. **Lehigh University—Facilities Services**, 461 Webster Street, Bethlehem, PA 18015. To construct and maintain two 72-inch diameter CMP culverts in two tributaries to Saucon Creek (CWF). This work is associated with the proposed realignment of Seidersville Road to correct deficient roadway geometry and improve access to the southern campus from S. R. 0078. The project is located at Lehigh University between South Mountain Drive and S. R. 0412 (Hellertown, PA Quadrangle N: 16.7 inches; W: 15.0 inches) in the City of Bethlehem and Lower Saucon Township, **Northampton County** (Philadelphia District, Army Corps of Engineers).

Permit No. E54-239. Encroachment. **Mountain Valley, Inc.**, P. O. Box 179, Mahanoy City, PA 17948. To construct and maintain an elevated boardwalk across PEM wetlands, 10 feet wide by 250 feet long to be used by golf carts at the Mountain Valley Golf Course. This project is located between Interstate 81 and S. R. 1006 (Burma Road), 200 feet south of S. R. 1011 (Shenandoah,

PA Quadrangle N: 7.5 inches; W: 1.0 inches) in Ryan Township, **Schuylkill County** (Baltimore District, Army Corps of Engineers).

Permit No. E66-115. Encroachment. **Richard N. Brewer**, R. R. 3, Box 173A, Tunkhannock, PA 18657. To place fill in approximately 0.17 acre of PSS wetlands for the purpose of providing buildable area for a proposed healthcare professional office building. The project is located on the west side of S. R. 0006, just north of the intersection of S. R. 0006 and Township Road T430 (Tunkhannock, PA Quadrangle N: 12.4 inches; W: 12.2 inches) in Tunkhannock Township, **Wyoming County** (Baltimore District, Army Corps of Engineers).

Southwest Regional Office: Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

E02-1199. Encroachment. **Thomas Builders Inc.**, 103 Warlington Circle, McMurray, PA 15317. To construct and maintain (3) 10' x 32' conspan arches over McLaughlin Run (WWF) for the purpose of accessing a proposed assisted living facility located on the southwest side of McLaughlin Run Road (SR 3004) approximately 2,800 feet north of its intersection with McMillan Road (Bridgeville, PA Quadrangle N: 18.4 inches; W: 12.1 inches) in Upper St. Clair Township, **Allegheny County**.

E02-1200. Encroachment. **Rebecca Residence**, 900 Rebecca Avenue, Pittsburgh, PA 15221. To place and maintain fill in 0.19 acre of wetlands (PEM) and temporarily in less than 0.01 acre of wetlands (PEM) for the purpose of constructing an assisted living/care facility along the north side of Cedar Ridge Road approximately 2,400 feet west of its intersection with SR 910 (Glenshaw, PA Quadrangle N: 18.8 inches; W: 3.1 inches) in West Deer Township, **Allegheny County**.

E02-1201. Encroachment. **Moon Transportation Authority**, 1000 Beaver Grade Road, Moon Township, PA 15108. To place and maintain fill in 0.25 acre of wetland (PEM) for the purpose of relocating Cliff Mine Road to reduce traffic congestion. The project is located along Cliff Mine Road between its intersection with Thorn Run Road Extension and Coraopolis Carnot Road/Beaver Grade Road (Ambridge, PA Quadrangle N: 0.3 inch; W: 11.1 inches) in Moon Township, **Allegheny County**.

E02-1202. Encroachment. **Allegheny County Commissioners**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. To construct and maintain a 7' x 34" long culvert, attaching it to existing enclosure, in Campbells Run (WWF) for the purpose of protecting roadway embankment on south side of Campbells Run Road approximately 1,200 feet northwest of its intersection with McMichaels Road (Oakdale, PA Quadrangle N: 11.2 inches; W: 3.2 inches) in Robinson Township, **Allegheny County**.

E30-181. Encroachment. **Greene County Commissioners**, 93 East High St., Waynesburg, PA 15370. To remove existing structure known as Bridge No. 68 and to construct and maintain a single span 60-foot bridge with an underclearance of 8.2 feet over the PA Fork of Fish Creek (WWF) located on TR 345 approximately 150 feet from its intersection with SR 3010 (Hundred, WV-PA Quadrangle N: 22.15 inches; W: 17.1 inches) in Springhill Township, **Greene County**.

E32-386. Encroachment. **PA Dept. of Transportation**, P. O. Box 429, Indiana, PA 15701. To place and maintain fill in 0.11 acre of palustrine emergent wetlands for the purpose of restoring and upgrading 1.9 miles of existing highway located along SR 0119 from the Village

of Barton and extending north 1.9 miles (Marion Center, PA Quadrangle N: 10.5 inches; W: 7.5 inches) in East Mahoning Township, **Indiana County**. Mitigation of wetland loss will include 105.0' of bank stabilization of an unnamed tributary of Pickering Run and reclamation of 0.12 acre of wetland by removal of abandoned roadway.

E63-437. Encroachment. **Jeffrey A. and Sue A. Blackhurst**, 196 Fischer Road, Washington, PA 15301-9589. To construct and maintain a 14' long, 60' span bridge with 4.6' of underclearance over Little Chartiers Creek (HQ-WWF) for the purpose of providing access to a private residence located along the north side of Ross Road, approximately 0.5 mile north east of the intersection of Ross Road and Linden Road (Washington East, PA Quadrangle N: 19.1 inches; W: 0.6 inch) in North Strabane Township, **Washington County**.

E63-438. Encroachment. **PA Dept. of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a spread box beam bridge having a normal span of 25.0' and a minimum underclearance of 5.8' over an unnamed tributary to Peters Creek (TSF). The project is located along SR 1006 (Washington Avenue) 1,500' west of its intersection with SR 0088 (Glassport, PA Quadrangle N: 0.8 inch; W: 16.9 inches) in Finleyville Borough, **Washington County**.

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

E24-203. Encroachment. **Ridgway Township Supervisors**, Ridgway Drive, Ridgway, PA 15853. To remove the existing single land bridge and to construct and maintain a single cell concrete box culvert measuring 20 feet wide by 6 feet high on T-351 across Little Mill Creek (HQ-CWF). The box culvert will be depressed into the streambed approximately 1.5 feet to allow unrestricted access by aquatic organisms. This project will also include placement and maintenance of a gabion basket retaining wall measuring 9 feet high by 75 feet long on the western approach to protect the roadway T-351. The placement of the box culvert and associated approach work will include a de minimis wetland impact. The project is located on T-351 approximately 1,300 feet east of the intersection of T-351 and SR 4003 (Trambine Road) (Wilcox, PA Quadrangle N: 0.25 inches; W: 14.3 inches) located in Ridgway Township, **Elk County**.

E25-555. Encroachment. **Erie-Western Pennsylvania Port Authority**, 17 West Dobbins Landing, Erie, PA 16507-1424. To construct and maintain a pedestrian overpass connecting West Dobbins Landing with the "Sand Dock" associated with the Sassafras Street Dock across the Western Canal Basin located in Presque Isle Bay, Lake Erie. The overpass is a steel through truss bridge with a clear span of 114 feet, a width of 10 feet, and an underclearance of 64 feet above the average Lake Erie elevation (572.8 feet IGLD). The project is located on the western end of Dobbins Landing (Public Dock) at the north terminus of State Street in the City of Erie (Erie North, PA Quadrangle N: 2.0 inches; W: 12.7 inches) located in City of Erie, **Erie County**.

E25-556. Encroachment. **David E. and Rosemary A. Sarra**, 8563 Skinner Road, McKean, PA 16426-1132. To remove existing concrete block stream bank retaining wall and to construct and maintain a concrete block stream bank retaining wall measuring approximately 300 feet in length and 10 feet high along Elk Creek (CWF, MF, Trout Stocked). The project is located along the north

stream bank of Elk Creek adjacent to and located on the Sarra's property approximately 1,400 feet east of the intersection of Rick Road and Skinner Road. This project will also utilize a temporary stream diversion to allow for placement of the wall under low flow conditions (Swanville, PA Quadrangle N: 0.5 inch; W: 6.1 inches) located in McKean Township, **Erie County**.

E43-252A. Encroachment. **George Kraynak**, 2525 East Street, Hermitage, PA 16148. To amend DEP Permit No. E43-252 to straighten approximately 130 feet of the channel of Magargee Run extending upstream from the permitted 20-foot wide by 4-foot high concrete box culvert on a private driveway approximately 250 feet upstream of S. R. 62 and 2,000 feet east of Neshannock Road (Sharon East, PA Quadrangle N: 20.3 inches; W: 2.2 inches) located in the City of Hermitage, **Mercer County**.

E61-210. Encroachment. **National Fuel Gas Supply Corporation**, 1100 State Street, Erie, PA 16501. To remove existing 48-inch culvert, to remove existing dam measuring 2 feet in height and 20 feet in length, to remove existing steel open deck bridge, and to construct and maintain a prefabricated steel superstructure/wooden deck bridge with a clear span of 40 feet across South Sandy Creek (CWF, wild trout). This project will also include the establishment of a new stream channel (approximately 80 linear feet) along the alignment of the existing 48-inch culvert. The project is located on South Sandy Creek at Henderson Station approximately 1.86 miles south of the intersection of S. R. 0965 and Henderson Station Road (T-300) (Polk, PA Quadrangle N: 18.2 inches; W: 16.2 inches) located in Mineral Township, **Venango County**.

DAM SAFETY

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D46-322. Dam. **West Norriton Township Municipal Authority** (1634 West Marshall Street, Jeffersonville, PA

19403). To modify, operate and maintain a dam located across a tributary to Indian Creek (WWF) in West Norriton Township, **Montgomery County**. The modifications to the dam will improve access to a proposed sanitary sewage pumping station.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA09-013C0. Environmental Assessment. **Trueblood Construction Company** (904 Sumneytown Pike, Springhouse, PA 19477). To construct and maintain two nonjurisdictional dams in the watershed of a Tributary to Jericho Creek (WWF) impacting approximately 0.14 acre of wetlands (PEM) for the purpose of stormwater management at the proposed Ely Farm subdivision located approximately 2,200 feet northeast of the intersection of Woodhill Road (T-367) and Slack Road (T-384) (Lambertville, PA-NJ Quadrangle N: 8.85 inches; W: 4.20 inches) in Upper Makefield Township, **Bucks County**. The applicant has proposed making a contribution to the Pennsylvania Wetland Replacement Project as compensatory mitigation for wetland impacts.

D24-012EA. Environmental Assessment. **Willamette Industries, Inc.** (100 Center Street, Johnsonburg, PA 15845). To breach and remove a run-of-river intake dam at Willamette Industries, Penntech Papers, for the purpose of restoring the East Branch Clarion River (HQ-CWF) to a free-flowing condition. The dam is located approximately 100 feet downstream of the S. R. 219 bridge across the East Branch Clarion River (Ridgway, PA Quadrangle N: 21.25 inches; W: 7.30 inches) in Johnsonburg Borough, **Elk County**.

EA36-010C0. Environmental Assessment. **Frey Dairy Farm Inc.** (2646 River Road, Conestoga, PA 17516). To construct and maintain a nonjurisdictional dam across a Tributary to Manns Run (WWF) impacting approximately 0.1 acre of wetlands (PEM) for the purpose of recreation located approximately 1,500 feet west of the intersection of River Road (S. R. 3030) and Letort Road (S. R. 3032) (Safe Harbor, PA Quadrangle N: 15.6 inches; W: 9.5 inches) in Manor Township, **Lancaster County**.

EA46-029C0. Environmental Assessment. **Guidi Homes, Inc.** (1301 S. Bethlehem Pike, Ambler, PA 19002). To construct and maintain a nonjurisdictional dam across a tributary to Wissahickon Creek (TSF) impacting approximately 0.19 acre of wetlands (PSS) for the purpose of stormwater management at the proposed Gwyn Crest subdivision located approximately 1,700 feet south of the intersection of Swedesford Road and Sumneytown Pike (Lansdale, PA Quadrangle N: 13.5 inches; W: 1.3 inches) in Lower Gwynedd Township, **Montgomery County**.

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.

EA40-004NE. Environmental Assessment. **Luzerne County Flood Protection Authority**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. To remove the abandoned Delaware and Hudson Railroad Bridge across the Susquehanna River

(WWF). The bridge piers will be removed down to existing channel bed elevation. The project includes excavation/regrading along approximately 700 linear feet of the right bank and approximately 250 linear feet of the left bank, in the vicinity of the removed abutments/approaches, for the purpose of restoring the channel cross-section. The bridge is located approximately 1 mile upstream of the S. R. 2005 bridge (Wilkes-Barre West, PA Quadrangle N: 21.9 inches; W: 5.9 inches), in Wilkes-Barre City and Larksville Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Regional Office: Regional Manager; Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

NPDES Permit No. PA 0026859. Sewage, **City of Coatesville Authority**, 114 East Lincoln Highway, Coatesville, PA 19320, **Chester County**.

The following notice reflects changes to the notice published in the June 21, 1997, *Pennsylvania Bulletin*:

Monitoring requirements for total copper have been added to Outfall 001.

Permits Issued

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

NPDES Permit No. PA0096130. Sewage, **Nemacolin, Inc.**, 803 Pershing Boulevard, P. O. Box 117, Nemacolin, PA 15351 is authorized to discharge from a facility located at Nemacolin, Inc. Sewage Treatment Plant, Cumberland Township, **Greene County** to Monongahela River.

NPDES Permit No. PA0205869. Sewage, **West Branch Sewer Authority**, P. O. Box 278, Barnesboro, PA 15714 is authorized to discharge from a facility located at West Branch Sewer Authority STP, Susquehanna Township, **Cambria County** to west branch Susquehanna River.

Permit No. 6593401. Sewerage, **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671. Construction of Sanitary Sewers, Pump Station, Force Main located in the Township of Derry, **Westmoreland County** to serve the Elmadale, Oaklawn, Route 217 SS + ps.

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

NPDES Permit No. PA0100129. Sewage, **Seneca Hills Bible Conference**, Box 288, Franklin, PA 16323 is authorized to discharge from a facility located in Victory Township, **Venango County** to Sandy Creek.

NPDES Permit No. PA0101621. Industrial waste, **Bradford City Water Authority**, 28 Kennedy Street, Bradford, PA 16701 is authorized to discharge from a facility located in Bradford Township, **McKean County** to the West Branch of Tunungwant Creek.

NPDES Permit No. PA0101931. Sewage, **Jenks Township and Jenks Township Municipal Authority**, P. O. Box 436, 2 Pine Street, Marienville, PA 16239 is authorized to discharge from a facility located in Jenks Township, **Forest County** to an unnamed tributary to Salmon Creek (outfall 001) and West Branch Millstone Creek (outfall 002).

NPDES Permit No. PA0034061. Sewage, **Goddard Park Vacationland and Campground**, 867 Georgetown Road, Sandy Lake, PA 16145 is authorized to discharge from a facility located in Deer Creek Township, **Mercer County** to an unnamed tributary to Schofield Run.

NPDES Permit No. PA0006238—Amendment No. 2. Industrial waste, **Napco, Inc.**, McFann Road at Route 8, Valencia, PA 16059 is authorized to discharge from a facility located in Middlesex Township, **Butler County** to Glade Run. This notice reflects changes in the permit issued January 8, 1996.

Outfall No. 002

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow	monitor and report		
Oil and Grease	15		
Total Residual Chlorine	XX		
pH	6.0—9.0 at all times		

WQM Permit No. 1097406. Sewage. **Butler Country Club**, P. O. Box 348, Butler, PA 16003. This project is for the construction of flow equalization facilities at the existing sewage treatment plant in Penn Township, **Butler County**.

WQM Permit No. 2597414. Sewage. **Fairview Township Sewer Authority**, 7485 McCray Road, P. O. Box U, Fairview, PA 16415. This project is for installation of gravity sewers, a force main and submersible pump station to serve Fairview Industrial Park in Fairview Township, **Erie County**.

WQM Permit No. 2097407. Sewerage, **Mark and Karen Temel**, SRSTP, 7786 U. S. Highway 6, Conneaut

Lake, PA 16316. Construction of Mark and Karen Temel SRSTP located in Sadsbury Township, **Crawford County**.

