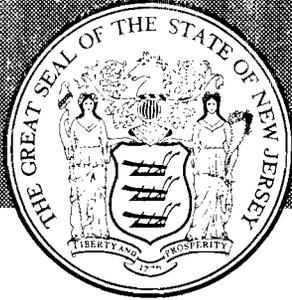


# NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Donald Lan, Secretary of State

G. Duncan Fletcher, Director of Administrative Procedure

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# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Proposed Amendment Regarding Seal Of Quality Expiration Date for Eggs

Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:10-19 and 4:20-20, proposes to amend N.J.A.C. 2:73-2.5(d) concerning the seal of quality expiration date for eggs.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

2:73-2.5(d) There shall appear on each retail container the packing date which may be designated as month and day or day of year, or an expiration date which shall be preceded by the letter "E" and such date shall not be more than [14] 28 days after the date of packing. The packer's assigned plant number shall also be shown on the container and said packer shall be responsible for the eggs in the retail container meeting the grade and size weight class designated during the time limit indicated.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

John Repko  
Director, Division of Markets  
Department of Agriculture  
P.O. Box 1888  
Trenton, N.J. 08625

The Department of Agriculture may thereafter adopt rules concerning this subject without further notice.

Phillip Alampi  
Secretary  
Department of Agriculture

(b)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Amended Minimum Milk Prices

On May 9, 1978, Woodson W. Moffet Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq., and

in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning minimum milk prices which replace the current text of N.J.A.C. 2:53-1.1(b).

Full text of the amended rule follows:

2:53-1.1(b) Effective June 1, 1978, minimum milk prices under Order 69-1 will be \$0.41 per quart, \$0.77 per half gallon and \$1.48 per gallon. This amendment shall be effective June 1, 1978.

An order adopting this amendment was filed on May 10, 1978, as R.1978 d.145 (Exempt, Procedure Rule) to become effective on June 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Amendments to Order on Milk Handling In Various Marketing Areas

On May 11, 1978, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25, and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedural rule which amended N.J.A.C. 2:54-3.7, concerning the concurrent suspension to Federal Order Number 4 regarding the handling of milk in various New Jersey milk marketing areas.

The following amended text replaces the current text of N.J.A.C. 2:54-3.7:

2:54-3.7 Handling of milk in various New Jersey milk marketing areas; suspension to Federal Order number 4

(a) In conformance with a memorandum of agreement with the United States Department of Agriculture, and pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the Director, Division of Dairy Industry, has considered a request for the suspension of certain provisions of the joint Federal-State milk marketing order, commonly designated as Federal Order No. 4. Notice of intent and opportunity to submit written data, views and oral arguments was distributed to all licensees affected thereby and published in the Federal Register at page 16185 of Volume 43, dated April 17, 1978.

## NEW JERSEY REGISTER

*The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September, 1969.*

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(b) The Director, Division of Dairy Industry, concurs with the findings and determinations of the United States Department of Agriculture as contained at pages 18987 ff. of Volume 43 of the Federal Register for May 3, 1978. Also, pursuant to the provisions of N.J.A.C. 15:15-5.3, the Director hereby adopts by reference the aforesaid findings and determinations insofar as such findings pertain to the marketing of milk in the State of New Jersey under 7 CFR 1004, commonly referred to as Federal Order No. 4.

(c) Now, therefore, it is hereby ordered that so much of section 1004.7(a) of CFR 1004 that reads "not less than 50 per cent" be suspended for the months of April, May, June, July and August, 1978.

An order adopting these amendments was filed and became effective on May 12, 1978, as R.1978 d.149 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**BANKING**

**THE COMMISSIONER**

**Amendments in Definitions  
Of Affiliate and Institution**

On May 4, 1978, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:1-11.1 concerning the definitions of affiliate and institution, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 135(c).

An order adopting these amendments was filed and became effective on May 5, 1978, as R.1978 d.144.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**BANKING**

**DIVISION OF SAVINGS AND LOANS**

**Rule on Reporting of Possible Illegal  
Activity by Employees or Customers  
Of Savings and Loan Associations**

On May 16, 1978, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 3:26-3.1, concerning the reporting of possible illegal activity by employees or customers of savings and loan associations, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 136(a).

An order adopting this rule was filed and became effective on May 19, 1978, as R.1978 d.163.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

**CIVIL SERVICE**

**CIVIL SERVICE COMMISSION**

**Amendments to Personnel Manuals on Removal  
From Lists and Board of Medical Examiners**

On May 10, 1978, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to Subpart 12-11.103 in both of the Civil Service Personnel Manuals (State Service and Local Jurisdictions), concerning the New Jersey Civil Service Board of Medical Examiners and removals from list. Both amendments are similar in content.

