

PROPOSED RULEMAKING

DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]
Water Usage Reporting

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on revised proposed amendments to its Water Code and Comprehensive Plan to establish water usage reporting requirements for source water withdrawals and water service and to receive comments on proposed amendments to its water metering requirements. On October 23, 2000, the Commission published on its web site a Notice of Proposed Rulemaking to establish water usage reporting requirements to ensure that the Commission has the source and service information needed to evaluate how and where water is being used in the basin. Notice also was published in the *Pennsylvania Bulletin* on November 11, 2000, 30 Pa.B. 5844 and in the *Federal Register* on November 29, 2000. The Commission held a public hearing on the proposed rulemaking on January 9, 2001. Today, in response to written and oral testimony, including recommendations of the Commission's Water Management Advisory Committee, substantive changes are proposed to the previously noticed amendments to the Water Code and Comprehensive Plan. The Commission deems the changes significant enough to warrant this revised notice, a new opportunity for comment, and a second hearing before it adopts the proposed amendments. The proposal that is the subject of today's notice differs significantly from the original in that it extends the water usage reporting obligation set forth in proposed Section 2.50.3 of the Water Code to users subject to the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania, including the owner(s) of each water supply system serving the public and each person, firm, corporation or other entity, other than water supply systems serving the public, subject to the Ground Water Protected Area Regulations for Southeastern Pennsylvania. Minor changes to the proposed water usage reporting requirements include additional requests for data on acres irrigated (for irrigated uses only), whether water is recycled or reclaimed, and the percentages recycled or reclaimed. These data are requested only if available and only in an initial report and thereafter when changes occur. The revised proposed water usage reporting requirements differ from the original proposed requirements in one further respect. They provide that in the absence of an administrative agreement between the Commission and the state agency serving as the designated agency, the Commission shall administer and enforce the regulations. To ensure consistency, a similar revision as to administration and enforcement is proposed in Sections 2.50.1 and 2.50.2, concerning water metering requirements.

Dates

The public hearing will be held on Thursday, April 19, 2001, during the Commission's regular business meeting. The meeting will begin at 1 p.m. and continue until all those present who wish to testify are afforded an opportunity to do so. Persons wishing to testify at the hearing are asked to register in advance with the Commission Secretary.

The deadline for submission of written comments will be April 6, 2001.

Addresses

The public hearing will be held in New York City at a location to be posted on the Commission's web site, www.drbc.net, by mid-March. Directions to the meeting location will be posted on the web site as well. Written comments should be submitted to Pamela M. Bush, Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360.

Further Information, Contacts

Supplemental information, including an explanation of the need for water usage reporting requirements and an account of the process by which the amendments originally were proposed, is contained in the original Notice of Proposed Rulemaking. The existing regulations, original Notice of Proposed Rulemaking and this Notice of Revised Proposed Rulemaking all are posted on the Delaware River Basin Commission web site at www.drbc.net. Please contact Esther Siskind at (609) 883-9500 ext. 202 with questions about the proposed amendments and Pamela M. Bush, ext. 203 with questions about the rulemaking process.

It is proposed to:

Amend the Comprehensive Plan and Article 2 of the Water Code of the Delaware River Basin Commission by revising the title of Section 2.50 of the Water Code to read as follows: WATER METERING AND REPORTING REQUIREMENTS; by revising Section 2.50.1, Subsection G, and Section 2.50.2, Subsections A, C, and D as indicated below (brackets denote text proposed to be deleted; italic denotes text proposed to be added); and by adding a new subsection 2.50.3, set forth in regular text below.