INDIVIDUAL PERMITS (PAS)

The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

NPDES Permit No.	Applicant Name and Address	County and Municipality	Receiving Stream
PAS10-G249	P. Robert Keeley, Jr. 363 Brownbacks Church Road Spring City, PA 19475	East Nottingham Twp. Chester County	Unnamed Tributary to French Creek
PAS10-T074	Audubon Land Development Corporation 2620 Egypt Road Norristown, PA 19403	Lower Providence Township Montgomery County	Skippack Creek

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

NPDES Permit No.	Applicant Name and Address	County and Municipality	Receiving Stream
PAS10U065	Rondel Development Company 3200 Farmersville Road Bethlehem, PA 18017	Northampton Co. Plainfield Township	Tributary to Little Bushkill Creek

INDIVIDUAL PERMITS (PAR)

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge

or residential septage under these general permits 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 general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES and/or other
General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*Facility Location
County and
Municipality*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
PAR232234	Praxair Inc. 39 Old Ridgebury Road Danbury, CT 06817	Saucon Creek	Northeast Regional Office Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2554
PAR222207	Procter & Gamble Paper Products P. O. Box 32 Mehoopany, PA 18629	Carney Creek	Northeast Regional Office Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2554
PAR216143	National Gypsum Company 2001 Rexford Road Charlotte, NC 28211	Unnamed swale to the Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
PAR806180	Calgon Carbon Corporation P. O. Box 717 Pittsburgh, PA 15230-0717	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
PAG048451	Mark and Karen Temel 7786 U. S. Highway 6 Conneaut Lake, PA 16316	Unnamed Tributary to Shenango River via Erie Extension Canal	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
PAG048443	Ross Cardas 188 Latonka Dr. Mercer, PA 16137	Lake Latonka	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
PAG048452	Eugene Cianci 185 Williamson Rd. Greenville, PA 16125-1143	Unnamed Tributary to Little Shenango River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Oakdale Borough	PAG056107	Exxon Company, USA 2567 University Avenue, Suite 5008 Morgantown, WV 26505	Unnamed tributary of Robinson Run (a tributary of Chartiers Run)	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
York County York City	PAG-08-3501	York City Wastewater Treatment Plant 1701 Black Bridge Rd. York, PA 17402		DEP SCRO (717) 657-4590
Berks County City of Reading	PAG-08-3502	Joint Municipal Authority of Wyomissing Valley 701 Old Wyomissing Rd. Reading, PA 19611		DEP SCRO (717) 657-4590
York County New Kingstown	PAG-09-3501	Young's Sanitary Septic Service, Inc. P. O. Box 1921 New Kingstown, PA 17072		DEP SCRO (717) 657-4590
Franklin County Shippensburg	PAG-09-3502	Lamar K Wadel 6734 White Church Road Shippensburg, PA 17257		DEP SCRO (717) 657-4590
Blair County Martinsburg	PAG-09-3503	Jerry Widmann R. D. 2, Box 27D Martinsburg, PA 16662		DEP SCRO (717) 657-4590
Dauphin County Grantville	PAG-09-3504	Walters Septic Service 463 Manada Gap Road Grantville, PA 17028		DEP SCRO (717) 657-4590
Lebanon County Palmyra	PAG-09-3505	Jim's Septage Service, Inc. R. R. 3, Box 362 Palmyra, PA 17078		DEP SCRO (717) 657-4590

SEWAGE FACILITIES ACT

PLAN APPROVAL

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

Northcentral Regional Office: Department of Environmental Protection, Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-0530.

Location: Riverside Borough, **Northumberland County.**

Project Description: The approved update calls for construction of a new sewage collection system, pump station and force main to serve the **Sunny Acres/Blue Development** section of Riverside Borough. The project will allow the borough to abandon a local municipal treatment facility presently serving a portion of the Sunny Acres subdivision. The existing STP has had a lengthy history of providing inadequate treatment.

The new system will initially serve approximately 74 existing equivalent dwelling units from Sunny Acres and the Blue Development. The estimated 26,700 gallons per day of collected wastewater will be conveyed to the existing Riverside Borough collection system for conveyance of this flow to Danville for treatment. Capacity will be provided in the new sewer extension for future connection of other existing and/or new development in this area of the borough.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

SAFE DRINKING WATER

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

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

Permit No. 5289510. Pocono Mountain Lakes Estates—Section 5A, c/o Thomas R. Wilkins, President, Wilkins & Associates Real Estate, Inc., NEPA Management Associates, 304 Park Avenue, Stroudsburg, PA 18360. This proposal involves the permitting of an existing public water supply serving the Pocono Mountain Lake Estates in Dingmans Ferry, **Pike County.** The existing system consists of two wells, each with its own well house containing of 6,000 gallon hydropneumatic tank, chlorination and pvc distribution system. Additional iron and manganese removal facilities have been proposed. *Permit to Operate:* August 7, 1997.

Permit No. 4097502. Hazleton City Authority Water Authority, Mr. Synoski. This proposal involves the construction of a water booster pump station and 500,000 gallon storage tank to supply water from the Hazleton

City Authority's filtration plant to the Village of Lattimer and 5,000 lineal feet of 8 inch ductile iron transmission main. It is located in Hazleton City, **Luzerne County**.
Permit to Operate: August 11, 1997.

Permit No. 5497503. Country Hill Apartments, Allen Greenwalt, 225 Woodlawn Drive, Orwigsburg, PA 17961. Permitting of an existing system consisting of two (2) supply wells, four (4) precharged hydropneumatic tanks, disinfection facilities and distribution system. It is located in West Brunswick Township, **Schuylkill County**. *Permit to Operate:* July 25, 1997.

Permit No. 6497501. Woodlyn Residence, James Conner, Owner, P. O. Box 2875, Branchville, NJ 07826. This proposal involves the modification and permitting of an existing system serving private residences within a development. Treatment will include disinfection and storage. *Permit to Operate:* July 29, 1997.

Permit No. 6697501. Saddle Lake, Inc., 74 Kendal Drive, Kennett Square, PA 19348-2326. This proposal involves the addition of source well #2, wellhouse/pump station, disinfection and finished water storage. It is located in Tunkhannock Township, **Wyoming County**. *Permit to Operate:* July 30, 1997.

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

Permit No. 0288508-A2. Public water supply. **Pennsylvania-American Water Company**, 410 Cooke Lane, Pittsburgh, PA 15234.

Type of Facility: 350,000 gallon wash water tank.

Permit to Operate Issued: August 12, 1997.

Permit No. 0288508-A2. Public water supply. **Pennsylvania-American Water Company**, 410 Cooke Lane, Pittsburgh, PA 15234.

Type of Facility: 250,000 gallon finished water storage tank located in Homestead Borough.

Permit to Operate Issued: August 13, 1997.

Permit No. 0297502. Public water supply. **Springdale Borough**, 325 School Street, Springdale, PA 15144.

Type of Facility: 1.5 mg pre-stressed concrete water storage tank.

Permit to Construct Issued: August 6, 1997.

Permit No. 0385505-A1. Public water supply. **Cowanshannock Township Municipal Authority**, 74 Second Street, Box 127, NuMine, PA 16244.

Type of Facility: Cowanshannock Township (Village of Margaret) Water Supply.

Permit to Operate Issued: August 6, 1997.

Permit No. 6593502-A1. Public water supply. **New Florence Water Authority**, P. O. Box 263, New Florence, PA 15944.

Type of Facility: Well no. 1.

Permit to Operate Issued: August 8, 1997.

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

Permit No. 2597502. Public water supply. **Fairview Township Water Authority**, 7485 McCray Road, Fairview, PA 16415 has been issued a permit for the installation of a water main, booster pump station and water

storage tank to serve the Fairview Business Park (Phase I) and Fairview Industrial Park in Fairview Township, **Crawford County**.

Type of Facility: Community Water Supply

Consulting Engineer: David A. Johnson, D. A. Johnson & Associates, Box 11, Corry, PA 16407

Permit to Construct Issued: August 11, 1997

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish a notice of submission of any final reports in the *Pennsylvania Bulletin*. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Pennsylvania Power & Light Company (PP&L)—Retired Old Forge Substation, Old Forge Borough, **Lackawanna County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

Pennsylvania Power & Light Company (PP&L)—Retired Avoca Substation, Avoca Borough, **Luzerne County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

Bethlehem Steel Corporation Steelton-Highspire Site, Highspire Borough and Steelton Borough, **Dauphin County**. Bethlehem Steel Corporation, c/o Pennsylvania Steel Technologies, Inc., 215 South Front Street, Steelton, PA 17113-2594 has submitted a Final Report concerning remediation of site soils contaminated with heavy metals. The report is intended to document remediation of the site to meet the background standard.

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

Fostermation, Inc., 200 Valley View Drive, Meadville, PA, **Crawford County**, has submitted a Final Report to Remediate soil. The site has been found to be contaminated with PHC's. The report is intended to document remediation of the site to meet Statewide health standard.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Miller Environmental Group Inc., P. O. Box 610, Calverton, NY 11933; License No. **PA-AH 0501**; renewal license issued August 11, 1997.

P&F Trucking, Inc., P. O. Box 897, Hebron, OH 43025; License No. **PA-AH 0362**; renewal license issued August 11, 1997.

S&C Transport, Inc., 18900 Telegraph Road, Romulus, MI 48174; License No. **PA-AH 0446**; renewal license issued August 11, 1997.

Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Environmental Industrial Services Corp. of New Jersey, 524-B South Walnut Street, Wilmington, DE 19801; License No. **PA-AH 0457**; amended license issued August 11, 1997.

License expired under the Solid Waste Management Act (35 P. S. §§ 6018.1001—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Leader Industries, Inc., 284 West 1050 North, Chesterton, IN 46304; License No. **PA-AH 0490**; license expired on July 31, 1997.

Ozinga Transportation Systems, Inc., 21900 South Central Avenue, Matteson, IL 60443; License No. **PA-AH 0433**; license expired on July 31, 1997.

BENEFICIAL USE DETERMINATIONS

Approval of Determination of Applicability 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 residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

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

General Permit Determination of Applicability No. WMGR019D001A. Kulp Foundry, Inc., Stokes Avenue, East Stroudsburg, PA 18301-0179 under permit WMGR019 issued to PA Foundrymen's Association for the beneficial use of waste foundry sand as a roadway construction material, ingredient or component in concrete or asphalt products. Determination of applicability was approved by Central Office on July 30, 1997.

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Proposed action on an application for a permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to close and conduct post-closure care of a hazardous waste management facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, 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; and 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 determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

Intent to Modify Permit

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PAD004344222. Bethlehem Steel Corporation, 1170 8th Avenue, Bethlehem, PA 18016. Closure and post-closure of a hazardous waste land treatment area located

at Bethlehem Steel's Riders Disposal Area in East Taylor Township, **Cambria County**. The application for a permit to close and conduct post-closure care of this facility was considered for intent to approve by the Regional Office on August 15, 1997.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

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

A. 603343(16). Wheelabrator Water Technologies, Inc., 180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401. This permit renewal for the agricultural utilization of municipal sewage sludges on the Standhardt Farm located in Douglass Township, **Montgomery County** was withdrawn by the applicant. The application was returned and our review was terminated in the Southeast Regional Office on August 7, 1997.

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Southcentral Regional Office: Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.

Permit No. 400556. Bridgeview Inc. (R. R. 1, Box 364, Morgantown, PA 19543). Application for modification for the addition of a 3rd Chem-Clay unit, reconfiguration of the plant, and removal of the 2,000 lb. incinerator for a site in Robeson Township, **Berks County**. Permit issued in the Regional Office August 15, 1997.

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

Permit ID No. 100281. Waste Management Disposal Services of PA, Inc., 3 Greenwood Square, 3329 Street Road, Bensalem, PA 19020. Permit modification to use specific virgin fuel contaminated soil with allowable contaminant concentrations as daily cover at the Greenridge Reclamation Landfill, East Huntingdon Township, **Westmoreland County** issued in the Regional Office on August 12, 1997.

Permit ID No. 101421. Shade Landfill (formerly Shade Township Waste Management Facility), a subsidiary of USA Waste Services, Inc., R. D. 1, Box 305, Cairnbrook, PA 15924. Operation of a municipal waste landfill in Shade Township, **Somerset County**. Permit modification changing ownership of the facility issued in the Regional Office on August 12, 1997.

Permit ID No. 100280. USA Valley Facility (formerly Valley Landfill), a subsidiary of USA Waste Services, Inc., R. D. 2, Box 282A, Pleasant Valley Road, Irwin, PA 15642. Operation of a municipal waste landfill in Penn Township, **Westmoreland County**. Permit modification for change of ownership was issued in the Regional Office on August 12, 1997.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Medwaste Management, Inc., of New England, P. O. Box 120019, East Haven, CT 06512-0019; License No. **PA-HC 0198**; license issued August 14, 1997.

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Contributors to the Pennsylvania Hospital, 800 Spruce Street, Philadelphia, PA 19107; License No. **PA-HC 0118**; renewal license issued August 11, 1997.

York Hospital, 1001 South George Street, York, PA 17405; License No. **PA-HC 0017**; renewal license issued August 4, 1997.

AIR POLLUTION

OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

46-00039: PECO Energy Company—Moser Facility (Moser and Yost Streets, Pottstown, PA 19464), located in Lower Pottsgrove Township, **Montgomery County**. The Department has issued a facility-wide Title V Operating Permit for the operation of the air contamination sources for the above facility.

09-00016: PECO Energy Company—Croydon Facility (955 River Road, Croydon, PA 19020), located in Bristol Township, **Bucks County**. The Department has issued a facility-wide Title V Operating Permit for the air contamination sources and control devices for the above facility.

46-399-112: On July 7, 1997, an operating permit was issued to **Hale Products** located in Conshohocken, **Montgomery County** for no-bake pump mold and casting.

23-329-004: On July 8, 1997, an operating permit was issued to **Boeing Defense** located in Ridley Township, **Delaware County** for an emergency generator.

23-399-026: On July 31, 1997, an operating permit was issued to **Boeing Defense and Space Group** located in Ridley Township, **Delaware County** for four emergency gas turbine generators.

15-312-030GP: On August 4, 1997, a General Plan Approval and Operating Permit was issued to **Sun Company, Inc.** located in East Whitehall Township, **Chester County** for a storage tank for volatile organic liquid #11.

15-312-031GP: On August 4, 1997, a General Plan Approval and Operating Permit was issued to **Sun Company, Inc.** located in East Whiteland Township, **Chester County** for a storage tank for volatile organic liquid #12.

AQ-SE-0001: On July 21, 1997, a Portable Plan Approval and Operating Permit was issued to **Glasgow, Inc.** for a portable stone crushing plant which will operate in **Philadelphia, Bucks, Montgomery, Chester and Delaware Counties.**

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

64-0001: Commonwealth of Pennsylvania, Fairview Facility located in Waymart Borough, **Wayne County.** A Title V Operating Permit was issued for the operation of the air contamination sources for the above facility.

40-0025: Sun Company, Inc. located in Edwardsville Borough, **Luzerne County.** A Title V Operating Permit was issued for the bulk gasoline storage terminal at the above facility.

13-302-021G: An operating permit was issued to **Champion Aviation Products** located in Weatherly Borough, **Carbon County** for a Goordon Platt Boiler (#2 oil).

13-302-022G: An operating permit was issued to **Champion Aviation Products** located in Weatherly Borough, **Carbon County** for an Eclipse Boiler (#2 oil).

45-399-012: An operating permit was issued to **Connaught Laboratories** located in Pocono Township, **Monroe County** for a thermal egg dryer with afterburner.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

10-313-050: An operating permit was issued to **II-VI, Inc.** (375 Saxonburg Blvd., Saxonburg, PA 16056) for the operation of a chemical vapor deposition furnace in Clinton Township, **Butler County.**

PA-24-131A: An operating permit was issued to **SGL Carbon Corp.** (900 Theresia Street, St. Marys, PA 15857) for a graphite machining operation in St. Marys, **Elk County.**

PA-25-095A: An operating permit was issued to **Lord Corporation** (Mechanical Products Division, 1635 West 12th Street, Erie, PA 16514) (P. O. Box 10039, Erie, PA 16514) for an adhesive spray machine, two booths and oven in Erie, **Erie County.**

61-313-009: An operating permit was issued to **OMG Americas** (P. O. Box 111, Franklin, PA 16323) for the operation of a batch chemical reactor and tanks in Sugarcreek Borough, **Venango County.**

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

46-310-019B: On June 17, 1997, a plan approval was issued to **Highway Materials, Inc.** located in Marlboro, **Montgomery County** for a stone crushing plant.

46-317-006A: On June 17, 1997, a plan approval was issued to **Colorcon** located in Upper Gwynedd Township, **Montgomery County** for pigment and coating manufacturing systems.

46-313-091A: On June 23, 1997, a plan approval was issued to **Rhone-Poulenc Rorer Pharmaceuticals** located in Upper Providence Township, **Montgomery County** for a process development laboratory.

15-318-018: On June 23, 1997, a plan approval was issued to **Graco Children's Products, Inc.** located in Elverson Township, **Chester County** for a powder coating system.

46-399-092: On June 25, 1997, a plan approval was issued to **Upper Moreland-Hatboro Joint Sewer Authority** located in Upper Moreland Township, **Montgomery County** for a municipal sewage sludge treatment plant.

46-313-116C: On July 7, 1997, a plan approval was issued to **Lonza, Inc.** located in Upper Merion Township, **Montgomery County** for synthesized pharmaceuticals fine organic chemicals manufacturing.

09-399-041A: On July 11, 1997, a plan approval was issued to **Lockheed Martin Corporation** located in Newtown, **Bucks County** for a spacecraft assembly facility.

23-399-030: On July 21, 1997, a plan approval was issued to **Community Light & Source, Inc.** located in the City of Chester, **Delaware County** for hand lamination and resin mixing operations.

46-318-049: On July 22, 1997, a plan approval was issued to **Triumph Controls, Inc.** located in Upper Gwynedd Township, **Montgomery County** for a paint spray booth.