Full text of the amendments to the State Service Manual follows:

**Subpart 12-11.103 Civil Service Board of Medical Examiners — Removal from the List**

**12-11.103a Subject:**

This subpart will detail the procedures for handling appeals from rejections for physical reasons. For reference to Sick Leave Injury procedures, refer to Subpart 17-9.103.

**12-11.103b Reports Submitted To The Department of Civil Service:**

All medical reports submitted by an appointing authority to the Department of Civil Service rejecting a candidate as physically unfit must include the following information:

- (1) they must be signed and dated,
- (2) they must clearly state the type of examination conducted,
- (3) they must include a diagnosis or detailed statement showing a physical illness or medical problem clearly indicating an inability to effectively perform the duties of the position or other specific reasons for rejection on a medical basis,
- (4) they must state which laboratory or other tests e.g., EKG, EEG, X-rays) have been administered and they must be accompanied by all raw data from these laboratory or other medical tests,

**12-11.103c Procedures:**

Along with the disposition of a certification the appointing authority shall send the complete medical laboratory reports with all appropriate data to the Department of Civil Service. A copy of the material which is sent to the Department of Civil Service must also be served on the rejected candidate by the appointing authority. The sole exception shall be if the examining physician clearly states that disclosure to the candidate would be injurious to his/her health. In this case the appointing authority must submit the complete report to the Department of Civil Service. Upon the written request of the candidate, a copy of the complete report must still be released to the candidate's doctor or attorney by the appointing authority.

Note: The appointing authority shall not inform the candidate of a rejection until certification has been disposed of.

Upon receipt of the complete medical and/or laboratory reports, the Department of Civil Service shall inform the rejected candidate that such material has been filed and an opportunity shall be provided for rebuttal (see also Subpart 12-11.101). The candidate shall be advised that if he/she does not respond, he/she will be removed from

this list and that it would be to his or her advantage to submit a report from a doctor of the candidate's choice; however, an appeal may be instituted without a refuting report.

If the candidate does not respond, his or her name shall be removed from the eligible list. The candidate may, however, still appeal to the Civil Service Commission within 20 days of the removal. See Subpart 12-11.101 for details.

Excerpts of medical reports will not be accepted as sufficient evidence of cause for removal from an eligibility list. If an appointing authority has failed to file these reports at the time of appeal, a copy of the complete medical report with all laboratory reports and related history must be sent to the Division of Hearings and Regulations, Department of Civil Service, within 10 days of receipt or notification of the candidate's appeal.

Note: If the appointing authority fails to file the required materials within ten days of receipt of notification of appeal no action will be taken on the request for removal and the appointments of those eligibles affecting the rights of the rejected eligible will be disapproved. For example, if the rejected eligible is a veteran, all appointments of eligibles below the rejected veteran eligible will be disapproved.

All materials which have been submitted shall be presented to the Civil Service Board of Medical Examiners prior to the review. This Board is composed of a physician who acts as chairperson of the Board, and a representative of the Department of Civil Service. Upon receipt of materials by the chairperson, a physician shall be selected from an advisory board consisting of a number of physicians, each with a different area of expertise, to review the case, examine the appellant and conduct any necessary additional tests. This physician shall be present at the review, where he/she will act as a member of the board, and present his/her own findings to the board. Both the appellant and the appointing authority shall be given an opportunity to present information in person before the Board of Medical Examiners, although appearances are not required.

The Board of Medical Examiners shall submit a report and recommendation to the Civil Service Commission for final determination. Both parties shall be given an opportunity to file exceptions to the report and recommendation of the Board of Medical Examiners' prior to action by the Commission.

#### 12-11.103d Burden Of Proof:

The burden shall be on the appointing authority to show that a candidate is physically unfit to perform effectively the duties of the position.

An order adopting the amendments to the Local Jurisdictions Manual was filed on May 15, 1978, as R.1978 d.151 (Exempt, Procedure Rule), to become effective on May 17, 1978. An order adopting the amendments to the State Service Manual was filed on May 15, 1978, as R.1978 d.152 (Exempt, Procedure Rule), to become effective on May 17, 1978.

Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Amendments to Personnel Manuals on Removal Of Names from Eligible Lists

On May 10, 1978, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to subpart 12-11.101 in both of the Civil Service Personnel Manuals (State Service and Local Jurisdictions), concerning removal of names from eligible lists. Both amendments are similar in content.

Full text of the amendments to the State Service Manual follows:

#### Subpart 12-11.101 Removal of names from eligible lists

##### 12-11.101a Subject:

This subpart will describe the procedures to be followed in removing the names of eligibles from eligible lists.

##### 12-11.101b Procedures:

When a tentative disposition of a certification is submitted by an appointing authority, the director, Division of Examinations, shall review the reasons for which the appointing authority has rejected any eligibles so certified.