2.50.1 Service Metering

G. To avoid duplication of effort and to insure proper enforcement of this regulation, the Executive Director [shall] *is hereby authorized to* enter into administrative agreements with the Delaware Department of Natural Resources and Environmental Control, New Jersey Department of Environmental Protection, New York Department of Health, Pennsylvania Department of Environmental Protection, and other state agencies where appropriate, authorizing such agencies to administer and enforce the provisions of this regulation to the extent practicable and to adopt such rules and regulations of procedure as may be necessary to insure the proper administration and enforcement of this regulation. *In the absence of an administrative agreement, the Commission shall serve as the administration and enforcement agency for this regulation.*

2.50.2 Source metering, recording and reporting

A. Each person, firm, corporation, or other entity whose cumulative daily average withdrawal(s) from the surface and/or ground waters of the Basin from any surface water intake, spring, or well, or any combination of surface water intakes, springs, or wells operated as a system, exceeds 100,000 gallons per day during any 30-day period shall meter or measure and record their withdrawals and report such withdrawals to the designated agency. Withdrawals shall be measured by means of an automatic continuous recording device, flow meter, or other method, and shall be measured to within five

percent of actual flow. Exception to the five percent performance standard, but no greater than ten percent, may be granted for surface water withdrawals by the designated [state] agency if maintenance of the five percent performance standard is not technically feasible or economically practicable. Meters or other methods of measurement shall be subject to approval and inspection by the designated [state] agency as to type, method, installation, maintenance, calibration, reading and accuracy. Withdrawals shall at a minimum be recorded on a daily basis for public water supply use and on a biweekly basis for all other water uses, and reported as monthly totals annually. More frequent recording or reporting may be required by the designated [state] agency or the Commission.

C. The following are the designated [state] agencies for the purposes of this regulation: Delaware Department of Natural Resources and Environmental Control; New Jersey Department of Environmental Protection; and Pennsylvania Department of Environmental Protection. *The Delaware River Basin Commission shall serve as the designated agency for administering and enforcing this regulation in the New York portion of the basin.*

D. Pursuant to Section 11.5 of the Compact, the designated [state] agencies shall administer and enforce programs for metering, recording and reporting of water withdrawals, in accordance with this regulation and any applicable state regulations.

2.50.3 Reporting Requirements

A. Year 2000 Reporting Requirements

1. *Water Supply Systems Serving the Public.* The owner(s) of each water supply system serving the public and subject to requirements under subsection 2.50.1, subsection 2.50.2, and the Ground Water Protected Area Regulations for Southeastern Pennsylvania, shall report the following data for the year 2000 to the designated agency.

a. Source Data

i. *Withdrawals.* The following data shall be reported for each withdrawal source separately (i.e., each well or surface water intake).

- Year - 2000
- Facility Identification Code (State Code)
- State Permit Number
- DRBC Docket Number(s)
- Facility Name
- Source Type: Surface Water/Ground Water
- Source Name and/or Source ID Number
- Withdrawal Location
- Municipality
- County
- Latitude and Longitude (method used)
 - Monthly Withdrawal Amount (million gallons (MG))

ii. *Bulk Purchases from Other Suppliers.* The following data shall be reported for each bulk purchase separately.

- Bulk Supplier Name
- Bulk Supplier's Source Name(s)
- Monthly Bulk Purchase Amount (MG)

b. *Service Area Data.* The following data shall be reported separately for each county served.

- i. Service Area Name(s)
- ii. Service Area Location(s)
 - Municipalities
 - Counties

iii. Population Served

iv. Total Annual Water Use by Category (MG) (To the extent available, provide a breakdown of water use by the following categories.)

- Residential metered (including apartment complexes)
- Commercial metered
- Institutional metered
- Industrial metered
- Bulk Sales
- Other metered (Specify)
- Unaccounted for (defined as the amount of water entering the distribution system minus the amount of water delivered through service meters)¹
- Total

v. Wastewater Disposal (if known)

- Facility Identification Code (State Code)
- State Permit Number
- Facility Name

vi. United States Geological Survey (USGS) quadrangle map (1:24K) or other equivalent or higher resolution map identifying withdrawal, service area and discharge locations.