15-318-010F: On August 4, 1997, a plan approval was issued to **Johnson Matthey, Inc.** located in Tredyffrin Township, **Chester County** for a precious metal process.

09-330-011C: On August 4, 1997, a plan approval was issued to **R3 Technologies, Inc.** located in Falls Township, **Bucks County** for a Cedarrapids jaw crusher.

46-327-017: On August 8, 1997, a plan approval was issued to **SPS Technologies, Inc.** located in Abington Township, **Montgomery County** for a vapor degreaser.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

13-302-021G: On August 12, 1997, a plan approval was issued to **Champion Aviation Products** located in Weatherly Borough, **Carbon County** for a Goordon Platt Boiler (#2 oil).

13-302-022G: On August 12, 1997, a plan approval was issued to **Champion Aviation Products** located in Weatherly Borough, **Carbon County** for an Eclipse Boiler (#2 oil).

35-322-003B: On August 12, 1997, a plan approval was issued to **Empire Sanitary Landfill, Inc.** located in Taylor Borough, **Lackawanna Borough** for a kryogenic condensation gas plant.

40-318-049: On August 11, 1997, a plan approval was issued to **Modern Plastics Corporation** located in the City of Wilkes-Barre, **Luzerne County** for two spray booths with panel filters.

48-303-056: On August 1, 1997, a plan approval was issued to **Eastern Industries Inc.** located in Upper Mt. Bethel Township, **Northampton County** for a batch asphalt plant with baghouse.

48-309-100: On August 5, 1997, a plan approval was issued to **ESSROC Cement Corporation** located in Nazareth Borough, **Northampton County** for cement packing 2 and 3 with baghouses.

Southcentral Regional Office, Air Quality Program, One Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.

28-304-030: On August 14, 1997, a plan approval was issued to **Casting Technologies, Inc.** (P. O. Box 598, Waynesboro, PA 17268) for the installation of a grinding hood controlled by a fabric filter in Waynesboro Borough, **Franklin County**.

36-308-005D: On August 12, 1997, a plan approval was issued to **Colonial Metals Company** (Second & Linden Streets, P. O. Box 311, Columbia, PA 17512-0311) for the installation of a #9 electric furnace controlled by an existing spray tower and fabric filter in Columbia Borough, **Lancaster County**. The source is subject to 40 CFR 60, Subpart M, Standards of Performance for New Stationary Sources.

67-310-018I: On August 14, 1997, a plan approval was issued to **Global Stone PenRoc, Inc.** (P. O. Box 1967, York, PA 17405-1967) for the modification of the jet stream air classifying system at their Whiting Plant in West Manchester Township, **York County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

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

PA-63-884A: On August 4, 1997, a plan approval was issued to **Mine Technik America, Inc.** (2045 West Pike Street, Houston, PA 15342) for a mine machinery manufacturing and repair operation at its Houston Facility located in Chartiers Township, **Washington County**.

PA-65-051A: On August 7, 1997, a plan approval was issued to **Elliott Turbomachinery Company, Inc.** (800 North Fourth Street, Jeannette, PA 15644) for a B & W Tube Steam Boiler at its Jeannette Facility located in Penn Township, **Westmoreland County**.

PA-30-040A: On August 7, 1997, a plan approval was issued to **Cyprus Cumberland Resources Corporation** (145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370) for a coal preparation plant at its Cumberland Mine facility located in Whitely, **Greene County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-24-022A: On June 19, 1997, a plan approval was issued to **St. Marys Carbon Co.** (P. O. Box 427, St. Marys, PA 15857) for the construction of a continuous furnace in St. Marys, **Elk County**.

PA-62-017A: On July 22, 1997, a plan approval was issued to **United Refining Co.** (P. O. Box 780, Warren, PA 16365) for the installation of floating roofs and fixed roofs at Warren, **Warren County**.

Plan Approval extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contaminant sources or air cleaning devices.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

33-302-017: The Department has issued a Plan Approval extensions to **Punxsutawney Area School District** (Beyer Avenue, Punxsutawney, PA 15767) for a space heating boiler and a regenerative centrifugal cyclone in Punxsutawney, **Jefferson County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.

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

CP-23-0034: The Department has issued a compliance permit to **Villanova University** located in Radnor Township, **Delaware County** for the operation of a NOx facility.

15-0040: The Department has issued an operating permit to **Bequette Corporation** located in Uwchlan Township, **Chester County** for a flexographic printing facility.

09-0024: The Department has issued an operating permit to **Tullytown Resource Recovery Facility** located in Tullytown, **Bucks County** for a VOC and NOx facility.

15-0024: The Department has issued an operating permit to **Sonoco Products** located in Downingtown, **Chester County** for a NOx facility.

46-0040: The Department has issued an operating permit to **National Label** located in Whitemarsh Township, **Montgomery County** for a VOC and NOx facility.

23-0015: The Department has issued an operating permit to **Wyeth-Ayerst Laboratories** located in Radnor Township, **Delaware County** for a Synthetic Minor NOx facility.

23-0032: On July 10, 1997, the Department issued a plan approval to **Delaware County Regional Water Quality Control Authority** located in the City of Chester, **Delaware County** for the acceptance of certain residual sludges.

09-0009: On July 10, 1997, the Department issued a plan approval to **Webcraft Technologies, Inc.** located in New Britain Township, **Bucks County** for Press 18.

46-0005A: On July 11, 1997, the Department issued a plan approval to **Merck & Company, Inc.** located in

Upper Gwynedd Township, **Montgomery County** for a fluid bed granulator-dryer column.

46-0010: On July 29, 1997, the Department issued a plan approval to **Montenay Energy Resources of Montgomery County, Inc.** located in Plymouth Township, **Montgomery County** for two 20 L & C Steinnullers.

09-0068: On August 4, 1997, the Department issued a plan approval to **Orchard Hill Memorial Park, Inc.** located in Richland Township, **Bucks County** for animal crematoriums.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4401—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).

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Applications Issued:

56960105. L. K. Mining, Inc. (R. D. 1, Box 185, Rockwood, PA 15557), commencement, operation and restoration of a bituminous strip mine in Milford Township, **Somerset County**, affecting 18.8 acres, receiving stream unnamed tributary to South Glade Creek, application received June 28, 1997, permit issued August 14, 1997.

McMurray District Office

32841307. Tanoma Coal Co., Inc. (R. R. 1, Box 594, Marion Center, PA 15759), to revise the permit for the Tanoma Mine in Rayne Township, **Indiana County** to install Main "E" Shaft, unnamed tributary to Crooked Creek. Permit issued August 14, 1997.

30831303. Cyprus Cumberland Resources Corp. (145 Elm Dr., Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Wayne Township, **Greene County**, No. 3 dewatering borehole site, no additional discharges. Permit issued August 14, 1997.

56910701. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Job 10 in Brothers Valley and Somerset Township, **Somerset County**, no additional discharges. Permit issued August 14, 1997.

30841307. Cyprus Emerald Resources Corp. (P. O. Box 1020, 145 Elm Dr., Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County**, surface permit for #7 shaft site with access roads, portal facility, parking area, sewage treatment plant, water tank substation and boreholes, unnamed tributary to Laurel Run. Permit issued August 14, 1997.

56841612. Svonavec, Inc. (140 West Union St., Somerset, PA 15501), to renew the permit for the Coal Preparation Plant #2 in Black Township, **Somerset County**, no additional discharges. Permit issued August 14, 1997.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Small Noncoal Applications Issued:

32970801. John P. Shawley (R. D. 1, Box 93A, Saltsburg, PA 15681), in Conemaugh Township, **Indiana County**, receiving stream unnamed tributary to Blacklegs Creek, application received July 3, 1997, permit issued August 13, 1997.

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

Noncoal Permits Issued

45970301. Eureka Stone Quarry, Inc. (Lower State and Pickertown Roads, Chalfont, PA 18914), commencement, operation and restoration of a quarry operation in Hamilton Township, **Monroe County** affecting 97.7 acres, receiving stream—none. Permit issued August 12, 1997.

45970302. Eureka Stone Quarry, Inc. (Lower State and Pickertown Roads, Chalfont, PA 18914), commencement, operation and restoration of a quarry operation in Hamilton Township, **Monroe County** affecting 16.7 acres, receiving stream—none. Permit issued August 12, 1997.

6376SM2A1. York Building Products Co., Inc. (P. O. Box 1708, York, PA 17405), amendment to an existing quarry operation in Jackson Township, **York County** affecting 276.5 acres, receiving stream—Little Conewago Creek. Amendment issued August 12, 1997.

7974SM2A2C2. Bucks County Crushed Stone Co. (P. O. Box 196, Penns Park, PA 18943), renewal of NPDES Permit #PA0611999 in Nockamixon Township, **Bucks County**, receiving stream—Rapp Creek. Renewal issued August 13, 1997.

7974SM5A1C2. Haines & Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474), renewal of NPDES Permit PA0612243 in Hilltown Township, **Bucks County**, receiving stream—North Branch Neshaminy Creek. Renewal issued August 13, 1997.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal under section 4 of the Environmental Hearing Board Act (35 P.S. § 7414), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice

of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rule of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

Permits Issued and Actions on 401 Certifications.

Southeast Regional Office, Program Manager; Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E09-741. Encroachment Permit. **Pennsylvania Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19086. To remove the remains of an existing dilapidated bridge, and to construct and maintain a 31-foot long, 20-foot wide, and 9-foot high single span precast concrete box culvert in and along the 100-year floodway of Silver Creek (TSF). The site is located approximately 250 feet southwest of the intersection of Reading Avenue and Pond Avenue (Trenton West, PA-NJ Quadrangle N: 19.70-inches; W: 11.70-inches) in the borough of Yardley, **Bucks County**. Emergency permit, EP0996313, was issued on July 23, 1996 in conjunction with the proposed work. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E23-358. Encroachment Permit. **Pennsylvania Department of Transportation**, 200 Radnor-Chester Road, St. David's, PA 19087-5178. To remove the existing Ridley Creek roadway culvert and to construct and maintain 75 linear feet of 12-foot by 6.5-foot precast reinforced concrete box culvert in and along Broomall's Run (TSF). This culvert is located approximately 175 feet north of the intersection of Ridley Creek Road (S. R. 4003, Section 28M) and Baltimore Pike (S. R. 2016 (Media, PA Quadrangle N: 7.65 inches; W: 3.8 inches) in Upper Providence Township, **Delaware County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E46-764. Encroachment Permit. **Whitemarsh Township**, 616 Germantown Pike, Lafayette Hill, PA 19444-1498. To perform the following activities associated with the Pine Tree Road Drainage Improvements Project along an unnamed tributary to the Wissahickon Creek (TSF): 1. To remove approximately 140 linear feet of existing 65-inch by 40-inch corrugated metal pipe-arch storm sewer pipe; 2. To construct and maintain approximately 24 linear feet of timber retaining wall; 3. To construct and maintain a reinforced concrete endwall to an existing twin 7-foot by 2-foot reinforced concrete box culvert and to remove existing siltation and debris within the culvert; 4. To enlarge the cross section of approximately 213 linear feet of existing drainage channel; 5. To remove approximately 144 linear feet of timber retaining wall; 6. To

construct and maintain approximately 36 linear feet of timber/gabion retaining wall; 7. To remove an existing reinforced concrete endwall and replace it with a new reinforced concrete endwall to accommodate the revised channel cross-section; 8. To remove and replace an existing wood fence located within the assumed 100-year floodway as a result of the proposed outlet channel excavation and regrading. The site is located approximately 200 feet north of the intersection of Pine Tree Road and Fields Drive (Germantown, PA USGS Quadrangle N: 16.4 inches, W: 16.0 inches) in Whitemarsh Township, **Montgomery County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E46-781. Encroachment Permit. **County of Montgomery**, Court House, Norristown, PA 19040. To modify operate and maintain the existing Montgomery County Bridge No. 238. The proposed work will include the following: A. To replace the existing deteriorated superstructure with new beams, deck, parapets walls, and abutments on steel piles; B. To widen the existing superstructure to include a 12-foot wide pedestrian trail on the bridge; C. To construct, operate and maintain a trail along the east and west causeways; D. To construct, operate and maintain two 8-foot wide lookouts on the bridge and three 8-foot wide lookouts on the east causeway; E. To construct two staging areas at each end of the causeway bridge approaches; F. To replace the existing guide rail with new steel-backed timber guide rail for the full length of both causeways and two adjacent areas. The bridge carries Knight Road over Green Lane Reservoir (Perkiomen Creek) (Sassamansville, PA Quadrangle N: 21.3-inches; W: 1.5 inches) in Upper Hanover and Marlborough Township, **Montgomery County**.

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.

E13-102. Encroachment. **Pennsylvania Department of Transportation, District 5-0**, 1713 Lehigh Street, Allentown, PA 18103. To repair and maintain an existing reinforced concrete arch bridge having a span of 21.7 feet with an underclearance of approximately 10 feet on a 15 degree skew to repair a deteriorated structure and widen the bridge 7.8 feet across Sand Spring Run. The project, associated with S. R. 0534, Section 02B, is located where S. R. 0534 crosses Sand Spring Run (Hickory Run, PA Quadrangle N: 9.1 inches; W: 4.7 inches) in Kidder Township, **Carbon County**.

E39-321. Encroachment. **Cogle's Recycling, Inc.**, 1000 South 4th Street, Hamburg, PA 19526. To construct and maintain a single span precast concrete arch bridge across Trout Creek having a span of 40.38 feet with an underclearance of 9.67 feet to provide access to the proposed Cogle's Recycling facility. The project is located immediately upstream of the intersection of Trout Creek and the Conrail Railroad approximately 0.8 mile northwest of the intersection of S. R. 0145 and S. R. 2002 (Allentown East, PA Quadrangle N: 15.5 inches; W: 12.7 inches) in the City of Allentown, **Lehigh County**.

E39-325. Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101-1699. To repair and maintain the existing stone masonry arch bridge, having three spans (17 feet, 32 feet, 18 feet) with an underclearance from 8 feet, 6 inches to 15 feet, 6 inches across Little Lehigh Creek with work consisting of the replacement of missing stones, repointing of joints and sealing/weatherproofing the entire structure. The project, locally known as Schreiber's Bridge, is located across

Little Lehigh Creek, immediately south of the intersection of Overhill Road and Martin Luther King, Jr. Drive (Allentown East, PA Quadrangle N: 16.3 inches; W: 15.8 inches) in the City of Allentown, **Lehigh County**.

E40-460. Encroachment. **Pennsylvania Power & Light Company**, Scranton Service Center, 600 Larch Street, Scranton, PA 18509-2420. To remove the existing structure and to construct and maintain a low-flow crossing of a Tributary to Hunlock Creek, consisting of an open-bottom corrugated aluminum culvert having a span of approximately 14.7 feet and an underclearance of approximately 3.3 feet, for the purpose of providing access for maintenance of an existing electrical power line. The project (Stanton/Susquehanna Line Bridge Replacement) is located on the south side of S. R. 4001 (Hartman Road), approximately 0.4 mile east of the intersection of S. R. 4001 and T-544 (Nanticoke, PA Quadrangle N: 18.2 inches; W: 7.7 inches), in Hunlock Township, **Luzerne County**.

E48-254. Encroachment. **Valley Housing Development Corporation**, 333 Ridge Street, Emmaus, PA 18049. To construct and maintain a 42-inch diameter RCP stormwater outfall structure along the east bank of Saucon Creek. The project is associated with the Hellertown Elderly Housing Storm Sewer Improvement Plan and is located approximately 0.2 mile northwest of the intersection of S. R. 0412 and S. R. 3004 (Hellertown, PA Quadrangle N: 14.8 inches; W: 13.1 inches) in the Borough of Hellertown, **Northampton County**.

E64-180. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a single span adjacent box beam bridge having a span of 117.6 feet and an underclearance of 8.4 feet on a 60° skew across Middle Creek. This project is located along S. R. 3028, Section 670, immediately north of S. R. 2004 (Hawley, PA Quadrangle N: 19.4 inches; W: 13.25 inches) in Palmyra and Paupack Townships, **Wayne County**.

E02-243-A1. Encroachment. **Patricia Ancarana**, 401 River Road, Port Vue, PA 15132. To reissue and amend Permit No. E02-243 to construct and maintain a boat dock along the left bank of the Youghiogheny River, located near River Mile 0.3 (McKeesport, PA Quadrangle N: 17.9 inches; W: 16.8 inches) in Port Vue Borough, **Allegheny County**. This permit was issued pursuant to section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E02-1188. Encroachment. **Frank Pelly**, 10431 Perry Hwy. Ste. 300, Wexford, PA 15090. To construct and maintain a stream enclosure approximately 110 feet in length and consisting of a corrugated steel arch culvert having a span of 11.8 feet with an underclearance of 7.6 feet in Girty's Run to provide parking and access to applicant's property. The culvert will be constructed between two existing culverts having total lengths of 420 feet and 490 feet and is located approximately 600 feet downstream from the intersection of Babcock Boulevard and Rosanna Reed Road (Emsworth, PA Quadrangle N: 7.7 inches; W: 4.0 inches) in Ross Township, **Allegheny County**.