1. The director, Division of Examinations, will advise an eligible that his or her name may be removed from a particular eligible list if an appointing authority proves that the eligible was not appointed because he or she:

- (a) was not interested in appointment,
- (b) was not available for appointment,
- (c) failed to report for an interview,
- (d) failed to reply in time to the appointing authority following certification,
- (e) was no longer an employee of the organizational unit to which the examination was open (applies to promotional examinations only),
- (f) lacks the capacity to perform the duties of the class title as shown by clearly documented medical or psychological evidence,
- (g) has a poor work record, has been dismissed from a permanent position in the public service, has resigned not in good standing or has resigned in lieu of removal from the public service,
- (h) has within four (4) months of the application been addicted to the habitual use of drugs or intoxicating liquors,
- (i) has falsified any material fact on an application or examination.

2. In cases of rejection of a certified name by an appointing authority for reasons (f) through (i) above, the appointing authority shall be required to submit a detailed written explanation of its request to the Director, Division of Examinations with a copy to the eligible.

3. Eligibles will be given an opportunity to object to their rejection by an appointing authority and will be asked to detail their rebuttal in writing and submit it to the Division of Examinations within ten days of notification, with copies to the appointing authority.

4. Eligibles whose names have been rejected on the basis of psychological and/or psychiatric reports submitted by the appointing authority shall be given an opportunity to submit a report from a doctor of their choice. If an eligible elects to do this, the case shall be scheduled for review by the Civil Service Medical Review Board which will submit a report with recommendations to the

Civil Service Commission for its action. The Medical Review Board will consider all psychological and/or psychiatric reports submitted in addition to the police background report. Appearance before the Medical Review Board is strongly recommended but not mandatory.

5. Eligibles whose names have been rejected on the basis of medical reports submitted by the appointing authority shall be given an opportunity to submit a report from a doctor of their choice. If an eligible elects to proceed in this manner, the case shall be scheduled for review by the Civil Service Board of Medical Examiners. Where necessary, the review shall include a physical examination by a physician who is a member of the Board of Medical Examiners, and any medical or laboratory tests considered necessary by the Board physician. All laboratory and medical reports submitted prior to the review shall be considered by the Board. A written report by the Board containing recommendations will be submitted to the Civil Service Commission for its action within a reasonable period of time following conclusion of the review by the Board of Medical Examiners.

**12-11.101c Removal from more than one list:**

Removal for causes (a) through (f) above shall be from the list from which the certification resulted. If an eligible so removed is on any other list he shall remain.

Causes (g) through (j) shall constitute sufficient reasons to remove a name from other eligible lists. However, such removals shall be made on a case by case basis by the Director of Examinations.

**12-11.101d Limitations and conditions:**

1. In all cases the burden shall be on the appointing authority to show cause why an eligible's name should be removed from an eligible list.

2. Copies of all information submitted to the Department of Civil Service concerning the removal of a name from an eligible list or an appeal therefrom should be filed with the opposing party.

**12-11.101e Appeals from removals or refusals to remove a name from an eligible list:**

An eligible whose name has been removed from an eligible list may appeal to the Civil Service Commission for a review of that action within 20 days of notification of the removal.

An appointing authority may appeal to the Civil Service Commission within 20 days of notification for a review of a refusal to remove the name of an eligible from a list.

Notice of the removal or the refusal to remove a name from an eligible list must include notification of the right to appeal for a review by the Civil Service Commission.

When a name is removed upon request of an appointing authority, a copy of the notification of removal and appeal rights shall be forwarded to the appointing authority.

All material that the appellant (either the eligible or the appointing authority) wishes the Commission to consider in its review should be submitted in writing with the appeal.

An order adopting these amendments to the State Service Manual was filed on May 15, 1978, as R.1978 d.153 (Exempt Procedure Rule), to become effective on May 17, 1978. An order adopting the amendments to the Local Jurisdictions Manual was filed on May 15, 1978, as R.1978 d.154 (Exempt Procedure Rule), to become effective on May 17, 1978.

Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Rules on Eviction and Relocation

Patricia Q. Sheehan, Commissioner of the Department of Community Affairs, pursuant to the authority of P.L. 1975, c. 311, P.L. 1971, c. 362 and P.L. 1967, c. 79, proposes to adopt regulations concerning eviction and relocation.

A copy of the complete text of seven pages of the proposed regulations is available from the Department of Community Affairs, Bureau of Housing, P.O. Box 2768, Trenton, New Jersey 08625. Such rules, if adopted, will be cited as N.J.A.C. 5:11-11.1 et seq.

A public hearing on the proposed regulations will be held on Wednesday, June 21, 1978 at 10:00 A.M. in the local finance board room, Room 105, of the Department of Community Affairs, 363 West State Street, Trenton, New Jersey.