2. *Other Withdrawals.* Each person, firm, corporation, or other entity, except water supply systems serving the public, subject to requirements under subsection 2.50.2 and the Ground Water Protected Area Regulations for Southeastern Pennsylvania, shall report the following data for the year 2000 to the designated agency. The data shall be reported for each withdrawal source separately (i.e., each well or surface water intake).

a. Year - 2000

b. Facility Identification Code (State Code)

c. State Permit Number

d. DRBC Docket Number(s)

e. Facility Name

f. Source Type: Surface Water/Ground Water

g. Source Name and/or Source ID Number

h. Use Category

i. Self-supplied commercial

ii. Self-supplied industrial

iii. Self-supplied institutional

iv. Self-supplied agriculture (including crop irrigation, nurseries, aquaculture & livestock)

v. Self-supplied non-agricultural irrigation (i.e. golf course, country club, athletic field)

vi. Self-supplied mining

vii. Self-supplied thermoelectric power

viii. Self-supplied hydroelectric power

ix. Self-supplied other (specify)_____

i. Withdrawal Location

i. Municipality

ii. County

iii. Latitude and Longitude (method used)

j. Use Location

i. Municipalities

¹ Further breakdown of unaccounted for water can be provided. For example, estimated fire hydrant use, other unmetered public uses, and leakage losses.

- ii. County
- iii. Latitude and Longitude (method used)(if known)
- k. Acres Irrigated (for irrigated uses only)
- l. Monthly Withdrawal Amount (MG)
- m. Evaporative Loss Amount (MG) (if known)
- n. Product Use Amount (MG) (if known)
- o. Is water recycled (Y/N)? If yes, what percent is recycled? (if known)
- p. Are withdrawals metered (Y/N)?
- q. Wastewater Disposal (To the extent available, provide the following information on wastewater disposal.)
 - i. Type (municipal wastewater treatment plant, package wastewater treatment plant, subsurface discharge system, other)
 - ii. Facility Identification Code (State Code)
 - iii. State Permit Number
 - iv. Facility Name
 - v. Discharge Location
 - Surface Water Body (wastewater treatment plants only)
 - Municipality
 - County
 - Latitude and Longitude (method used)(if known)
 - vi. Estimated Monthly Discharge Amount (MG)
 - vii. Is wastewater reclaimed (Y/N)? If yes, what percent is reclaimed? (if known)
 - r. USGS quadrangle map (1:24K) or other equivalent or higher resolution map identifying withdrawal, use, and discharge locations.

B. Annual Reporting Requirements for Subsequent Years

1. *Water Supply Systems Serving the Public.* Commencing with reporting year 2001, the owner(s) of each water supply system serving the public and subject to requirements under subsection 2.50.1, subsection 2.50.2, and the Ground Water Protected Area Regulations for Southeastern Pennsylvania, shall report the following data on an annual basis to the designated agency. Changes to any other information required under Section A above, shall also be reported. All information required under Section A above shall be completed for new withdrawals for the first year of operation.

a. Source Data

- i. *Withdrawal Data.* The following data shall be reported for each withdrawal source separately (that is, each well or surface water intake).
 - Year
 - Facility Identification Code (State Code)
 - State Permit Number
 - Facility Name
 - Monthly Withdrawal Amount (MG)
- ii. *Bulk Purchases from Other Suppliers.* The following data shall be reported for each bulk purchase separately.
 - Bulk Supplier Name
 - Bulk Supplier's Source Name(s)
 - Monthly Bulk Purchase Amount (MG)

b. *Service Area Data.* The following data shall be reported separately for each county served.

i. Service Area Name(s)

- ii. Total Annual Water Use by Category (MG) (All usage shall be reported according to the following categories.)
 - Residential metered (including apartment complexes)
 - Commercial metered
 - Institutional metered
 - Industrial metered
 - Public metered
 - Bulk Sales
 - Other metered (Specify)
 - Unaccounted for (defined as the amount of water entering the distribution system minus the amount of water delivered through service meters)²
 - Total

2. *Other Withdrawals.* Commencing with reporting year 2001, each person, firm, corporation, or other entity, except water supply systems serving the public, subject to requirements under subsection 2.50.2 and the Ground Water Protected Area Regulations for Southeastern Pennsylvania, shall report the following data on an annual basis to the designated agency. The data shall be reported for each withdrawal source separately (that is, each well or surface water intake). Changes to any other information required under Section A above, shall also be reported. All information required under Section A above shall be completed for new withdrawals for the first year of operation.