E02-1194. Encroachment. **Moon Township**, 1000 Beaver Grade Road, Moon Township, PA 15108-2984. To remove the existing structure and to construct and maintain a single span bridge having a span of 33.0 feet and an underclearance of 5.0 feet across Flaugherty Run. The bridge is located on Becks Run Road and Flaugherty Run

Road (Ambridge, PA Quadrangle N: 5.2 inches; W: 16.2 inches) in Moon Township, **Allegheny County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E04-246. Encroachment. **PA Department of Transportation**, 45 Thoms Run Rd., Bridgeville, PA 15017. To remove the existing structure and to construct and maintain a low profile metal box culvert having a span of 14.5 feet and underclearance of 7.7 feet across a tributary to Raccoon Creek to relocate and maintain approximately 83 feet of the stream channel and to place and maintain fill in a de minimus area of wetlands less than or equal to 0.05 acre for the purpose of replacing the deteriorated existing structure and the widening of S. R. 0030. The project is located along S. R. 0030 approximately 3.5 miles west of the Village of Clinton (Section B06, SEG/Offset 02100/0000, L. R. 00538 Station 661+62) (Clinton, PA Quadrangle N: 22.1 inches; W: 14.9 inches) in Independence Township, **Beaver County**.

E11-250. Encroachment. **Jackson Township**, 513 Pike Street, Johnstown, PA 15909. To operate and maintain an 87-inch x 63-inch cmp arch culvert constructed under Emergency Permit No. EP1196208 in Hinckston Run. The structure is located on T-739 (Simmons Lane) approximately 3,000 feet west of S. R. 271 (Nanty Glo, PA Quadrangle N: 11.7 inches; W: 15.3 inches) in Jackson Township, **Cambria County**. This permit was issued under section 105.13(E) "small projects." This permit also includes 401 Water Quality Certification.

E11-253. Encroachment. **PA Dept. of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove the existing bridge and to construct and maintain a precast concrete box culvert having a normal span of 12.0 feet and an effective underclearance of 5.5 feet in Solomon Run (WWF). The culvert invert will be depressed 1.0 feet. During construction a temporary stream diversion consisting of a 42-inch CMP pipe will be maintained in Solomon Run. The project is located along Solomon Run Road (S. R. 3033) approximately 120 feet south of the intersection of Solomon Run Road and Walters Avenue (S. R. 3029) Section 001, Segment 0010, Offset 0415 (Geistown, PA Quadrangle N: 9.9 inches; W: 14.2 inches) in Richland Township, **Cambria County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E30-179. Encroachment. **Columbia Gas Transmission Corporation**, 950 Manifold Road, Washington, PA 15301. To construct and maintain two ford crossings in Purman Run and in an unnamed tributary to Purman Run (WWF) for the purpose of providing access to a regular set. The project is located approximately 200 feet west of Liberty Avenue and 8,400 feet north of S. R. 21 (Waynesburg, PA Quadrangle N: 8.10 inches; W: 9.10 inches) in Franklin Township, **Greene County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E63-424. Encroachment. **Monongahela Iron & Metal Co. Inc.**, P. O. Box 250, Monongahela, PA 15063-1401. To construct and maintain a barge loading facility in the channel of and along the left bank of Monongahela River, located at River Mile 32.8 (Monongahela, PA Quadrangle N: 12.8 inches; W: 4.8 inches) in the City of Monongahela, **Washington County**.

E65-665. Encroachment. **Colony Family Partnership**, P. O. Box E, Irwin, PA 15642. To construct and maintain a 315-foot long, 12.8-foot x 8.3-foot structural plate pipe arch enclosure in an unnamed tributary to Tinkers Run (TSF) and to place and maintain fill in 0.01 acre of de minimis wetland (PEM) to provide property access and develop a highway commercial property located just upstream of intersection of S. R. 30 and Barnes Lake Road (S. R. 3020) (Irwin, PA Quadrangle N: 12.10 inches; W: 8.15 inches) in North Huntingdon Township, **Westmoreland County**.

DAM SAFETY

The Department of Environmental Protection has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal under section 4 of the Environmental Hearing Board Act (35 P. S. § 7415), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Permits Issued and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D13-085A. Dam. **Bethlehem Authority** (City Center Administration Building, Room 502, 10 East Church Street, Bethlehem, PA 18018). To modify, operate and maintain Penn Forest Dam located across the confluence of Wild Creek and Hell Creek in Penn Forest Township, **Carbon County**.

WATER ALLOCATIONS

Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

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

WA 26-1002. Water Allocation. **HCSW Joint Water Authority, Fayette County**, PA. The right to withdraw 1.5 million gallons per day of water, from the Youghiogheny River, Fayette County, PA. Permit issued on August 12, 1997.

[Pa.B. Doc. No. 97-1407. Filed for public inspection August 29, 1997, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "June 1997 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will be adding its revised documents to the Web throughout 1997.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

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

Changes to Technical Guidance Documents

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

Notice of Addition of Existing Large Documents to the Web

The Bureau of Oil and Gas Management has six large documents that it will place on DEP's World Wide Web site in three stages. First, the program is adding a short paragraph which describes the contents of the document and the table of contents. As the program revises each document, the draft will be added to the web. Then, the program will add the revised narratives of each chapter. Finally, the program will add the revised tables and figures. Contact: Frank Bialas at (717) 772-2199.

<i>DEP ID</i>	<i>Title</i>	<i>Date</i>	<i>Length</i>	<i>On Web</i>
550-0300-001	Oil & Gas Operator's Manual	April 1997	810	Table of Contents and Chapter Narratives
550-2000-001	Administrative Policies and Procedures	1990	180	Table of Contents
550-2100-002	Oil and Gas Wastewater Permitting	Oct. 1990	80	Table of Contents

<i>DEP ID</i>	<i>Title</i>	<i>Date</i>	<i>Length</i>	<i>On Web</i>
550-2100-003	Technical Services Manual	March 1988	107	Table of Contents
550-2501-101	Submitting Oil and Gas Well Bonds	Jan. 1988	70	Table of Contents
550-4000-001	Compliance and Monitoring	June 1997	135	Table of Contents

Draft Technical Guidance

DEP ID: 258-2182-773 Title: Policy and Procedure Establishing Criteria of Uncontaminated Soils, Rock, Stone, Brick and Block, Gravel, Concrete, Used Asphalt, Dredged Material and Waste from Land Clearing, Grubbing and Excavation as Clean Fill Background: DEP revised this guidance to conform the clean fill levels of regulated substances to the Statewide health standards (SHS) adopted under the land recycling program of Act 2. The policy sets up procedures to determine whether, when and how the various materials listed in the title of the document may be used as fill material. Deadline for Submittal of Comments: September 22. Submit comments to: Khatija P. Swaroop, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472 or via e-mail at swaroop.khatija@a1.dep.state.pa.us. For information, call: (717) 787-7381.

Correction: Persons should note that the Notice of Intent to Revise this document appeared in the August 16, 1997 *Pennsylvania Bulletin*, with the ID number 254-2000-715. The correct number is 258-2182-773.

DEP ID: 362-5512-003 Title: Chapter 71 Sewage Facilities Planning Assistance Grants: Cost Eligibility of Items Estimating Inflow and Infiltration (I&I) Affecting Existing Sewerage Facilities Background: DEP has experienced difficulty processing planning grant requests due to lack of written program guidance on this subject. This guidance lists common eligible sewage facilities planning costs related to inflow and infiltration, as well as costs that are not eligible. The guidance provides transition so that processing of grant applications relating to planning efforts which were initiated prior to the effective date are not unduly impacted. Deadline for Submittal of Comments: September 30, 1997 Contact: John J. McHale at (717) 787-8184.

Notice of Intent to Develop Technical Guidance—New Guidance

Title: Surface Water Identification Protocol—NCWS Background: Under the Final Federal Surface Water Treatment Rule, non-community water supply (NCWS) ground water sources are to be identified for direct surface water influence by June 29, 1999. There are approximately 7,500 NCWSs almost exclusively using groundwater sources as wells, springs and infiltration galleries in Pennsylvania. Of concern are potential health hazards caused by protozoans such as giardia lamblia and cryptosporidium and other micro-organisms that may be present in traditional ground water sources. Anticipated Effective Date: December 1, 1997 Anticipated Draft Development Date: August 1, 1997 Proposed Development and Review Process: Drafts of this guidance will be sent to all water supply management staff and appropriate water supply organizations for review and comment. Then, availability of the revised draft will be announced in the *Pennsylvania Bulletin* and DEP's weekly newsletter, the *UPDATE*. Contact: John Diehl at (717) 772-4018 or Trudy Troutman at (717) 787-0122.

Title: Summary of Key Requirements for Consecutive Water Systems Background: Currently, there is no guid-

ance on monitoring requirements for consecutive water systems. This guidance will present specific monitoring requirements for these systems to the regulated community, DEP staff and the general public in an easy to read format. Anticipated Effective Date: January 1, 1998 Anticipated Draft Development Date: August 11, 1997 Proposed Development and Review Process: Drafts of this guidance will be sent to all water supply management staff and appropriate water supply organizations for review and comment. Then, availability of the revised draft will be announced in the *Pennsylvania Bulletin* and DEP's weekly newsletter, the *UPDATE*. Contact: Bruce Carl at (717) 772-4018 or Trudy Troutman at (717) 787-0122.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-1408. Filed for public inspection August 29, 1997, 9:00 a.m.]

Mining and Reclamation Advisory Board; Meeting Notice

The Mining and Reclamation Advisory Board (MRAB) will meet on Tuesday, September 9 and Wednesday, September 10, 1997, in the Pottsville District Mining Office. The office is located at 5 West Laurel Boulevard in Pottsville. This is a special meeting that was requested to discuss the new re-mining and abandoned mine reclamation incentives that the Department of Environmental Protection is developing.

Questions concerning the agenda can be directed to Rod Kelley at (717) 783-5338 or e-mail to Kelley.Rodney@a1.dep.state.pa.us. The agenda for this meeting will also be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Rodney Kelley directly at (717) 783-5338 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-1409. Filed for public inspection August 29, 1997, 9:00 a.m.]

DEPARTMENT OF HEALTH

Local Community-Based Organizations; HIV/AIDS Test Results

Section 5(h) of the Confidentiality of HIV Related Information Act (35 P. S. § 7605(h)), requires the Department of Health (Department) to prepare a list of local

community based organizations to be used by individuals having an HIV/AIDS test as part of physical examinations for insurance purposes, if they choose to designate an entity to receive notice of a positive test result other than the Department, a local health department or their physician. The local community-based organization then notifies the individual of the test results. See 35 P. S. § 7605(h)(3). It is the Department's intention to update its current list, to remove those organizations which no longer wish to perform this service. Therefore, the Department is seeking local community-based organizations with expertise in HIV prevention counseling and results counseling and who are interested in performing this public health service. Interested parties should contact Susan Harding, Department of Health, Division of HIV/AIDS, Counseling, Testing, Referral and Partner Notification Section, P. O. Box 90, Room 912 Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0574, (717) 783-6514 (TT). Persons with a disability may contact the Department in an alternative format or may request the notice in an alternative format (for example, large print, audiotape, braille) at the above address or telephone numbers, including (717) 783-6514 (TT).

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 97-1410. Filed for public inspection August 29, 1997, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Diamonds & Dollars Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-1—3761-15), 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 Diamonds & Dollars.

2. *Price:* The price of a Pennsylvania Diamonds & Dollars instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Diamonds & Dollars instant lottery game ticket will contain a "Your Numbers" area, a "Winning Number" area and a "Bonus Box" area. The "Your Numbers" area will contain four play areas designated as "Game #1," "Game #2," "Game #3" and "Game #4." Each game is played separately. The play symbols and their captions located in the "Your Numbers" area and the "Winning Number" area are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT) and 9 (NIN). The play symbols and their captions located in the "Bonus Box" area are: Diamond Symbol (DOUBLE) and NO BONUS.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the play area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOUR DOL), \$8.⁰⁰ (EGT DOL), \$16\$ (SXTN DOL), \$24\$ (TWTY FOR), \$48\$ (FORTY EGT), \$96\$ (NTY SIX) and \$4,000 (FOUR THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$16, \$24, \$48, \$96 and \$4,000. The player can win up to four times on each ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Diamonds & Dollars instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$4,000 (FOUR THO) appears to the right of the matching "Your Numbers" play symbol, in the same game, on a single ticket, shall be entitled to a prize of \$4,000.

(b) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$96\$ (NTY SIX) appears to the right of the matching "Your Numbers" play symbol, in the same game, on a single ticket, shall be entitled to a prize of \$96.

(c) Holders of tickets where the "Winning Number" play symbol matches three of the "Your Numbers" play symbols and a prize play symbol of \$16\$ (SXTN DOL) appears to the right of the matching "Your Numbers" play symbols, in each of the three games, and a Diamond Symbol (DOUBLE) play symbol appears in the "Bonus Box" area, on a single ticket, shall be entitled to a prize of \$96.

(d) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$48\$ (FORTY EGT) appears to the right of the matching "Your Numbers" play symbol, in the same game, on a single ticket, shall be entitled to a prize of \$48.

(e) Holders of tickets where the "Winning Number" play symbol matches three of the "Your Numbers" play symbols and a prize play symbol of \$8.⁰⁰ (EGT DOL) appears to the right of the matching "Your Numbers" play symbols, in each of the three games, and a Diamond Symbol (DOUBLE) play symbol appears in the "Bonus Box" area, on a single ticket, shall be entitled to a prize of \$48.

(f) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$24\$ (TWTY FOR) appears to the right of the matching "Your Numbers" play symbol, in the same game, on a single ticket, shall be entitled to a prize of \$24.

(g) Holders of tickets where the "Winning Number" play symbol matches three of the "Your Numbers" play symbols and a prize play symbol of \$4.⁰⁰ (FOUR DOL) appears to the right of the matching "Your Numbers" play symbols, in each of the three games, and a Diamond Symbol (DOUBLE) play symbol appears in the "Bonus Box" area, on a single ticket, shall be entitled to a prize of \$24.

(h) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$16\$ (SXTN DOL) appears to the right of the matching "Your Numbers" play symbol, in the same game, on a single ticket, shall be entitled to a prize of \$16.

(i) Holders of tickets where the "Winning Number" play symbol matches four of the "Your Numbers" play symbols and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears to the right of the matching "Your Numbers" play symbols, in each of the four games, and a Diamond Symbol (DOUBLE) play symbol appears in the "Bonus Box" area, on a single ticket, shall be entitled to a prize of \$16.

(j) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$8⁰⁰ (EGT DOL) appears to the right of the matching "Your Numbers" play symbol, in the same game, on a single ticket, shall be entitled to a prize of \$8.

(k) Holders of tickets where the "Winning Number" play symbol matches four of the "Your Numbers" play symbols and a prize play symbol of \$1⁰⁰ (ONE DOL) appears to the right of the matching "Your Numbers" play symbols, in each of the four games, and a Diamond Symbol (DOUBLE) play symbol appears in the "Bonus Box" area, on a single ticket, shall be entitled to a prize of \$8.

(l) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$4⁰⁰ (FOUR DOL) appears to the right of the matching "Your Numbers" play symbol, in the same game, and a Diamond Symbol (DOUBLE) play symbol appears in the "Bonus Box" area, on a single ticket, shall be entitled to a prize of \$8.

(m) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$4⁰⁰ (FOUR DOL) appears to the right of the matching "Your Numbers" play symbol, in the same game, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play

symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears to the right of the matching "Your Numbers" play symbol, in the same game, and a Diamond Symbol (DOUBLE) play symbol appears in the "Bonus Box" area, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears to the right of the matching "Your Numbers" play symbol, in the same game, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$1⁰⁰ (ONE DOL) appears to the right of the matching "Your Numbers" play symbol, in the same game, and a Diamond Symbol (DOUBLE) play symbol appears in the "Bonus Box" area, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets where the "Winning Number" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$1⁰⁰ (ONE DOL) appears to the right of the matching "Your Numbers" play symbol, in the same game, 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:

Match Any Of Your Numbers To The Winning Number Win Prize Shown. Get A Diamond In The Bonus Box To Double Winning Prize. With Prizes Of:

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 9,600,000 Ticket</i>
\$1	\$1	1:12	800,000
\$1 x 2	\$2	1:75	128,000
\$2	\$2	1:100	96,000
\$1 (D)	\$2	1:13.64	704,000
\$1 x 4	\$4	1:300	32,000
\$1 x 2 + \$2	\$4	1:375	25,600
\$2 (D)	\$4	1:375	25,600
\$4	\$4	1:750	12,800
\$2 x 4	\$8	1:300	32,000
\$4 (D)	\$8	1:750	12,800
\$1 x 4 (D)	\$8	1:750	12,800
\$8	\$8	1:1,500	6,400
\$4 x 4	\$16	1:1,500	6,400
\$8 + \$8	\$16	1:1,500	6,400
\$2 x 4 (D)	\$16	1:1,500	6,400
\$8 + \$4 x 2	\$16	1:1,500	6,400
\$16	\$16	1:1,500	6,400
\$4 x 3 (D)	\$24	1:750	12,800
\$8 x 3	\$24	1:1,500	6,400
\$8 + \$16	\$24	1:1,500	6,400
\$24	\$24	1:1,500	6,400
\$8 x 3 (D)	\$48	1:7,059	1,360
\$4 x 2 + \$16 + \$24	\$48	1:7,059	1,360
\$16 x 3	\$48	1:7,059	1,360
\$24 x 2	\$48	1:7,059	1,360
\$48	\$48	1:7,059	1,360
\$16 x 3 (D)	\$96	1:14,118	680
\$48 x 2	\$96	1:17,143	560
\$24 x 2 + \$48	\$96	1:34,286	280
\$8 + \$16 + \$24 + \$48	\$96	1:34,286	280
\$96	\$96	1:80,000	120
\$4,000	\$4,000	1:564,706	17

(D) = Prize Doubles

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Diamonds & Dollars 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 Diamonds & Dollars, prize money on winning Pennsylvania Diamonds & Dollars 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 Diamonds & Dollars 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. §§ 3761-1—3761-15), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Diamonds & Dollars or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-1411. Filed for public inspection August 29, 1997, 9:00 a.m.]