Persons interested in testifying should call 609-292-6417 for a time to speak. Written statements should accompany the oral testimony and are to be submitted at the time of testimony. A time limit may be imposed in order to accommodate all speakers.

Interested persons may also present statements in writing relevant to the proposed action on or before June 28, 1978, to the department of the above address.

The Department of Community Affairs, upon its own motion or at the instance of any interested party, may thereafter adopt these rules as proposed without further notice.

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(b)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Amendment on Continuation Of Rental Assistance Payments

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1971, c. 362, proposes to amend N.J.A.C. 5:11-9.7, concerning the continuation of rental assistance payments.

Full text of the proposal follows (additions indicated in boldface thus):

**5:11-9.7(d) Payments for relocation rental assistance will be terminated when the family or individual moves into public housing or receives a Federal housing subsidy reducing their rent to 25 per cent of their income.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Department of Community Affairs  
Bureau of Housing and Renewal Services  
P.O. Box 2768  
Trenton, N.J. 08625

The Department of Community Affairs may thereafter adopt rules concerning this subject without further notice.

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Amendments to Rules on Construction And Maintenance of Hotels and Multiple Dwellings

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:13A-7, proposes to adopt the following amendments:

1. A rule repealing certain regulations which have been superseded by the Uniform Construction Code (N.J.S.A. 52:27D-1 et seq.) and the regulations promulgated pursuant thereto (N.J.A.C. 5:23-1.1 et seq.) or which cover matters fully covered in the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.) and are therefore either confusing or redundant, or which are otherwise inappropriate for inclusion in the New Jersey Administrative Code:

The following regulations, or indicated parts of regulations, be and the same are hereby repealed. (Except where it is indicated that only certain words are to be deleted, the entire regulation is to be repealed. Regulations are cited in accordance with the New Jersey Administrative Code.):

5:10-1.1(a) (delete words "Construction and"); 5:10-1.1(b); 5:10-1.2; 5:10-1.4 (delete words "construction, alteration" and "demolition, removal"); 5:10-1.10; 5:10-1.11; 5:10-1.12; 5:10-1.13; 5:10-1.14; 5:10-1.15; 5:10-1.16; 5:10-1.17; 5:10-1.18; 5:10-1.19; 5:10-1.20; 5:10-1.21; 5:10-1.23; 5:10-1.24; 5:10-1.25; 5:10-1.26(b); 5:10-1.26(c); 5:10-1.26(d); 5:10-1.26(h); 5:10-1.27; 5:10-1.31; 5:10-1.32; 5:10-2.2 (delete definitions of "Certificate of Occupancy" "Minor Alteration", "Hotel" and "Multiple Dwelling"); sub-chapters 3 through 18 of chapter 10 of title 5.

The full text of the regulations affected is set forth in the New Jersey Administrative Code.

2. A rule replacing the reference to N.J.A.C. 5:10-1.25 (to be repealed) set forth in N.J.A.C. 5:10-1.29(c) and 5:10-1.30(c) with the appropriate statutory reference:

1) N.J.A.C. 5:10-1.29(c) be and the same is hereby amended to read as follows:

"(c) Said application shall be accompanied by a fee as required by N.J.S.A. 55:13A-12(b)."

2) N.J.A.C. 5:10-1.30(c) be and the same is hereby amended to read as follows:

"(c) Said application shall be accompanied by a fee as required by N.J.S.A. 55:13A-12(b)."

3. A rule amending N.J.A.C. 5:10-1.28 by adding provisions requiring the filing, without fee, of an amended certificate of registration when there is a change in the number of dwelling units in a registered building and forbidding occupancy of a building subject to the Hotel and Multiple Dwelling Law prior to the issuance of a certificate of registration:

1) The following regulation be and the same is hereby enacted as N.J.A.C. 5:10-1.28(h):

"(h) In the event that the number of dwelling units in a registered hotel or multiple dwelling is changed, the owner of the said hotel or multiple dwelling shall file an amended application for certificate of registration within 30 days of such change. No fee shall be charged for the filing of such amended application.

2) The following regulation be and the same is hereby enacted as N.J.A.C. 5:10-1.28(i):

"(i) No hotel or multiple dwelling subject to the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.) shall

be occupied or offered to be occupied prior to the issuance of a certificate of registration for such hotel or multiple dwelling."

Copies of the proposed rules may be obtained upon written request to the Bureau of Housing Inspection, P.O. Box 2768, Trenton, N.J. 08625. Interested persons may present statements orally or in writing relevant to the proposed rule at a public hearing at the Department of Community Affairs, 363 West State Street, Trenton, New Jersey at 1:00 P.M. on July 10, 1978.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before July 10, 1978, to the Bureau of Housing Inspection, at the above address.

The commissioner may, with or without amendments, thereupon adopt this rule without further notice.