a. Year

b. Facility Identification Code (State Code)

c. State Permit Number

d. Facility Name

e. Monthly Withdrawal Amount (MG)

f. Evaporative Loss Amount (MG) (if known)

g. Product Use Amount (MG) (if known)

h. Estimated Monthly Wastewater Discharge Amount (MG)

C. To avoid duplication of effort and to insure proper enforcement of this regulation, the Executive Director is hereby authorized to enter into administrative agreements with the following designated agencies: Delaware Department of Natural Resources and Environmental Control, New Jersey Department of Environmental Protection, New York Department of Health, Pennsylvania Department of Environmental Protection, and other state agencies where appropriate, authorizing such agencies to administer and enforce the provisions of this regulation and to adopt such rules and regulations of procedure as may be necessary to insure proper administration and enforcement of this regulation. In the absence of an administrative agreement, the Commission shall serve as the designated agency. Designated agencies are encouraged to implement and maintain automated data collection and reporting systems to facilitate the efficient

² Further breakdown of unaccounted for water can be provided. For example, estimated fire hydrant use, other unmetered public uses, and leakage losses.

transfer of data to the Delaware River Basin Commission. The administrative agreements shall specify the format for data submission.

PAMELA M. BUSH, Esq.,
Secretary

Fiscal Note: Fiscal Note 68-40; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART V. DELAWARE RIVER BASIN COMMISSION

CHAPTER 901. GENERAL PROVISIONS

§ 901.2. Comprehensive Plan and water quality.

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A [(1996)] (2000) and the Water Quality Standards as set forth in 18 CFR Part 410 [(1996)] (2000) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 01-348. Filed for public inspection March 2, , 2001, 9:00 a.m.]

DEPARTMENT OF BANKING

[10 PA. CODE CH. 44]

Mortgage Bankers and Brokers; Continuing Education

The Department of Banking (Department), under the authority contained in sections 4(e) and 10(a) of the Mortgage Bankers and Brokers Act (MBBA) (63 P. S. §§ 456.4(e) and 456.10(a)), proposes to amend Chapter 44 (relating to Mortgage Bankers and Brokers Act).

Effective Date

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

Statutory Authority

The regulations are expressly mandated by section 4(e) of the MBBA and are promulgated under that section and section 10(a) of the MBBA.

Background and Purpose

The proposal implements a regulatory framework for the oversight of continuing education for licensees under the MBBA, as mandated by the new section 4(e) of the MBBA which was contained in the act of December 21, 1998 (P. L. 987, No. 131). The new section 4(e) of the MBBA was the result of the mortgage industry seeking continuing education for the first mortgage industry in this Commonwealth. The mortgage industry also sought to have continuing education regulated by the Department by requiring the Department to promulgate appropriate regulations to govern the continuing education programs.

Explanation of Regulatory Requirements

The proposal requires mortgage bankers, mortgage brokers and loan correspondents, as those terms are defined in section 2 of the MBBA (63 P. S. § 456.2), to complete 6 hours of continuing education per annual renewal period, and requires limited mortgage brokers, as that term is defined in section 2 of the MBBA to complete 2 hours of continuing education per annual renewal

period. Licensees are required to submit proof of compliance with these requirements annually to the Department to renew a license.

Entities Affected

The proposal will affect the approximately 2,967 licensees under the MBBA.

Fiscal Impact and Paperwork Requirements

It is expected that the approximately 2,967 licensees under the MBBA will be required to pay tuition costs to continuing education providers, the approximate monetary amount of which is unclear at this time, in addition to travel and travel-related expenses associated with attending continuing education programs. MBBA licensees that fail to comply with the requirements of the proposal may be subject to a fine of up to \$2,000 for each offense or suspension, revocation or nonrenewal of their license. There will be no savings to the regulated community associated with the implementation of this proposal.