Pennsylvania Fifty Grand Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), 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 Fifty Grand.

2. *Price:* The price of a Pennsylvania Fifty Grand instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Fifty Grand instant lottery game ticket will contain one play area featuring one "Lucky Number" area and eight "Your Numbers" areas. The play symbols and their captions located in the "Lucky Number" area and the "Your Numbers" areas 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 (SNTN), 18 (EGTN), 19 (NINTN) and 20 (TWTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the play area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOUR DOL), \$8.⁰⁰ (EGT DOL), \$16\$ (SXTN DOL), \$24\$ (TWTYFOR), \$40\$ (FORTY), \$80\$ (EGTY), \$800 (EGT HUN) and \$50,000 (FIFTY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$16, \$24, \$40, \$80, \$800 and \$50,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,160,000 tickets will be printed for the Pennsylvania Fifty Grand instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$50,000 (FIFTY THO) appears under the "Your Numbers" play symbol that matches the "Lucky Number" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$800 (EGT HUN) appears under the "Your Numbers" play symbol that matches the "Lucky Number" play symbol, on a single ticket, shall be entitled to a prize of \$800.

(c) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$80\$ (EGTY) appears under the "Your Numbers" play symbol that matches the "Lucky Number" play symbol, on a single ticket, shall be entitled to a prize of \$80.

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

(e) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$24\$ (TWTYFOR) appears under the "Your Numbers" play symbol that matches the "Lucky Number" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(f) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$16\$ (SXTN DOL) appears under the "Your Numbers" play symbol that matches the "Lucky Number" play symbol, on a single ticket, shall be entitled to a prize of \$16.

(g) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$8.⁰⁰ (EGT DOL) appears under the "Your Numbers" play symbol that matches the "Lucky Number" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(h) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$4.⁰⁰ (FOUR DOL) appears under the "Your Numbers" play symbol that matches the "Lucky Number" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears under the "Your Numbers" play symbol that matches the "Lucky Number" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1.⁰⁰ (ONE DOL) appears under the "Your Numbers" play symbol that matches the "Lucky Number" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Match The Winning Number To Any Of Your Numbers, With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Ticket</i>
\$1 + \$1	\$2	1:10	816,000
\$2	\$2	1:18.75	435,200
\$1 x 4	\$4	1:32.61	250,240
\$1 x 2 + \$2	\$4	1:44.12	184,960
\$2 x 2	\$4	1:53.57	152,320
\$4	\$4	1:68.18	119,680
\$1 x 8	\$8	1:375	21,760
\$1 x 4 + \$4	\$8	1:750	10,880
\$4 x 2	\$8	1:750	10,880
\$8	\$8	1:750	10,880
\$2 x 8	\$16	1:375	21,760
\$2 x 4 + \$4 x 2	\$16	1:750	10,880
\$1 x 4 + \$4 + \$8	\$16	1:750	10,880
\$16	\$16	1:750	10,880
\$2 x 6 + \$4 + \$8	\$24	1:750	10,880
\$4 x 2 + \$16	\$24	1:750	10,880
\$8 + \$16	\$24	1:750	10,880
\$2 x 2 + \$4 x 3 + \$8	\$24	1:750	10,880
\$24	\$24	1:750	10,880
\$4 x 6 + \$8 x 2	\$40	1:2,400	3,400
\$8 x 3 + \$16	\$40	1:2,400	3,400
\$8 x 5	\$40	1:3,000	2,720
\$8 + \$16 x 2	\$40	1:3,000	2,720
\$16 + \$24	\$40	1:3,000	2,720
\$40	\$40	1:12,000	680
\$8 x 6 + \$16 x 2	\$80	1:8,571	952
\$40 x 2	\$80	1:10,000	816
\$16 + \$24 + \$40	\$80	1:12,000	680
\$8 x 3 + \$16 + \$40	\$80	1:12,000	680
\$80	\$80	1:30,000	272
\$800	\$800	1:60,000	136
\$50,000	\$50,000	1:680,000	12

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fifty Grand 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 Fifty Grand, prize money on winning Pennsylvania Fifty Grand 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 Fifty Grand 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. §§ 3761-1—3761-15), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Fifty Grand or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-1412. Filed for public inspection August 29, 1997, 9:00 a.m.]

Pennsylvania Jack O'Lantern Jackpot '97 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), 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 Jack O'Lantern Jackpot '97.

2. *Price:* The price of a Pennsylvania Jack O'Lantern Jackpot '97 instant lottery game ticket is \$3.00.

3. *Play Symbols:* Each Pennsylvania Jack O'Lantern Jackpot '97 instant lottery game ticket will contain four "Play Area" areas. Each "Play Area" is played separately. The play symbols and their captions located in each "Play Area" are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$3.⁰⁰ (THREE DOL), \$4.⁰⁰ (FOUR DOL), \$5.⁰⁰ (FIVE DOL), \$10.⁰⁰ (TEN DOL), \$15.⁰⁰ (FTN DOL), \$25 (TWYFIVE), \$50 (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$2,500 (TWFIVHUN), \$5,000 (FIVETHO) and \$100,000 (ONEHNTHO).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$10, \$15, \$25, \$50, \$100, \$250, \$500, \$2,500, \$5,000 and \$100,000. The player can win up to 4 times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 2,400,000 tickets will be printed for the Pennsylvania Jack O'Lantern Jackpot '97 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$100,000 (ONEHNTHO) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with three matching play symbols of \$5,000 (FIVETHO) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets with three matching play symbols of \$2,500 (TWFIVHUN) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with three matching play symbols of \$250 (TWOHUNFTY) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with three matching play symbols of \$50 (FIFTY) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets with three matching play symbols of \$25 (TWYFIVE) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets with three matching play symbols of \$15 (FTN DOL) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$15.

(j) Holders of tickets with three matching play symbols of \$10 (TEN DOL) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with three matching play symbols of \$5 (FIVE DOL) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with three matching play symbols of \$4 (FOUR DOL) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with three matching play symbols of \$3 (THREE DOL) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$3.

(n) Holders of tickets with three matching play symbols of \$2 (TWO DOL) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with three matching play symbols of \$1 (ONE DOL) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$1.

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>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
\$1 x 3	\$3	1:10	240,000
\$1 + \$2	\$3	1:33.33	72,000
\$3	\$3	1:50	48,000
\$1 x 4	\$4	1:20	120,000
\$1 x 2 + \$2	\$4	1:100	24,000
\$2 x 2	\$4	1:250	9,600
\$4	\$4	1:166.67	14,400
\$1 x 3 + \$2	\$5	1:23.81	100,800
\$1 + \$2 x 2	\$5	1:250	9,600
\$1 + \$4	\$5	1:83.33	28,800
\$5	\$5	1:500	4,800
\$1 x 2 + \$4 x 2	\$10	1:71.43	33,600
\$5 x 2	\$10	1:250	9,600
\$10	\$10	1:500	4,800
\$5 + \$10	\$15	1:250	9,600
\$5 x 3	\$15	1:500	4,800
\$3 + \$4 x 3	\$15	1:500	4,800
\$15	\$15	1:500	4,800
\$5 x 3 + \$10	\$25	1:400	6,000
\$5 x 2 + \$15	\$25	1:400	6,000
\$10 + \$15	\$25	1:400	6,000
\$25	\$25	1:400	6,000
\$5 x 2 + \$15 + \$25	\$50	1:1,500	1,600
\$10 + \$15 + \$25	\$50	1:1,500	1,600

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
\$25 x 2	\$50	1:3,750	640
\$50	\$50	1:7,500	320
\$25 x 4	\$100	1:3,750	640
\$25 x 2 + \$50	\$100	1:3,750	640
\$100	\$100	1:3,750	640
\$250 x 4	\$1,000	1:60,000	40
\$500 x 2	\$1,000	1:60,000	40
\$2,500 x 4	\$10,000	1:120,000	20
\$5,000 x 2	\$10,000	1:120,000	20
\$100,000	\$100,000	1:480,000	5

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Jack O'Lantern Jackpot '97 instant lottery game tickets. 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 Jack O'Lantern Jackpot '97, prize money on winning Pennsylvania Jack O'Lantern Jackpot '97 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 Jack O'Lantern Jackpot '97 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. §§ 3761-1—3761-15), the regulations contained in 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 Jack O'Lantern Jackpot '97 or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-1413. Filed for public inspection August 29, 1997, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Fayette, Greene, Washington and Westmoreland Counties

Project Reference No. 08430AG2105

The Department of Transportation will retain two (2) surveying and/or engineering firms, with a minimum of two (2) survey corps each, for preliminary, final and construction surveys for projects in Fayette, Greene, Washington and Westmoreland Counties, Engineering District 12-0.

The Contract will be for a period of thirty (30) months from the date of the notice to proceed. It is estimated that approximately 563 crew days may be required for each of the two (2) firms selected.

The two (2) selected firms will be required to adequately staff a minimum of two (2) four-person survey crews. The firms will be required to furnish each survey crew with all required material, equipment, liability insurance, safety equipment and procedures necessary for the efficient, timely and professional completion of preliminary highway surveys, property surveys, construction stakeouts for structures, and roadways, retracing alignment, referencing control points and right-of-way and other related projects as directed by the Department. Preliminary highway surveys shall be performed using three-dimensional (3D) electronic survey procedures, unless otherwise directed by the Department. To ensure that all survey data is collected in a format that is compatible with the Department's existing Electronic Theodolite Interface (ETI) Software, the Department will provide Department-developed Electronic Survey Collection (ESC) Software and User's Manual to the selected firms. The software will be restricted to use on Department projects. The selected firms will be responsible for providing the hardware configuration necessary to complete surveys using the Department's software.

The hardware requirements are a Corvallis Microtechnology, Inc., M C V-Q hand-held computer with 640K of memory or compatible data collection equipment: a 3-1/2" floppy disk drive; and an electronic total station surveying instruments and serial cables to communicate with the hand-held computer. The total-station will be comparable or better than a five second instrument (5").

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating an agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letter of interest. Technical proposals will not be requested prior to the establishment of the ranking.

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

a. Review of employee's resumes with emphasis on surveying capabilities and specialized experience in Highway/Route Surveying.

b. Geographical location of firm in relation to the Engineering District.

c. Understanding of the Department's requirements, policies and specifications.

d. Ability to provide survey crew on short (3-day minimum) notice.

- e. Present workload of survey corps.
- f. Past performance.

g. Additional equipment not required such as; laptop computers, calculators, digital levels, etc., will be considered.

The qualifications and experience required of each firm's personnel must meet or exceed the requirements of the Department's surveyor class specification. The descriptions for these classifications can be obtained from the District contact person identified at the end of this solicitation.

The survey personnel and supporting resume information must be submitted with the letter of interest. There shall be no substitution or addition of personnel without first submitting resumes and receiving written approval by the Department.

1. All field survey work shall be under the supervision of a Professional Land Surveyor licensed in the Commonwealth of Pennsylvania.

2. Each survey crew shall consist of a minimum of one (1) party chief, one (1) instrument person and rod/prism/chain personnel to complete the crew, whether it be 3 or 4 people.

3. Electronic equipment and procedures, as described above, must be utilized in completion of surveys, unless otherwise directed by the Department.

4. The party chief should have a minimum of three (3) years experience as a party chief in highway related work. In the absence of the party chief, the corps will cease operations. Operations will commence when corps is properly staffed and capable of executing the assignment.

5. Provisions will be included for railroad insurance, rental of arrow boards, ladders, and/or boats when and if needed.

If a survey firm is submitting a letter of interest, it must indicate in the body of its transmittal letter the names and Professional Land Surveyor License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's surveying activities, and whose names and seals shall be stamped on plans, specifications, plans and reports issued by the firm.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Michael H. Dufalla, P.E., District Engineer, Engineering District 12-0, P.O. Box 459, North Gallatin Avenue Extension, Uniontown, PA 15401.

Any technical questions concerning the requirements for this project should be directed to Mr. Donald P. Boord, P. L.S., Chief of Surveys, Engineering District 12-0 at (412) 439-7338.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief
Consultant Selection Committee
7th Floor, Forum Place,
555 Walnut Street
Harrisburg, Pennsylvania 17101-1900

The Letter of Interest and required information must be received within thirteen (13) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the thirteenth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

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

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

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

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

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one page, one side)

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

If a Disadvantage Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graph should be submitted for the office(s) where the work would be performed and should

only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

This page must show the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided pages or five (5) double sided pages may be included at the discretion of the submitting firm.

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

BRADLEY L. MALLORY
Secretary

[Pa.B. Doc. No. 97-1414. Filed for public inspection August 29, 1997, 9:00 a.m.]

FISH AND BOAT COMMISSION

Additional Restrictions on Commission Property; Oxbow Lake, Wyoming County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.18 (relating to additional restrictions) is banning the use or possession of beer and alcoholic beverages on Commission owned and controlled property at Oxbow Lake, Wyoming County.

The Commission recently completed construction of an access road, parking lot and fishing facilities for persons with disabilities at Oxbow Lake. The Lake itself is open to public fishing; it is owned by the Catholic Diocese of Scranton, which prohibits the use or possession of alcohol on its property. The Commission property was acquired from the Church for development to provide additional fishing opportunities for persons with disabilities and other anglers. Banning the use or possession of beer and alcoholic beverages on the Commission property is appropriate for the protection and management of this property.

Accordingly, effective immediately and until further notice, the use or possession of beer and alcoholic beverages is prohibited on all Commission owned or controlled property at Oxbow Lake, Wyoming County.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 97-1415. Filed for public inspection August 29, 1997, 9:00 a.m.]

Proposed Redesignation of a Section of Kettle Creek, Potter County

The Fish and Boat Commission (Commission), acting under 58 Pa. Code Ch. 65, is considering the deletion of 1.7 miles (from 500 ft. downstream of SR0144 upstream 1.7 miles) of Kettle Creek, Potter County, from the list of Catch-and-Release Areas (designated under 58 Pa. Code § 65.5) and adding the same stream section to the list of Delayed Harvest Artificial Lures Only areas designated under 58 Pa. Code § 65.6) effective January 1, 1998.

Under 58 Pa. Code Chapter 65, the Commission designates certain streams and stream sections as being subject to special trout fishing regulations. Since 1988, a 1.7 mile section of Kettle Creek has been managed as a biomass Class B water under Catch-and-Release regulations. Catch-and-Release regulations were designed for waters supporting either Class A wild trout fisheries or Class B waters where a substantial portion of the population consists of wild trout. Recent inventory information has confirmed that this section of stream no longer maintains a viable biomass Class B wild trout fishery, primarily due to changes in the instream habitat. Therefore, in order to manage this water closer to its biological potential, the Commission is considering placing this stream section under the Delayed Harvest Artificial-Lures-Only program. The change would provide for additional seasonal angling opportunities through an increase in the spring hatchery allocation along with the addition of a fall stocking consistent with Delayed Harvest management. However, under Delayed Harvest management, emphasis will continue to focus on recreation rather than harvest.

The Commission is soliciting public input concerning this proposed change in designation. Persons with comments, objections or suggestions concerning this proposed redesignation of this stream section are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 by no later than October 2, 1997. In addition, the

Commission will conduct a public information meeting on the proposed change in the designation of this stream at 7 p.m. on September 18, 1997, at the Cross Fork Fire Hall, Cross Fork, PA.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 97-1416. Filed for public inspection August 29, 1997, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Scheduled

The Health Care Cost Containment Council has scheduled the following meetings for September: Wednesday, September 3, 1997, Data Systems Committee at 10 a.m.; Education Committee at 1 p.m.; Legislative Committee at 2:30 p.m. The committee meetings will be held in the conference room at the Council office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The Council meeting will be held on Thursday, September 4, 1997 at 10 a.m. at the Pennsylvania Medical Society, 777 East Park Drive, Harrisburg, PA 17105. The public is invited to attend. Persons who need accommodation due to a disability and want to attend a meeting, should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so arrangements can be made.