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(b)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Rules on Tax Exemption For Solar Facilities

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c.217, as amended, proposes to adopt new rules concerning tax exemptions for solar facilities. Such proposed rules were developed jointly by the three departments of Energy, Treasury and Community Affairs.

Full text of the proposal follows:

#### SUBCHAPTER 6. TAX EXEMPTION FOR SOLAR FACILITIES

##### 5:23-6.1 Applications; forms

Applications for tax exemption pursuant to P.L. 1977, c.256, shall be made on a form prepared by the Department of Treasury, Division of Taxation, and made available to the public at the office of the enforcing agency.

##### 5:23-6.2 Construction official's responsibilities

The construction official shall have responsibility for determining the eligibility of proposed solar heating and cooling systems, pursuant to the standards promulgated in N.J.A.C. 14A:4-1 et seq. The construction official shall consult with the appropriate subcode officials in determining conformity with standards adopted by the Department of Energy pursuant to the act. The construction official shall in addition review the cost estimates provided by the applicant. The construction official may require documentation in the form of signed contracts, contractor estimates and the like if he deems necessary. The construction official shall grant or deny certification of the system prior to issuance of the construction permit and shall notify the applicant of his decision at that time. The construction official shall forward a copy of the approved application for exemption to the municipal assessor for his action upon issuance of the certificate of occupancy or certification of completion.

##### 5:23-6.3 Revocation of certification

(a) The enforcing agency, after giving written notice to the owner may revoke such certification whenever any of the following appears:

1. The exemption was obtained by fraud or misrepresentation;

2. The claimant for tax exemption has failed substantially to proceed with the construction, reconstruction, installation or acquisition of a solar heating cooling system;

3. The structure or equipment or both to which the certificate relates has ceased providing solar energy and is being used for a different primary purpose;

4. The claimant for tax exemption hereunder has so departed from the equipment, design and construction previously certified by the enforcing agency that, in the option of said enforcing agency, the solar heating and cooling system is not suitable and reasonably adequate for the purpose of providing solar energy.

5:23-6.4 Notification of revocation of certification

The construction official shall notify the assessor in writing of the revocation of the certification, pursuant to N.J.A.C. 5:23-6.3.

5:23-6.5 Appeals

Appeals may be made regarding the decision of the construction official to the Construction Board of Appeals, in accordance with N.J.A.C. 5:23-2.10.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Construction Code Enforcement  
Department of Community Affairs  
P.O. Box 2768  
Trenton, N.J. 08625

The Department of Community Affairs may thereafter adopt rules concerning this subject without further notice.

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(a)

**COMMUNITY AFFAIRS**

**DIVISION OF LOCAL GOVERNMENT SERVICES**

**LOCAL FINANCE BOARD**

**Proposed New Rules on Urban Aid Reporting System**

John F. Laezza, Chairman of the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB, proposes to adopt new rules concerning urban aid reporting system under N.J.A.C. 5:30-17, concerning the program performance data specifying how the Urban Aid moneys are to be utilized to maintain, upgrade and improve municipal services, as specified in Chapter 14, P.L. 1978.

Full text of the proposal follows:

5:30-1.15 Urban aid reporting system

(a) The Local Finance Board has been requested to continue the established urban aid reporting system by the director of the Division of Local Government Services and the Local Finance Board has also been requested to insure that urban aid moneys are to be utilized to maintain, upgrade and improve municipal services, as specified in chapter 14 of the Public Laws of 1978. All moneys distributed pursuant to this act as well as all other municipal funds may be subject to an operational audit by the director of the Division of Local Government Services.

(b) The Local Finance Board hereby stipulates that prior to July 1, 1978, and every July 1 thereafter each

municipality receiving State aid pursuant to chapter 14, P.L. 1978, shall submit to the director of the Division of Local Government Services in the Department of Community Affairs program performance data specifying how the moneys are to be utilized to maintain, upgrade and improve municipal services. The data shall be submitted in sufficient detail to permit the director to evaluate municipal expenditure and program purposes as to service, need and performance, including unit costs. In addition, each municipality receiving aid pursuant to this act shall submit to the director on December 31, 1978, and every December 31 thereafter a report describing the achievement of the program plans developed in accordance with the act.

Interested persons may present statements or arguments in writing or orally, relevant to the proposal on or before July 10, 1978, to:

Anthony M. Malba Jr.  
Supervising Program Development Specialist  
Division of Local Government Services  
Department of Community Affairs  
363 W. State Street  
Trenton, N.J. 08625

The Local Finance Board may thereafter adopt regulations concerning this subject without further notice.

John F. Laezza  
Department of Community Affairs  
Chairman, Local Finance Board

(b)

**COMMUNITY AFFAIRS**

**LOCAL FINANCE BOARD**

**Proposed New Rule on Dedication By Rider to Local Unit's Budget**

The Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 40A:4-39, proposes to adopt a new rule concerning the dedication by rider to the budget of the local unit.