Promulgation of the proposal will change existing reporting, recordkeeping and other paperwork requirements for the industry as well as the Department. Section 4(e) of the MBBA requires licensees to demonstrate to the satisfaction of the Department that at least one person from each licensed office has attended a required minimum number of hours of continuing education annually. Licensees will need to maintain records indicating what continuing education programs have been attended, by whom, when and where. Demonstration of attendance will be submitted to the Department at the time of license renewal as a requirement of renewal. Licensees and employees will be required to maintain attendance records for the 3 most recent annual renewal periods. This will assist licensees, their employees and the Department in determining whether continuing education requirements have been met, especially in cases where licensee employees have changed employers or employment status, or both. It is noted that fulfillment of the education requirement causes the employee's current licensee employer to be in compliance with the proposal. The Department will retain the information provided by the industry long enough to ensure ongoing compliance with the regulation by licensees and their employees.

The Department may review and approve continuing education programs to satisfy the continuing education requirement. The Department will review information on renewal application forms that the Department will revise to require licensees to indicate whether and how they have complied with the continuing education requirement.

Forms or reports, or both, have not been developed at this time.

Sunset Date

The Department continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 1, 2001, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee for Business and Economic Development and the Senate Committee on Banking and Insurance. In addition to submitting the proposal, 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.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposal, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review and comments including objections to the proposal by IRRC the General Assembly and the Office of Attorney General, prior to final publication and approval of the proposal.

Contact Person

Interested persons are invited to submit their written comments, if any, within 30 days from the date of this publication, to Carter D. Frantz, Staff Counsel, Department of Banking, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2290, (717)787-1471.

JAMES B. KAUFFMAN, Jr.,
Acting Secretary

Fiscal Note: 3-40. (1) Banking Department Fund; (2) Implementing Year 2000-01 is \$53,400; (3) 1st Succeeding Year 2001-02 is \$55,000; 2nd Succeeding Year 2002-03 is \$56,400; 3rd Succeeding Year 2003-04 is \$57,000; 4th Succeeding Year 2004-05 is \$59,500; 5th Succeeding Year 2005-06 is \$61,000; (4) No history. New program. (8) recommends adoption.

Annex A

TITLE 10. BANKS AND BANKING

PART IV. BUREAU OF CONSUMER CREDIT AGENCIES

CHAPTER 43. MORTGAGE BANKERS AND BROKERS ACT

CONTINUING EDUCATION

Sec.	
44.1.	Definitions.
44.2.	Requirements.
44.3.	Reporting, verification and recordkeeping.
44.4.	Review and approval.
44.5.	Penalties.

§ 44.1. Definitions.

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

Act—The Mortgage Bankers and Brokers Act (63 P. S. §§ 456.1—456.19).

Annual renewal date—July 1 of each calendar year.

Annual renewal period—The licensing term commencing July 1 of one calendar year and ending on June 30 of the following calendar year.

Continuing education program—An educational program as required by section 4(e) of the act (63 P. S. § 456.4(e)) which contributes directly to the enhancement of the professional competence of a mortgage professional to engage in the first mortgage loan business. A continuing education program does not include programs which instruct in matters such as office or business management, personnel management or similar subjects not directly related to the first mortgage loan business.

Continuing education provider—A provider of a continuing education program that has been approved by the Department.

Credit hour—Sixty minutes of classroom instruction or the equivalent as determined by the Department.

Department—The Department of Banking of the Commonwealth.

First mortgage loan business—The first mortgage loan business as defined in section 2 of the act (63 P. S. § 456.2).

Instructor—An individual responsible for teaching a continuing education program.

Licensee—A person licensed under the act.

Limited mortgage broker—A limited mortgage broker as defined in section 2 of the act.

Loan correspondent—A loan correspondent as defined in section 2 of the act.

Mortgage banker—A mortgage banker as defined in section 2 of the act.

Mortgage broker—A mortgage broker as defined in section 2 of the act.

Mortgage professional—

(i) A manager of each licensed office maintained by a licensee; any owner, director, officer or W-2 employe of a licensee who has the authority to underwrite or approve loans, either individually or in combination with other individuals as members of a committee; or any owner, director, officer or W-2 employe of a licensee who, as part of his official duties, directly contacts borrowers to present, negotiate or advise regarding loan terms.