ERNEST J. SESSA,
Executive Director

[Pa.B. Doc. No. 97-1417. Filed for public inspection August 29, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Blue Cross of Northeastern Pennsylvania; Rate Increase for Community-Rated Group Basic Blue Cross; Filing No. 319-BCCG-1/98

Blue Cross of Northeastern Pennsylvania submitted a filing requesting the Insurance Department's approval to increase the monthly rates by 11.49% for the Blue Cross Community-Rated Group Program for an effective date of November 1, 1997. This rate change will produce an estimated additional annual income of \$4.6 million and will affect approximately 26,000 policy holders.

Copies are available for public inspection, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1418. Filed for public inspection August 29, 1997, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Rate Increase for Community-Rated Group Major Medical; Filing No. 314-MMCG-1/98

Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield submitted a filing requesting the Insurance Department's approval to increase the monthly rates by 24.78% for the Major Medical Community-Rated Program for an effective date of November 1, 1997. The proposed increase will produce an estimated additional annual income of \$4.7 million and will affect approximately 29,500 policy holders.

Copies are available for public inspection, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1419. Filed for public inspection August 29, 1997, 9:00 a.m.]

increases are approximately 47.78%, 21.69%, 21.65% and 15.15% for Security 65 packages A, B, C and H respectively, which yields a 20.66% overall average increase.

	Current Rate	Proposed Rates
Security 65 Package A	\$20.20	\$ 29.85
Security 65 Package B	\$42.30	\$ 51.48
Security 65 Package C	\$52.80	\$ 64.23
Security 65 Package H	\$87.05	\$100.24

This increase will produce approximately \$6.8 million dollars of additional revenue for 1998 for an estimated 56,800 subscribers.

Copies are available for public inspection, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1421. Filed for public inspection August 29, 1997, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Rate Increase for Non-Group Major Medical; Filing No. 315-MMNG-1/98

Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield submitted a filing requesting the Insurance Department's approval to increase the monthly rates by 29.07% for the Major Medical Non-Group Program for an effective date of January 1, 1998. The proposed increase will produce an estimated additional annual income of \$1.3 million and will affect approximately 7,200 policy holders.

Copies are available for public inspection, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1420. Filed for public inspection August 29, 1997, 9:00 a.m.]

Capital Blue Cross; Community-Rated Group 65-Special and Prescription Drug Riders Rate Increase; Filing No. 97-AA

By Filing No. 97-AA, Capital Blue Cross and Pennsylvania Blue Shield propose to increase the rates for the Community-Rated Group 65-Special Program. The proposed increase is 13.0%. This rate change will produce an estimated additional annual income of \$0.7 million and will affect approximately 10,000 policy holders. An effective date of October 1, 1997 is requested.

Copies are available for public inspection, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1422. Filed for public inspection August 29, 1997, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Rate Increase for Security 65 Programs: Plan A, Plan B, Plan C and Plan H; Filing No. 328-SEC-65-1-98

Blue Cross of Northeastern Pennsylvania filed to increase rates for the Security 65 Program for an effective date of January 1, 1998. Specifically, the requested rate

Capital Blue Cross; Rate Increase for Basic Blue Cross Program for Individual Subscribers; Filing No. 97-T

By Filing No. 97-T, Capital Blue Cross and Pennsylvania Blue Shield propose to increase the rates for the Individual Basic Blue Cross Program. The proposed increase is 22.9%. This rate change will produce an estimated additional annual income of \$3.9 million and will

affect approximately 8,000 policy holders. An effective date of January 1, 1998 is requested.

Copies are available for public inspection, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1423. Filed for public inspection August 29, 1997, 9:00 a.m.]

Capital Blue Cross; Security 65 Program Rate Increase for Plans B, C and H; Filing No. 97-KK

By Filing No. 97-KK, Capital Blue Cross requests to increase rates for Plans B, C and H of their Security 65 program. The requested rate increases are: 20.5% for Plan B, 3.9% for Plan C and 28.0% for Plan H. No rate increase is requested for Plan A.

The rate change will produce an estimated additional annual income of \$12.5 million and will affect 120,700 subscribers. An effective date of January 1, 1998 has been requested.

Copies are available for public inspection, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1424. Filed for public inspection August 29, 1997, 9:00 a.m.]

Erie Insurance Exchange and Erie Insurance Company; Rate Revision for Private Passenger Auto

On August 15, 1997, the Insurance Department received from Erie Insurance Exchange and Erie Insurance Company, a filing of rates for Private Passenger Auto Insurance.

The filing requests an overall 1.4% increase amounting to \$8,794,200 annually for Erie Insurance Exchange, and an overall 2.9% increase amounting to \$1,683,700 annually for Erie Insurance Company, to be effective January 1, 1998 for both new business and renewals.

Unless formal administrative action is taken prior to October 14, 1997, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Rick Pawelski, Insurance Department, Office of Rate and Policy Regulation, Room 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1425. Filed for public inspection August 29, 1997, 9:00 a.m.]

L. R. Markham; Hearing

Appeal of L. R. Markham under The Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF97-08-020

A telephone pre-hearing conference initiated by this office shall be conducted on October 14, 1997 at 10 a.m. The parties shall have exchanged and filed prior to October 14, 1997 all exhibits intended for use at the hearing, a witness list identifying the names, addresses and telephone numbers for the proposed witnesses, the identity of all experts along with their curriculum vitae and proposed testimony, an estimate of time for the respective party's case-in-chief, a listing of all legal issues and the supportive citation for the respective party's position pertaining to the legal issues and all joint factual stipulations.

The hearing shall occur on October 28, 1997 at 11 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1426. Filed for public inspection August 29, 1997, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Dellavecchia, Donna; file no. 97-121-04623; Colonial Insurance Company of California; doc. no. P97-08-009; September 23, 1997, at 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1427. Filed for public inspection August 29, 1997, 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 insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Nichi, Natalie; file no. 97-198-05180; The Ohio Casualty Insurance Co.; doc. no. P97-08-008; September 24, 1997, at 11 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. 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); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1428. Filed for public inspection August 29, 1997, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Lehigh County, Wine & Spirits Shoppe #3908

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within the Borough of Macungie.

Proposals due: September 19, 1997 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

Contact: Charles D. Mooney, (717) 657-4228

The following Liquor Control Board lease will expire:

Erie County, Wine & Spirits Shoppe #2520, Imperial Point Plaza, 9135 Ridge Rd., Girard, PA 16417-9625

Lease Expiration Date: May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within a shopping center environment. Store-room should be conveniently located to serve both Girard and Fairview.

Proposals due: September 12, 1997 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222

Contact: George Danis, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 97-1429. Filed for public inspection August 29, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Interconnection Agreement

A-310565. Bell Atlantic—Pennsylvania, Inc. and D & E Wireless Incorporated. Joint Petition of Bell Atlantic—Pennsylvania, Inc. and D & E Wireless Incorporated for Approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic—Pennsylvania, Inc. and D & E Wireless Incorporated, by its counsel, filed on August 7, 1997, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic—Pennsylvania, Inc. and D & E Wireless Incorporated Joint Petition are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1430. Filed for public inspection August 29, 1997, 9:00 a.m.]

Interconnection Agreement

A-310567. Bell Atlantic—Pennsylvania, Inc. and PhillieCo, L. P. Joint Petition of Bell Atlantic—Pennsylvania, Inc. and PhillieCo, L. P. for Approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic—Pennsylvania, Inc. and PhillieCo, L. P., by its counsel, filed on August 7, 1997, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic—Pennsylvania, Inc. and PhillieCo, L. P. Joint Petition are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1431. Filed for public inspection August 29, 1997, 9:00 a.m.]

1998 Schedule of Filing Dates for Recovery of Purchased Gas Costs; Doc. No. L-840102

Regulations promulgated by the Pennsylvania Public Utility Commission at 52 Pa. Code § 53.64(b) direct the Commission to annually publish a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rate; adjustments) for the recovery of purchased gas costs.

The 1998 schedule of filing dates is as follows:

February 2, 1998: National Fuel Gas Distribution Corporation—Pennsylvania Division; T. W. Phillips Gas and Oil Company.

April 1, 1998: Columbia Gas of Pennsylvania, Inc.; Peoples Natural Gas Company; Equitable Gas Company.

June 3, 1998: P. G. Energy, Inc.; PECO—Gas Division; UGI Corporation; PFG Gas, Inc.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1432. Filed for public inspection August 29, 1997, 9:00 a.m.]

Petition of Excell Agent Services, Inc. for Subscriber Listing Information and Directory Listing Information under 47 U.S.C.A. § 222(e) of the Telecommunications Act of 1996; Doc. No. P-00961105

On September 9, 1996, Excell Agent Services, Inc. (Petitioner) filed an omnibus Petition (Petition) with the Federal Communications Commission, the Department of Justice and several states, including Pennsylvania. The Petitioner seeks Subscriber Listing Information, both listed and unlisted, and Directory Listing information under sections 222(d) and 251(b)(3) of the Telecommunications Act of 1996 (TA-96) in order to provide competitive directory assistance at the National and international level.

The Petitioner alleges that the delay in providing Subscriber Listing Information and Directory Listing Information violates section 222(e) of TA-96. The Petitioner seeks access to the Subscriber Listing and Directory Listing databases of the Pennsylvania local exchange companies (LECs) in readily available magnetic and electronic formats consistent with the Pennsylvania Public Utility Commission's (Commission) authority.

The Petition was not served on any of the Pennsylvania LECs, the Office of Consumer Advocate or the Office of Small Business Advocate. Moreover, the Petition was not served on the other interested entities such as the Pennsylvania Telephone Association and the Pennsylvania Utility Law Project.

After a careful review of the complex legal, policy and technical questions raised by the Petition, the Commission believes that the solicitation of public comment is appropriate.

Consequently, the Commission is providing this notice to the public with a deadline for comments and reply comments. The deadline for comments shall be 30 days from the date of publication in the *Pennsylvania Bulletin*. The deadline for the filing of Reply Comments will be 45 days from the date of publication in the *Pennsylvania Bulletin*.

A copy of the Petition is available from the Office of the Prothonotary, Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. A copy of this Notice will also be electronically available on the Commission's Bulletin Board.

The contact person at the Commission is Joseph K. Witmer, Esq., Assistant Counsel, Law Bureau, (717) 787-3663 or Shirley M. Leming, Regulatory Coordinator, (717) 772-4597.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1433. Filed for public inspection August 29, 1997, 9:00 a.m.]

Telecommunications

A-310442. Bell Atlantic—Pennsylvania, Inc. and Blue Ribbon Rentals II, Inc. Joint Petition of Bell Atlantic—Pennsylvania, Inc. and Blue Ribbon Rentals II, Inc. for Approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic—Pennsylvania, Inc. and Blue Ribbon Rentals II, Inc., by its counsel, filed on August 12, 1997, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic—Pennsylvania, Inc. and Blue Ribbon Rentals II, Inc. Joint Petition are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1434. Filed for public inspection August 29, 1997, 9:00 a.m.]

Telecommunications

A-310068F0002. Bell Atlantic—Pennsylvania, Inc. and North American Communications, Inc. Joint Petition of Bell Atlantic—Pennsylvania, Inc. and North American Communications, Inc. for Approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic—Pennsylvania, Inc. and North American Communications, Inc., by its counsel, filed on August 7, 1997, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic—Pennsylvania, Inc. and North American Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1435. Filed for public inspection August 29, 1997, 9:00 a.m.]

Water Service Without Hearing

A-210620 F2002. Country Club Gardens Water Company. Application of Country Club Gardens Water Company for approval of the abandonment of its right to provide water service to the undeveloped portion of its

country club gardens service territory in South Whitehall Township, Lehigh County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before September 15, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Country Club Gardens Water Company

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas Thomas Armstrong & Niesen, Suite 500, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1436. Filed for public inspection August 29, 1997, 9:00 a.m.]

Water Service Without Hearing

A-212285 F0041 (Transfer of property). A-212285 F0042 (Begin water service) Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of: 1) the transfer, by sale, of the waterworks property and rights of the Pocono Mountains Industrial Park Authority to Pennsylvania-American Water Company; and 2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in additional portions of Coolbaugh Township, Monroe County, PA, in portions of Mount Pocono Borough, Monroe County.

This Application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before September 15, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Corporate Counsel, Pennsylvania-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1437. Filed for public inspection August 29, 1997, 9:00 a.m.]

Water Service Without Hearing

A-210076. Riverwoods Water Company, Inc. Application of Riverwoods Water Company, Inc., for approval of the right to offer, render, furnish or supply water service to the public in the Riverwoods at New Hope residential development, Bucks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg,

with a copy served on the applicant on or before September 15, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Riverwoods Water Company, Inc.

Through and By Counsel: Thomas T. Niesen, Esquire, D. Mark Thomas, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1438. Filed for public inspection August 29, 1997, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Requests for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #9712.1, Concrete Pavement Repairs and Striping at Packer Avenue Marine Terminal, until 2 p.m. on Thursday, September 18, 1997. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available September 2, 1997. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held September 11, 1997, 10 a.m. at Delaware and Packer Avenues, Philadelphia, PA.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 97-1439. Filed for public inspection August 29, 1997, 9:00 a.m.]

STATE SYSTEM OF HIGHER EDUCATION

Request for Proposals

The State System of Higher Education will select a firm or firms to provide a full range of architectural and engineering services under an open-ended design agreement for projects located at the Dixon University Center and at the 14 State System Universities. Professional liability insurance will be a requirement of this contract. Interested professionals can obtain a Request for Proposals (RFP) from Rebecca Meacham at the Dixon University Center; 2986 North Second Street; North Hall, Room 105; Harrisburg, PA 17110, (717) 720-4117, or fax requests can be sent to (717) 720-4013 or (717) 720-7117. RFPs are due on September 23, 1997 by 4:30 p.m. The System encourages responses from small firms, minority firms, women owned firms and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in System Professional Services Contracts. Nondiscrimination and equal opportunity are the policies of the Commonwealth and the State System of Higher Education.

JAMES H. MCCORMICK,
Chancellor

[Pa.B. Doc. No. 97-1440. Filed for public inspection August 29, 1997, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such 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. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

8504030 Agricultural machinery and supplies—200 each spray tanks, high pressure spray tanks—4 gallon knapsack.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1150157 Communication equipment—1 each (no substitute) Ikegami HL-59E video camera; 1 each (no substitute) Ikegami HL-59E video camera accessories.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1231227 Construction and building materials—200 cubic yard concrete.

Department: Fish and Boat Commission
Location: Bellefonte, Centre County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1237227 Construction and building materials—1 lot furnish and set up 2 each new motorized chain link cantilever slide gates at two existing manual gate locations (24 foot opening).

Department: Fish and Boat Commission
Location: Bellefonte, Centre County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970830 Construction, mining, excavating and highway maintenance equipment—2 each welder, 300 Amp w/automatic idle kit.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1084217 Food preparation and serving equipment—1 each Gallery self-contained mobile refrigerated base unit Model 9362W; 1 each Gallery self-contained mobile utility counter Model 9541W; 1 each Galley self-contained mobile refrigerated bas Model 9362W; 1 each Galley self-contained mobile utility counter Model 9541W; 1 each Gallery self-contained mobile utility counter model 9551W; 1 each Galley self-contained mobile sandwich bar Model 9368W; 1 each Galley self-contained mobile heated hot food module Model 9043W; 1 each Galley mobile utility counter Model 9350W; 1 each Galley mobile utility counter Model 9340W; 1 each Galley corner module Model 9420W; 1 each Galley self-contained mobile cashier module 9406W; 1 each Galley mobile tray/silverware module Model 9430W; 1 each Galley self-contained mobile utility counter Model 9530W.

Department: Public Welfare
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1166227 Motor vehicles, trailers and cycles—4 each latest model stake body truck.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1236127 Paper and printing—200M DD-314G envelopes.

Department: Labor and Industry
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1221217 Prefab structures and scaffolding—1 lot provide all labor, material, supervision and all items necessary to furnish and set up an II metal three sided enclosure building with two 18 foot long side walls and one 42 foot long gable end wall.

Department: Public Welfare
Location: Norristown State Hospital, Norristown, Montgomery County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970810 Pumps—2 each water pump 6" w/trailers.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1170157 Tractors—1 each MSC Industrial No. 9518895 9" horizontal bandsaw; 1 each MSC Industrial No. 9517889 6 x 18 surface grinder; 1 each MSC Industrial No. 9538026 9 x 49 variable speed milling machine package.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1216137 Training aids and devices—1 each Autopen, Model 80 manual feed model automatic signing equipment w/Sheaffer fountain pen, illuminated signing area, writing arms, foot pedal, auto re-write; 1 each Signature Matrices; 1 each protective cover for above machine; 1 each security lock.

Department: Military and Veterans Affairs
Location: Annville, Lebanon County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8151340 Vehicular equipment and components or automotive repair and maintenance parts—4 each Type A fiberglass Type A utility body manufactured to fit 1997 GMC crew cab Model 3500 w/twin fuel tanks and dual wheels; 1 each fiberglass Type A utility body manufactured to fit 1996 Chevrolet C-30 crew cab w/twin fuel tanks and dual wheels.