Full text of the proposal follows:

5:30-3.3(c) Rules concerning dedication by rider to the budget of the local unit are:

1. Fees received by the constituent municipalities of the Hackensack Meadowlands Development Commission are to be placed in a trust fund and such trust fund shall be considered a "dedication by rider" to the budget of the constituent district per N.J.S.A. 40A:4-39 for the sole purpose stated above.

2. Moneys received by the municipality are to be placed in a specific trust fund and such trust fund shall be considered a "dedication by rider" to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above.

3. Such trust fund shall be considered a "dedication by rider" to the budget of the local unit per N.J.S.A. 40A:4-39, and any interest earned shall remain in the fund to be utilized for the purpose for which it is created.

4. Such revenue received by the municipality or county are to be placed in a specific trust fund and such trust fund shall be considered a "dedication by rider" to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above.

5. Such fees received by the municipality are to be placed in a specific trust fund and such trust fund shall be considered a "dedication by rider" to the budget of

the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Local Finance Board  
Department of Community Affairs  
363 West State Street  
P.O. Box 2768  
Trenton, N.J. 08625

The Department of Community Affairs may thereafter adopt rules concerning this subject without further notice.

Helen L. Mathews  
Secretary, Local Finance Board  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### DIVISION OF HUMAN RESOURCES

#### BUREAU OF COMMUNITY PROGRAMS

##### Emergency Rules on Handicapped Person's Recreational Opportunities Act

On May 5, 1978, John S. Miller Jr., Chief of the Bureau of Community Programs in the Division of Human Resources in the Department of Community Affairs, pursuant to authority of P.L. 1977, c. 379, and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning the Handicapped Person's Recreational Opportunities Act.

Full text of the adoption follows:

#### CHAPTER 62. BUREAU OF COMMUNITY PROGRAMS SUBCHAPTER 1. HANDICAPPED PERSON'S RECREATIONAL OPPORTUNITIES ACT

##### 5:62-1.1 General information

(a) Pursuant to chapter 379, P.L. 1977, and the Administrative Procedure Act, P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the Department of Community Affairs herein establishes rules and regulations for the administration of the Handicapped Person's Recreational Opportunities Act.

(b) The major purpose of the Handicapped Person's Recreational Opportunities Act (Chapter 379, P.L. 1977) is to encourage and support the promotion, planning, development, implementation and maintenance of comprehensive recreation services by municipalities, counties and nonprofit agencies for handicapped persons. It authorizes these entities to expend their own or other specified moneys through contracts made for this purpose. Specifically:

1. It identifies handicapped persons as having recreational needs.

2. It authorizes the Commissioner of the Department of Community Affairs to establish standards for the administration of this program.

3. It defines handicapped persons or persons who are mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted, multiply handicapped or developmentally disabled.

4. It provides up to \$25,000 annually for special events such as special olympics, tournament of champions, and other similar events termed appropriate by the com-

missioner. Appropriations for special events shall not exceed \$1,000 each for approved municipalities and \$2,500 each for approved counties annually.

5. It sponsors qualifying recreation projects as recommended to the Commissioner, Department of Community Affairs.

6. It appropriates for the purpose of this act \$150,000 to the Department of Community Affairs for use on a \$5.00 for each \$1.00 contributed, for special projects by participating entities during the fiscal year commencing July, 1978.

##### 5:62-1.2 Eligibility of grantees

Any municipality, county, or nonprofit agency serving handicapped persons is eligible for consideration.

##### 5:62-1.3 Funding criteria

(a) Any approved grant must contribute to the recreational development of handicapped persons.

(b) Grantees must contribute on a five to one ratio as provided by this law.

(c) Special events shall not exceed:

1. \$1,000 for each municipality;
2. \$2,500 for each county; and
3. \$25,000 total amount for special events in the State.

##### 5:62-1.4 Types of eligible projects

(a) Projects which involve community support for recreation facilities and services for handicapped persons.

(b) Those which plan for the coordination of community-county resources for recreation for handicapped persons including public, voluntary, and commercial recreation facilities.

(c) Informational and educational projects which promote the purpose of recreation for handicapped persons.

(d) The development, conducting, and evaluation of selected activities which involve handicapped persons in a recreational program.

(e) The development, conducting, and evaluation of mainstreaming activities for handicapped persons in a recreation program.

(f) Sponsorship or participation in special events such as special olympics, tournament of champions, or other events termed appropriate by the commissioner.

##### 5:62-1.5 Principles in establishing priorities for funding

(a) The commissioner will be guided by the following principles in determining priorities for the use of limited funds. Projects should:

1. Reinforce the status of handicapped persons as members of a total society. Projects which further isolate or accentuate stereotypes of handicapped persons will not be acceptable.