(ii) The term does not include any individual who engages solely in processing loan applications or other administrative or clerical functions, or both.

Person—A person as defined in section 2 of the act.

§ 44.2. Requirements.

(a) Except as provided in subsection (b) to renew a license, a licensee shall demonstrate to the satisfaction of the Department that:

(1) In the case of a mortgage banker, mortgage broker or loan correspondent, the licensee maintains at least one separate mortgage professional at each licensed office who has successfully completed during the annual renewal period at least 6 credit hours of continuing education programs which shall include 1 credit hour of Pennsylvania residential mortgage law, including the act and the Loan Interest and Protection Law (41 P. S. §§ 101—605), 1 credit hour of business ethics and 4 credit hours from among one or more of the following subject areas:

(i) Federal residential mortgage law, including the Real Estate Settlement Procedures Act (12 U.S.C.A. §§ 2601—2617), the Truth in Lending Act (15 U.S.C.A. §§ 1601—1667e) and the Equal Credit Opportunity Act (15 U.S.C.A. §§ 1691—1691f).

(ii) The first mortgage loan business.

(2) In the case of a limited mortgage broker, the licensed individual has successfully completed during the annual renewal period at least 2 credit hours of continuing education programs which shall include 1 credit hour of Pennsylvania residential mortgage law, including the act and the Loan Interest and Protection Law and 1 credit hour from among one or more of the following subject areas:

(i) Business ethics.

(ii) Federal residential mortgage law, including the Real Estate Settlement Procedures Act, the Truth in Lending Act and the Equal Credit Opportunity Act.

(iii) The first mortgage loan business.

(b) The continuing education requirements imposed by this chapter apply to all renewals of licenses by licensees except when an initial licensee has been licensed by the Department for less than 6 months prior to its first annual renewal date, in which case the licensee shall be in compliance with this chapter within 6 months after its first annual renewal date.

(c) The Department may require an applicant for a new license to meet the applicable continuing education requirement imposed by this chapter if it appears to the Department that the continuing education requirement is being improperly avoided through restructuring of the business or otherwise.

(d) A mortgage professional who acts as an instructor shall be credited with 2 credit hours of continuing education for every 1 credit hour taught per annual renewal period.

(e) Continuing education program credit hours earned in excess of the minimum requirement established by this section during any annual renewal period may not be carried over to a successive annual renewal period.

§ 44.3. Reporting, verification and recordkeeping.

(a) Except as provided in § 44.2(b) (relating to requirements), a licensee, when applying for a license renewal, shall include as part of its renewal application a statement that the requirements of this chapter have been satisfactorily completed by at least one separate mortgage professional at each licensed office, or in the case of a

limited mortgage broker, by the licensed individual. The statement shall include a list of continuing education programs completed by the designated mortgage professional for each licensed office or the individual limited mortgage broker licensee. The list shall include:

(1) The name of continuing education providers.

(2) The name of continuing education programs.

(3) The number of credit hours attended by the mortgage professional.

(4) The locations and the dates attended.

(b) The Department may verify, on a random or other basis, by methods including examination of the licensee and satisfactory completion of the requirements of this chapter. The Department may assess licensee examination costs for the examinations consistent with section 8(a)(4) of the act (63 P. S. § 456.8(a)(4)).

(c) A licensee shall retain all original documents relating to the completion of each continuing education program by each mortgage professional for at least 3 annual renewal periods.

§ 44.4. Review and approval.

The Department may review and approve continuing education programs to satisfy the continuing education requirement.

§ 44.5. Penalties.

The Department may levy a fine of up to \$2,000 for each offense under section 14(c) of the act (63 P. S. § 456.14(c)) and may suspend, revoke or refuse to renew a license under section 13(a) of the act (63 P. S. § 456.13(a)) if a licensee fails to comply with this chapter.

[Pa.B. Doc. No. 01-349. Filed for public inspection March 2, 2001, 9:00 a.m.]