Department: Transportation
Location: Warren, Bradford County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Audio/Video—04

252 Repair and maintenance to FM radio communications system at Polk Center.

Department: Public Welfare
Location: Polk Center, Polk, Venango County, PA 16342
Duration: 10/01/97—09/30/2000
Contact: Patty Frank, Purchasing Agent, (814) 432-0229

WC 659 West Chester University is soliciting sealed bids for the provision of Telecommunication Cabling inside 220 East Rosedale Avenue. The work consists of providing, installing, terminating, testing and documenting Category 3 telephone and Category 5 network cabling to approximately 14 and 42 outlets, respectively. Telephone LAN outlets require two Category 3 cables each. Prevailing wages apply.

Department: State System of Higher Education
Location: West Chester University, 220 East Rosedale Avenue, West Chester, PA 19383
Duration: 21 calendar days from Notice to Proceed
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

WC 661 West Chester University of Pennsylvania is soliciting sealed bids for the provision of telecommunications to 102 West Rosedale Avenue. The work consists of the provision of a 24-strand fiber optic cable and a 200-pair copper cable, a distance of approximately 814 feet, as well as a 12-strand FOC a distance of approximately 465 feet. These cables are to be installed in existing ducts. A fire alarm cable shall be provided along with the 12-strand FOC. Work includes termination, protection and testing of the cables and documentation of the work. Innerduct is required in both runs. Also, the removal of an existing 400 foot aerial FOC between two buildings which are approximately 175 feet apart. Prevailing wages apply.

Department: State System of Higher Education
Location: West Chester University, 102 West Rosedale Avenue, West Chester, PA 19383
Duration: 30 calendar days from Notice to Proceed
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

WC 668 West Chester University is soliciting sealed bids for the provision of fiber optic cable (FOC) between 821 South Matlock Street (Warehouse and 211 Carter Drive. The project consists of providing all labor, material, equipment and services for the proper installation and documentation of a duct structure consisting of one duct, innerduct and two service boxes. The duct will be approximately 1,220 feet and the innerduct will be approximately 1,570 feet.

Department: State System of Higher Education
Location: West Chester University, West Chester, PA 19383
Duration: 30 calendar days
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Construction Maintenance—09

080991 District Wide (5-0), Group 5-97-GR6; York County, SR 851(003); Philadelphia County, Group 6-97-SP9; McKean County, SR59(515); Delaware County, Group 6-97-SP5; Bedford County, Group 9197-RS5; Somerset County, Allegheny Highlands Trail.

Department: Transportation
Location: Districts 2-0, 5-0, 6-0, 8-0, 9-0
Duration: FY 1997-98
Contact: V. C. Shah, (717) 787-5914

091718 Maintenance resurfacing, Bedford County Group 9197-RS5.

Department: Transportation
Location: District 9
Duration: FY 1997/1998
Contact: V. C. Shah, (717) 787-5914

110001 Allegheny County: SR 19, Sec. A25, anticipated let date of 4/23/98; SR 279, Sec. A41, anticipated 1st date of 12/18/97; SR 51, Sec. A40, anticipated let date of 4/23/98; SR 4009, Sec. A05, anticipated let date of 3/23/98. Beaver County: SR 65 Sec. B13, anticipated let date of 4/23/98; SR 60, Sec. B12, anticipated let date of 4/23/98; SR 65 Sec. B14, anticipated let date of 3/23/98; SR 30, Sec. B10, anticipated let date of 4/23/98. Lawrence County: SR 65, Sec. L13, anticipated let date of 3/23/98; SR 422, Sec. L10, anticipated let date of 5/18/98.

Department: Transportation
Location: Engineering District 11-0, Maintenance Districts 11-1, 11-2, 11-4; Allegheny, Beaver and Lawrence Counties
Duration: FY 1997-98
Contact: V. C. Shah, (717) 787-5914

DGS A 153-1ADA Project title: Access Ramp and Parking Upgrades. Brief description: Construct new ADA access ramp and provide parking modifications. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 2 p.m.

Department: General Services
Location: Tuscarora State Forest, Forest District No. 3, Blain, Perry County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 201-5 Project title: Replacement of Underground Gasoline and Fuel Oil Storage Tanks. Brief description: Furnish and install two new below ground vaulted fuel storage systems, one 10,000 gallon gasoline and one 5,000 gallon fuel oil. The gasoline system shall include twin dispenser, card reader, software and a fuel management system. The fuel oil system shall include underground piping and leak detection. Provide related electrical work, site assessment, sampling and testing. Remove one 5,000 gallon fuel oil underground storage tank, concrete pads and underground fuel oil piping. Electrical and underground storage tank construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 11 a.m.

Department: General Services
Location: PA State Police "G" Headquarters, Hollidaysburg, Blair County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 206-6 Project title: Replacement of Underground Gasoline Storage Tank. Brief description: Remove one 10,000 gallon underground gasoline storage tank and one 5,000 gallon underground fuel oil tank including concrete pads, dispenser and piping. Provide one new below ground vaulted gasoline storage system, 10,000 gallon with twin dispenser, card reader, software, a new fuel management system, related piping and electrical work, site assessment, sampling and testing. Electrical and underground storage tank construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 2 p.m.

Department: General Services
Location: PA State Police Troop "M" Headquarters, Bethlehem, Lehigh County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 208-7 Project title: Replacement of Underground Gasoline Storage Tank. Brief description: Remove one 10,000 gallon and one 1,000 gallon underground gasoline storage tank, concrete pads, dispenser and piping and replace with one new 10,000 gallon below ground vaulted gasoline storage system with dispenser, card reader, software, a new fuel management system, related piping and electrical work, site assessment, sampling and testing. Electrical and underground storage tank construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 2 p.m.

Department: General Services
Location: PA State Police, Troop "P" Headquarters, Wyoming, Luzerne County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 214-3 Project title: Replace Underground Tank with Aboveground Storage System. Brief description: Remove existing underground 1,500 gallon fuel oil tank including concrete pads and piping. Provide one new 2,000 gallon aboveground vaulted fuel oil storage tank system with transition sump, leak detection system, tank electric heater, access stairs, underground piping, concrete foundation pad, electrical work, site assessment, sampling and testing. Electrical and underground storage tank construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 11 a.m.

Department: General Services
Location: Pennsylvania State Police, Somerset, Somerset County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 229-11 Project title: Install New Target and Lighting Systems at Pistol Range. Brief description: Install new pneumatic target system and a new lighting system at pistol range. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 24, 1997 at 2 p.m. A pre-bid conference has been scheduled for Thursday, September 11, 1997 at 10 a.m. in Library at State Police Academy, Hershey, PA. Contact person is Don Hulstine, (717) 533-9111. All contractors who have secured contract documents are invited and urged to attend.

Department: General Services
Location: PA State Police Academy, Hershey, Dauphin County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-357 Project title: Bulk Storage Facility with High Gambrel Roof. Brief description: Construct a new 60' x 128' plus or minus bulk salt storage building including electric service. General and electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 2 p.m.

Department: General Services
Location: PennDOT Maintenance Facility SR 0006, Archbald, Lackawanna County, PA
Duration: 130 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-445 Project title: Bulk Storage Facility with High Gambrel Roof. Brief description: Construct a new 60' plus or minus x 80' plus or minus high arch gambrel salt storage building with electric. General and electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 2 p.m.

Department: General Services
Location: PennDOT Maintenance Stockpile No. 3, Cedar Crest Boulevard, Allentown, Lehigh County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-446 Project title: Bulk Storage Facility with High Gambrel Roof. Brief description: Construct a new 60' plus or minus x 80' plus or minus high arch gambrel salt storage building with electric. General and electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 2 p.m.

Department: General Services
Location: PennDOT Maintenance Stockpile No. 3, S. R. 53 and I-80, Carbon County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-477 Project title: Bulk Storage Facility with High Gambrel Roof. Brief description: Construct a new 60' plus or minus x 80' plus or minus high arch gambrel salt storage building with electric. General and electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 2 p.m.

Department: General Services
Location: PennDOT Maintenance Stockpile, Herrick Township, Susquehanna County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 372-4 Project title: Security Observation Tower. Brief description: Erect a steel frame guard tower on the roof of an existing building. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, September 17, 1997 at 11 a.m., (717) 787-3923.

Department: General Services
Location: State Correctional Institution, Greene, Greene County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 407-65 Project title: Renovation of Uhler Hall. Brief description: Work includes asbestos/lead paint abatement, demolition, concrete foundations, structural steel framing, masonry walls, roofing, interior partitioning, doors and windows, finishes, elevator, HVAC, plumbing, electrical and sprinkler systems. General construction, HVAC, plumbing and electrical construction. Plans deposit: \$250 per set. Payable to: L. P. Perfido Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: L. P. Perfido Associates, 408 Boulevard of the Allies, Pittsburgh, PA 15219-1301, telephone (412) 391-2884. Bid date Wednesday, October 1, 1997 at 11 a.m. Pre-bid conference has been scheduled for September 12, 1997 at 10 a.m. in Uhler Hall, Room 105, Indiana University of PA, Indiana, PA. Contact person: Alan Weiskoff, (412) 391-2884. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Indiana University of PA, Indiana, Indiana County, PA
Duration: 300 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 502-21 Project title: Air Condition Newton Building and Renovate Main Kitchen. Brief description: Work includes addition to warehouse, construction of new kitchen, kitchen plumbing and HVAC work, asbestos pipe insulation removal and split system air conditioning units in patient wards (Newton Hall). General construction, HVAC, plumbing and electrical construction. Plans deposit: \$75 per set. Payable to: Borton-Lawson Engineering, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Borton-Lawson Engineering, Inc., 1460 Sans Souci Parkway, Wilkes-Barre, PA 18702, telephone (717) 821-1999. Bid date: Wednesday, October 1, 1997 at 2 p.m. Pre-bid conference has been scheduled for September 10, 1997 at 10:30 a.m. in the Conference Room of the Maintenance Building. Contact person: Jerry Dreater, telephone (717) 587-7246. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Clark Summit State Hospital, Clarks Summit, Lackawanna County, PA
Duration: 300 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 502-25 Project title: Boiler Renovations. Brief description: Renovation of coal stoker boiler plant includes replacement of one stoker, rebuilding two stokers, rebuilding the coal handling system, ash handling system on three 17000 lb/HR/boilers and replacement of boiler controls. Mechanical construction. Plans deposit: \$90 per set. Payable to: The Hillier Group. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Hillier Group, 1212 South Abington Road, Clarks Summit, PA 18411, telephone (717) 586-1761. Bid date Wednesday, September 24, 1997 at 2 p.m. A pre-bid conference has been scheduled for Thursday, September 11, 1997 at 10:30 a.m. in the Conference Room of the Maintenance Building, Clarks Summit State Hospital, Clarks Summit, PA. Contact: Fred Broberg, telephone (717) 586-4000. All contractors who have secured plans and specifications are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Clarks Summit State Hospital, Clarks Summit, Lackawanna County, PA
Duration: 310 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 552-25 Project title: Air Conditioning of Meadowside Building. Description: Installation of a centralized air conditioning into an existing building. The system must be compatible with the existing energy management and heating system. General construction, HVAC, electrical and fire protection construction. Plans deposit: \$150 per set. Payable to: Baker and Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Baker and Associates, Airport Office Park, Building No. 1, 410 Rouser Road, Coraopolis, PA 15108, telephone (412) 269-6200. Bid date: Wednesday, October 1, 1997 at 11 a.m. Pre-bid conference has been scheduled for September 17, 1997 at 10:30 a.m. in Department of General Services Conference Room, Lakeside Building, Polk, PA. Contact person: John Goston, telephone (412) 269-6303. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Polk Center, Polk, Venango County, PA
Duration: 140 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 570-14 Project title: New Security Fence. Brief description: Furnish and install approximately 2,700 linear feet of 14 foot high security fence including man gates and vehicle gates. Miscellaneous construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, September 17, 1997 at 11 a.m. Telephone: (717) 787-3923.

Department: General Services
Location: Pennsylvania State Police, Pittsburgh, Allegheny County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 570-15 Project title: Construct Paved Exercise Yard. Brief description: Construct approximately 2,700 square yards of bituminous paving. Miscellaneous construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, September 17, 1997 at 11 a.m. Telephone: (717) 787-3923.

Department: General Services
Location: State Correctional Institution, Pittsburgh, Allegheny County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 946-2 Phase 4 Project title: Renovation and Conversion of Old Museum Building for Legislative Offices. Brief description: Complete renovation, restoration and conversion work providing for historic architectural items, finishes, repair and replacement by all trades for concrete, floors, partitions, doors, window restoration, ceiling and all associated, HVAC, plumbing and electrical work. General, HVAC, plumbing and electrical construction. Plans deposit: \$700 per set. Payable to: Vitetta Group, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Vitetta Group, Inc., 642 North Broad Street, Philadelphia, PA 19130, telephone (215) 235-3500. Bid date: Wednesday, October 8, 1997 at 2 p.m. A pre-bid conference has been scheduled for Monday, September 22, 1997 at 2 p.m. in Board Room, 1st Floor Arsenal Building, 18th and Herr Streets, Harrisburg, PA. Contact: Dean Arensdorf, telephone (717) 782-8842. All contractors who have secured plans and specifications are invited and urged to attend.

Department: General Services
Location: Metrology Laboratory, Harrisburg, Dauphin County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 980-3 Phase 2 Project title: Construction of Railroad Shed Addition (Construction of Restoration Shop). Brief description: The project consists of the construction of a train restoration facility adjacent to the existing Railroad Museum of PA with related site work located at Route 741 and Bishop Road in Strasburg Township, Lancaster County, PA. General construction, HVAC, plumbing and electrical construction. Plans deposit: \$75 per set. Payable to: Cecil Baker & Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Cecil Baker & Associates, 105 South 12th Street, Philadelphia, PA 19103, telephone (215) 928-0202. Bid date Wednesday, September 24, 1997 at 2 p.m.

Department: General Services
Location: Railroad Museum of PA, Strasburg, Lancaster County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 999-100 Project title: Roof Replacement. Brief description: Remove existing built-up roofing, flashing, insulation, etc. down to existing metal deck. Existing flashing contains asbestos. Remove four existing mechanical units and install new single-ply thermoplastic roofing membrane system. General construction. Plans deposit: \$25 per set Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 2 p.m.

Department: General Services
Location: Railroad Museum of PA, Strasburg, Lancaster County, PA
Duration: 160 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 1574-15 Project title: Roof Replacement. Brief description: Work consists of new shingled roof with gutters and downspouts on "L" Building, new flashings and repointing of chimney and parapets. New two ply modified bitumen roofs on staff dining, corridor link and chapel tower. New insulation on staff dining and chapel tower. New gutters and downspouts on corridor link and new mechanical exhaust and intake air system on staff dining. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 17, 1997 at 11 a.m.

Department: General Services
Location: Cresson State Correctional Institution, Cresson, Cambria County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

FM 07809702 Install catwalk in loft area in Haven Hall so that maintenance personnel can safely work in upper level of building.

Department: Public Welfare
Location: White Haven Center, Haven Hall, White Haven, Luzerne County, PA 18661
Duration: 4 months
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

FM 07809704 Resurface various roadways throughout center grounds.

Department: Public Welfare
Location: White Haven Center, R. R. 2, Box 2195, White Haven, Luzerne County, PA 18661
Duration: As defined in bid proposal
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

FM 07809705 Resurface parking lots and widen various areas throughout center grounds.

Department: Public Welfare
Location: White Haven Center, R. R. 2, Box 2195, White Haven, Luzerne County, PA 18661
Duration: As defined in bid proposal—104 calendar days
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

Engineering Services—14

08430AG2105 Two separate on-call survey contracts, using a minimum of two, four-person survey crews, for preliminary, final and construction surveys on various projects in Engineering District 12-0, that is Fayette, Greene, Washington and Westmoreland Counties.

Department: Transportation
Location: Engineering District 12-0
Duration: Thirty (30) months
Contact: Consultant Agreement Division, (717) 783-9309

Firefighting Services—18

E-25-600AT Series Provide airtanker services for wildfire suppression throughout northeast Pennsylvania during the 1998 wildfire season (months of March through May 1998). Aircraft must be capable of carrying a minimum of 800 gallons or more of fire retardant (liquid). Pilots must be fully qualified to conduct air attack flights against wildfires. Based on satisfactory performance contract is renewable by amendment for 2 additional years.

Department: Conservation and Natural Resources
Location: Forestry, Hazleton Air Attack Base, Hazleton Airport, PA
Duration: March through May 1998
Contact: Forrest E. Kissinger, (717) 787-2925

E-25-600AT-1 Provide airtanker services for wildfire suppression throughout northeast Pennsylvania during the 1998 wildfire season (months of March through May 1998). Aircraft must be capable of carrying a minimum of 500 gallons or more of fire retardant (liquid). Pilots must be fully qualified to conduct air attack flights against wildfires. Based on satisfactory performance contract is renewable by amendment for 2 additional years.