2. Indicate a sufficient degree of interest and potential participation by handicapped persons.

3. Be of an extent to which it will directly or indirectly benefit handicapped persons.

4. Be appropriate to the population it is to serve.

5. Have a defined relationship to other recreation programs in the agency/community.

6. Not duplicate services already provided in the agency/community.

7. Have the capacity to serve as the basis for additional activities within the community or in other communities in New Jersey.

8. Have a potential for Statewide planning for a comprehensive recreation program for handicapped persons.

##### 5:62-1.6 Funding application procedure

(a) Submission of a proposal which shall include:

1. Identification of need for the project;
2. Intention to appoint a project coordinator or director if funded;

3. A description of the overall goals, aims and objectives of the project;

4. Detail what is to be done to meet these goals to include:

- i. Whom the project will serve;
- ii. Estimate maximum cost of project, using five to one ratio;
- iii. Proposed budget;
- iv. Any factors which might enhance or supplement efficacy;
- v. Evaluation criteria for the project;
- vi. A tentative plan for possible follow-up on the outcome of the results of the project in the community or State.

5. All proposals should be sent to:

Director, Division of Human Resources  
Department of Community Affairs  
P.O. Box 2768  
363 West State Street  
Trenton, New Jersey 08625

An order adopting these rules was filed and became effective on May 5, 1978, as R.1978 d.143 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Amendments to Uniform Construction Code Rules

On May 19, 1978, the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-119, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:23-1.4, 5:23-2.9(c)2., 5:23-3.3(k) and 5:23-4.11, concerning the Uniform Construction Code, substantially as proposed in the Notice published April 6, 1978, at 10 N.J.R. 141(a), with only inconsequential structural or language changes, in the opinion of the Department of Community Affairs.

An order adopting these amendments was filed on May 19, 1978, as R.1978 d.162 to become effective on June 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Amendments to Rules On Special Education

The State Board of Education, pursuant to authority of N.J.S.A. 18A:46-1 et seq. and 18A:46A-1 et seq., proposes to revise in its entirety the current text of chapter 28 in Title 6 of the New Jersey Administrative Code and adopt new text therein.

Notice of the intent to review the rules on special education was first published in the February 9, 1978, issue of the New Jersey Register. The State Board of Education proposes to revise these rules further. The republication

copy incorporates many of the suggestions received by the department since publication of the proposed rules in February.

Revisions to N.J.A.C. 6:28-1.1 et seq. are necessary to place the State of New Jersey in compliance with the requirements of Public Law 94-142 and section 504 of the Rehabilitation Act of 1973. The proposed revisions clarify the scope of the provisions and include Federal requirements not incorporated in current regulations. The proposed revisions are written in a sequence which follows the practical application of the regulations.

Subchapter 1 covers general requirements, definitions, identification, referral, child study teams, evaluation, classification, individualized educational programs, due process and appeals. Elements of these components which are spread throughout current regulations are placed in distinct sections which provide appropriate context and sequence. Definitions are made clearer and processes are more adequately described. The scope of the regulations is extended to cover all public and private agencies which provide educational services to handicapped pupils by means of public funds. Federal requirements relating to parental rights and individualized educational programs are incorporated.

Subchapter 2 describes basic requirements for the provision of special education programs. The Federal definition of the concept of least restrictive environment is incorporated.

Subchapter 3 covers standards for the approval of special education programs and related services. Criteria for approval are specified and types of educational programs are clearly described. Federal requirement on annual plans are incorporated.

Subchapter 4 describes the provision of special education programs in eligible private schools for the handicapped at public expense. Standards for approval are specified, and requirements relating to comparable services are defined. The Federal requirement that special education services provided in private schools under public agency auspices must be at no cost to parents is incorporated. The Federal mandate necessitates extending this requirement to include residential costs, if a free and appropriate education cannot be made available in a non-residential setting.

Subchapters 5 and 6 cover special services to pupils in nonpublic schools and were adopted separately by the State Board of Education on December 7, 1977.

Subchapter 7 places requirements relating to private clinics and agencies in a distinct section.

Subchapter 8 contains previous regulations relating to county boards of special services and expands the scope to include jointure commissions, educational services commissions and educational improvement centers.

Subchapters 9 and 10 are added to place special education programs operated by the State of New Jersey within the scope of the regulations. The addition is made necessary by Federal mandates.

Copies of the 81 pages of full text of the proposed revisions may be obtained from:

Bureau of Special Education and Pupil Personnel Services  
Division of School Programs  
Department of Education  
P.O. Box 2019  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to the Bureau of Special Education and Pupil Personnel Services at the above address.