Department: Conservation and Natural Resources
Location: Forestry, Hazleton Air Attack Base, Hazleton Airport, PA
Duration: March through May 1998
Contact: Forrest E. Kissinger, (717) 787-2925

Fuel Related Services—20

Project No. 051-151 Project title: Install UST (Rebid). Project description: Install an underground fuel tank (UST). Tank to be provided by PA Game Commission as follows: 2,000 gallon, double wall, FRP coated tank bulk headed to provide 1,000 gallon gasoline compartment and 1,000 gallon diesel fuel compartment. Installation to be complete including excavation, installation, appurtenances, pumps, concrete paving and testing. Bid opening September 19, 1997.

Department: Game Commission
Location: State Game Lands No. 051, Dunbar Township, Fayette County, PA
Duration: 90 calendar days after issuance of contract
Contact: Engineering and Contract Management Division, (717) 787-9620

Hazardous Material Services—21

11097010 This contract is for testing, transporting and disposal of various hazardous and residual waste streams from the Department's stockpile sites or highway right-of-way.

Department: Transportation
Location: Engineering District 11-0, Various locations within Allegheny, Beaver and Lawrence Counties
Duration: 01/01/98 through 12/31/98 with renewal options
Contact: Brad Saxton, (412) 429-4948

HVAC—22

010321 This contract will provide for the maintenance of a gas fired heating system for the Pennsylvania Department of Transportation, Maintenance District 1-5, 1460 Pittsburgh Road, Franklin, PA 16323. The service requested includes three mandatory maintenance visits to be made during the months of October, January and May. The contract also provides for 24-hour emergency service. Bid packages with detailed requirements are available upon request. All requests for bid packages must be received via FAX at (814) 437-1174. Direct requests to the attention of Patricia J. Carrara.

Department: Transportation
Location: Maintenance District 1-5, 1460 Pittsburgh Road, Franklin, PA 16323
Duration: 1-year with three 1-year renewals
Contact: Patricia J. Carrara, Clerical Supervisor, (814) 432-3115

040084 Electrical repairs and service at three safety rest areas in Luzerne County in Engineering District 4-0 locations as follows: I-81 N.B., between Exit 42 and 43, Dorrance; I-81 S. B., between Exits 43 and 42, Nuangola; I-80 E. B., between Exits 39 and 40, White Haven. Specifications may be obtained by contacting the District Roadside Specialist, Monday through Friday, 8 a.m. to 3 p.m.

Department: Transportation
Location: Luzerne County, PA
Duration: 2 years with renewal option
Contact: Martha S. Spaide, (717) 963-4048

040085 Electrical repairs and service at two safety rest areas in Lackawanna and Susquehanna Counties in Engineering District 4-0 locations as follows: I-81 N. B., Tomkinsville, Lackawanna County, Tomkinsville; I-81 S. B., Lenox, Susquehanna County, Lenoxville. Specifications may be obtained by contacting the District Roadside Specialist, Monday through Friday, 8 a.m. to 3 p.m.

Department: Transportation
Location: Lackawanna and Susquehanna Counties, PA
Duration: 2 years with renewal option
Contact: Martha S. Spaide, (717) 963-4048

040086 Electrical repairs and service at three safety rest areas in Pike County in Engineering District 4-0 locations as follows: I-84, E. B., Promised Land; I-84 W. B., Promised Land, and SR 209 and 6, Matamoras. Specifications may be obtained by contacting the District Roadside Specialist, Monday through Friday, 8 a.m. to 3 p.m.

Department: Transportation
Location: Pike County, PA
Duration: 2 years with renewal option
Contact: Martha S. Spaide, (717) 963-4048

11097011 Two contracts for providing preventive maintenance service and repairs to 49 overhead doors and related operating hardware. One contract includes 33 doors located throughout Allegheny County. One contract includes 16 doors located in Beaver and Lawrence Counties.

Department: Transportation
Location: Engineering District 11-0, Allegheny, Beaver and Lawrence Counties
Duration: 01/01/98 through 12/31/98 with renewal options
Contact: Anthony Golembiewski, (412) 429-4942

Contract No. FDC-104-273 Providing, installing and testing of a complete and operational electrical system for the new maintenance facility at Chapman State Park. Main items of work include: electrical service supply/modifications; electrical and telephone wiring, conduit and devices; lighting fixtures and controls; power panels and electrical disconnects; and power equipment wiring and interface.

Department: Conservation and Natural Resources
Location: Pleasant Township, Warren County, PA
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

FM 07809701 Repairs to No. 1 boiler—remove and replace the firebrick in sidewall of boiler; also repair exterior wall as necessary.

Department: Public Welfare
Location: White Haven Center, Boiler Plant, White Haven, Luzerne County, PA 18661
Duration: As defined in bid proposal
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

FM 07809703 Install lighting in loft area of Haven Hall so that maintenance personnel can safely work in upper level of building.

Department: Public Welfare
Location: White Haven Center, Haven Hall, White Haven, Luzerne County, PA 18661
Duration: As defined in bid proposal
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

MI-642 Project title: Dutcher Hall—Electrical Upgrade. Scope of work: Upgrade the electric service and electrical distribution in Dutcher Hall. This includes providing and installing new panels, circuits, transformers, etc. as noted on the drawings and specifications. Plans cost: \$50.

Department: State System of Higher Education
Location: Millersville University, Dutcher Hall, Millersville, Lancaster County, PA 17551-0302
Duration: December 22, 1997—January 23, 1998
Contact: Bernadette J. Wendler, Dilworth Building, (717) 872-3829

Janitorial Services—23

010322 Janitorial service for the Pennsylvania Department of Transportation, Maintenance District 1-5, 1460 Pittsburgh Road, Franklin, PA 16323. Areas to be serviced consist of the following: front office area, garage area, basement conference room area, and all windows in the building inside and outside. Bid packages with detailed requirements are available upon request. All requests must be received via FAX at (814) 437-1174. Direct requests to the attention of Patricia J. Carrara.

Department: Transportation
Location: Maintenance District 1-5, 1460 Pittsburgh Road, Franklin, PA 16323
Duration: 1-year with two 1-year renewals
Contact: Patricia J. Carrara, Clerical Supervisor, (814) 432-3115

Lodging/Meeting Facilities—27

10-97-18 The Pennsylvania State Police is seeking a facility to conduct a 3-day conference within a 20 mile radius of Harrisburg, PA for Commonwealth law enforcement personnel beginning October 21, 1997 and ending October 23, 1997. Must provide lodging and conference rooms, break refreshments, breakfast, lunch and dinner. Complete details will be sent to all interested bidders.

Department: State Police
Location: Harrisburg, PA area
Duration: 10/21/97 through 10/23/97
Contact: Margaret Chapman, Procurement and Supply, (717) 783-5485

Medical Services—29

1331 Asbestos abatement medical monitoring services for Warren State Hospital. Contractor to provide exams for Warren State Hospital employees involved in asbestos removal work. Complete specifications and other terms and conditions may be obtained by contacting the Hospital. Award to be made on an aggregate basis for a 3-year period.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099
Duration: 01/01/98—12/31/2000
Contact: JD Sample, (814) 726-4448

Inquiry No. 7498 Podiatry service. Hospital estimates approximately 1,920 treatments for the term of the contract.

Department: Public Welfare
Location: Danville State Hospital, Danville, Montour County, PA 17821-0700
Duration: 1/1/98—12/31/2001
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 7497 Neurologic consultation service. Contractor to provide initial and followup consultations per patient. Service to include examination, diagnosis and written recommendations.

Department: Public Welfare
Location: Danville State Hospital, Danville, Montour County, PA 17821-0700
Duration: 1/1/98—12/31/99
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Moving Services—30

SP 348350 Moving consultation services required for the relocation of employes, furnishings and equipment in the Harrisburg area and the PA Board of Probation and Parole's regional, district and sub-offices Statewide.

Department: Board of Probation and Parole
Location: Facilities Management, Harrisburg, Regional, District Offices and Sub-Offices Statewide
Duration: 10/01/97—06/30/98
Contact: David C. Payton, (717) 787-6247

Property Maintenance—33

FC-79H Contract is for (EIFS) exterior wall insulation and finish system insulation at the Big Spring Fish Culture Station Residence, North Newton Township, Cumberland County, PA. Project funded under Fiscal Year 1997/1998.

Department: Fish and Boat Commission
Location: Engineering Section, 450 Robinson Lane, Bellefonte; Big Spring Fish Culture Station, North Newton Township, Cumberland County, PA
Duration: 90 days after Receipt of Order
Contact: Amos C. Ferguson, (814) 359-5105

MI-704 Project title: Ganser Library Window Sealants. Scope of Work: Replace existing sealants, clean joints and install new sealants on all of the exterior expansion or control joints, approximately 230 windows or louvers. Remove mortar, clean joints, and install sealant at all coping stone joints. Remove existing glass, clean frames, and install new glass on the south side of the building, approximately 172 windows. Plans cost: \$15.

Department: State System of Higher Education
Location: Ganser Library, Millersville University, Millersville, Lancaster County, PA 17551-0302
Duration: October 1, 1997—December 1, 1997
Contact: Bernadette J. Wendler, Dilworth Building, (717) 872-3829

Contract No. FDC-004-214 Installation of a new wood truss and shingle roof system for a 36' x 128' maintenance building. Includes selective demolition work, painting and staining and electrical work.

Department: Conservation and Natural Resources
Location: Ligonier Township, Westmoreland County, PA
Duration: 90 days
Contact: Construction Management Section, (717) 787-5055

Real Estate Services—35

7A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 10,802 useable square feet of new or existing office/barracks space, in Delaware County, with minimum parking for 102 vehicles within the following boundaries: along or near US Route 1, within 2 miles from the Intersection of US Route 1 and US Route 452. Proposals due: October 20, 1997. Solicitation No.: 92532.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1997-98
Contact: Doris Deckman or John A. Hocker, (717) 787-4394

8A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the PA Public TV Network Commission with 13,000 useable square feet of new or existing office space, in Hershey, Dauphin County, PA within a 1-mile radius of the Agency's present locations, 24 Northeast Drive, Hershey, PA, with parking for 42 vehicles. Solicitation No.: 92542. Proposals due: September 29, 1997.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17105
Duration: Indeterminate 1997-98
Contact: Doris Deckman or Edward P. Meyer, (717) 787-4394

1112-A05 3202231-98 Notice is hereby given that the Department of Transportation, pursuant to 71 P.S. § 513(e)(7), intends to sell certain land owned by it located at R. D. 1, White Township, Indiana, PA. The parcel consists of 0.3498 acre of vacant land. It has been determined that the land is no longer needed for present or future transportation purposes. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: W. J. Young, Chief Negotiator, PA Department of Transportation, P. O. Box 429, Indiana, PA 15701 or call (412) 357-4808.

Department: Transportation
Location: White Township, Indiana County, PA
Duration: 30 days
Contact: William J. Young, (412) 357-4808

Sanitation—36

0038 For the collection and disposal of solid waste at Tuscarora/Locust Lake State Parks, Schuylkill County, PA.

Department: Conservation and Natural Resources
Location: Tuscarora/Locust Lake State Parks, R. R. 1, Box 1051, Barnesville, Schuylkill County, PA 18214-9715
Duration: December 31, 2000
Contact: Regional Park Office, (215) 453-5016

Inquiry No. 7499 Construction waste removal accumulated at Danville State Hospital. Hospital estimates annual tonnage: 300 ton.

Department: Public Welfare
Location: Danville State Hospital, Danville, Montour County, PA 17821-0700
Duration: 1/1/98—12/31/98
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

010320 Refuse collection for the Pennsylvania Department of Transportation, Maintenance District 1-5, 1460 Pittsburgh Road, Franklin, PA 16323. This contract will provide for one 30 cubic yard container, supplied by vendor, for the disposal of trash. Contractor will pick up refuse every 3 weeks. Contract will also provide for 12 extra pickups, if needed, at any of the Department's five permanent stockpile locations in Venango County. All requests for bid packages must be received via FAX at (814) 437-1174. Direct requests to the attention of Patricia J. Carrara.

Department: Transportation
Location: Maintenance District 1-5, 1460 Pittsburgh Road, Franklin, PA 16323
Duration: 1-year with two 1-year renewals
Contact: Patricia J. Carrara, Clerical Supervisor, (814) 432-3115

Vehicle, Heavy Equipment—38

Inquiry No. 8959 Service to Adamation dishwashing system.

Department: Public Welfare
Location: Selinsgrove Center, FOB State Agency, Box 500, Route 522, Selinsgrove, Snyder County, PA 17870
Duration: January 1, 1998 to December 31, 2002
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

010323 This contract is to provide the Pennsylvania Department of Transportation, Maintenance District 1-5, with tire repair or replacement and emergency road service in Venango County. Bid packages with detailed requirements are available upon request. All requests must be received via FAX at (814) 437-1174. Direct requests to the attention of Patricia J. Carrara.

Department: Transportation
Location: Maintenance District 1-5, 1460 Pittsburgh Road, Franklin, PA 16323
Duration: 1-year with two 1-year renewals
Contact: Patricia J. Carrara, Clerical Supervisor, (814) 432-3115

Miscellaneous—39

0420 Dismantle, replace and repair approximately 768 foot perimeter fence.

Department: Transportation
Location: Daleville, Covington Township, SR 0307, Lackawanna County, PA
Duration: Indeterminate 1997-98
Contact: Donna Collins, (717) 586-2211

10-97-17 Provide tailoring to the Pennsylvania State Police for initial issuance of uniforms to members and cadets in the Harrisburg/Hershey area. Vendor shall fit and size personnel as they are processed through the Department's clothing warehouse located in Harrisburg or the Training Academy in Hershey. Vendors interested in bidding must be located in the immediate Harrisburg/Hershey area and provide pick-up and delivery services. Resultant contract will provide for the option of renewal for an additional 2 years. Detailed bid specifications may be obtained from the Procurement and Supply Division at (717) 783-5485.

Department: State Police
Location: State Police Academy, 175 East Hershey Park Drive, Hershey, PA, Clothing Warehouse, 20th and Herr Streets, Harrisburg, PA
Duration: 10/01/97 through 6/30/2000
Contact: Margaret Chapman, Procurement and Supply, (717) 783-5485

[Pa.B. Doc. No. 97-1441. Filed for public inspection August 29, 1997, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1035117-01	08/15/97	Dotterer Equipment, Inc.	13,276
1047127-01	08/12/97	Manchester Ind., Inc.	18,249
1073117-01	08/15/97	Ragold Corpo- ration	15,500
1113217-01	08/18/97	Abbott Labora- tories	23,088.08
1114217-01	08/18/97	Bellco Drug Corp.	126,110.26
1115217-01	08/18/97	Dixon Shane Drug Co.	29,605.50
1122127-01	08/18/97	Government Forms and Systems	27,000
1978156-01	08/15/97	Forklifts, Inc.	16,894
6810-03	08/20/97	Chemply Div. of EE (US Inc.)	4,768
6810-03	08/20/97	General Chemical Corp.	10,318.08
6810-03	08/20/97	Sal Chemical Co., Inc.	5,652
6810-03	08/20/97	Flor-Dri	21,532
6810-03	08/20/97	Tetra Tech, Inc.	326,938.90
7313850-01	08/18/97	US Virginia, Inc.	9,004.80
8211760-01	08/18/97	Potters Indus- tries, Inc.	114,453
8430-02	08/20/97	Freedman Shoe Co.	127,574
8503980-01	08/12/97	American Dec- al and Mfg. Co.	15,523.52
8503990-01	08/12/97	American Dec- al and Mfg. Co.	23,000
8970070-01	08/18/97	Groff Tractor and Equip., Inc.	823,932
8970070-02	08/18/97	Plasterer Equipment Co., Inc.	100,469
8970210-01	08/15/97	Artco Equip- ment Sales, Inc.	12,883

Requisition or Contract #	Awarded On	To	In the Amount Of
8970290-01	08/18/97	MGS, Inc.	8,895
8970310-01	08/18/97	Plasterer Equipment, Inc.	76,027
8970350-01	08/15/97	Cleveland Brothers Equipment Company, Inc.	44,261
8970400-01	08/15/97	Walsh Equip- ment, Inc.	20,860
8970410-01	08/12/97	Construction Crane and Tractor, Inc.	1,230,240
8970520-01	08/15/97	Bull Interna- tional, Inc.	23,846
8970540-01	08/18/97	Groff Tractor and Equip- ment, Inc.	11,200
8970560-01	08/15/97	Siems Rental and Sales Co., Inc.	9,514
8970630-01	08/15/97	Tenco USA, Inc.	13,668
9110-01	08/20/97	Kobin Coal Corporation	713,570
9110-01	08/20/97	Blaschak Coal Corp.	3,082,611.30
9110-01	08/20/97	Centralia Coal Sales Co.	1,271,888.40
9110-01	08/20/97	F & D Coal Sales Co.	1,674,212.15
9150-01	08/20/97	American Agip Company, Inc. Minute- man Lubri- cants Divi- sion	151,817.15
9150-01	08/20/97	Carlos R. Lef- fler	76,667
9150-01	08/20/97	Pennzoil In- dustrial Lu- bricants	252,619.12
9150-01	08/20/97	Argus Lubri- cants	189,007.90
9150-01	08/20/97	PPC Lubri- cants	3,000.55

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-1442. Filed for public inspection August 29, 1997, 9:00 a.m.]