The State Board of Education may thereafter adopt these revisions substantially as proposed without further notice.  
Fred G. Burke  
Commissioner of Education  
Secretary, State Board of Education

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Rules on Evaluation Of Tenured Teaching Staff Members

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:6-10 et seq., 18A:7A-1 et seq. and 18A:29-14, proposes to adopt new rules as N.J.A.C. 6:3-1.21 concerning the evaluation of tenured teaching staff members.

These rules would require an annual evaluation of tenured teaching staff members in all local school districts. The evaluation would be based on duties of tenured teaching staff members as they relate to local program goals.

This proposal excludes the district superintendent of schools or, if there is no superintendent, excludes the principal. Rules for this group will be proposed in the near future.

Full text of the proposed new rules follows:

#### 6:3-1.21 Evaluation of tenured teaching staff members

(a) Every local board of education shall adopt policies and procedures requiring the annual evaluation of all tenured teaching staff members by appropriately certified personnel (N.J.S.A. 18A:1-1; N.J.A.C. 6:11-3.4).

(b) The purpose of the annual evaluation shall be to:

1. Promote professional excellence and improve the skills of teaching staff members;
2. Improve student learning and growth;
3. Provide a basis for the review of performance of tenured teaching staff members.

(c) The policies and procedures shall be developed under the direction of the district's chief school administrator in consultation with tenured teaching staff members and shall include but not be limited to:

1. Roles and responsibilities for implementation of the policies and procedures;
2. Development of job descriptions and evaluation criteria based upon local goals, program objectives and instructional priorities;
3. Methods of data collection and reporting appropriate to the job description including, but not limited to, observation of classroom instruction;
4. Observation conference(s) between the supervisor and the teaching staff member;
5. Provision for the use of additional appropriately certified personnel where it is deemed appropriate;
6. Preparation of individual professional improvement plans;
7. Preparation of an annual written performance report by the supervisor and an annual summary conference between the supervisor and the teaching staff member.

(d) These policies shall be distributed to each tenured teaching staff member no later than October 1. Amendments to the policy shall be distributed within 10 working days after adoption.

(e) The annual summary conference between supervisors and teaching staff members shall be held before the written performance report is filed. The conference shall include but not be limited to:

1. Review of the performance of the teaching staff member based upon the job description;
2. Review of the teaching staff member's progress toward the objectives of the individual professional improvement plan developed at the previous annual conference;
3. Review of available indicators of pupil progress and growth toward the program objectives;
4. Review of the annual written performance report and the signing of said report within five working days of the review.

(f) The annual written performance report shall be prepared by a certified supervisor who has participated in the evaluation of the teaching staff member and shall include but not be limited to:

1. Performance areas of strength;
2. Performance areas needing improvement based upon the job description;
3. An individual professional improvement plan developed by the supervisor and the teaching staff member;
4. A summary of available indicators of pupil progress and growth, and a statement of how these indicators relate to the effectiveness of the overall program and the performance of the individual teaching staff member;

5. Provision for performance data which has not been included in the report prepared by the supervisor to be entered into record by the evaluatee within 10 working days after the signing of the report.

(g) Local board of education policies for the evaluation of tenured teaching staff members, based upon but not limited to the above provisions, shall be developed during the 1978-79 school year and shall become operational September 1, 1979. These provisions are the minimum requirements for the evaluation of tenured teaching staff members.

(h) For the purposes of this section:

1. Appropriately certified personnel means personnel qualified to perform duties of supervision which includes the superintendent, assistant superintendent, principals, vice-principals and supervisors of instruction who hold the appropriate certificate and who are designated by the board to supervise instruction;

2. Indicators of pupil progress and growth means the results of formal and informal assessment of pupils as defined in N.J.A.C. 6:8-3.4.

3. Individual professional improvement plan is a written statement of actions developed by the supervisor and the teaching staff member to correct deficiencies or to continue professional growth, timeliness for their implementation and the responsibilities of the individual teaching staff member and the district for implementing the plan;

4. Job description means a written specification of the function of the position, duties and responsibilities, the extent and limits of authority and work relationships within and outside the school and district;

5. Observation conference means a discussion between supervisor and teaching staff member to review a written report of the performance data collected in a formal observation and its implications for the teaching staff member's annual evaluation;

6. Observation means a visitation to an assigned work station by a certified supervisor for the purpose of formally collecting data on the performance of a teaching staff member's assigned duties and responsibilities and of a duration appropriate to same;

7. Performance report means a written appraisal of the teaching staff member's performance prepared by an appropriately certified supervisor;

8. Supervisor means any appropriately certified individual assigned with the responsibility for the direction and guidance of the work of teaching staff members;

9. Teaching staff member means a member of the professional staff of any district or regional board of educa-

tion, or any board of education of a county vocational school, holding office, position or employment of such character that the qualifications for such office, position or employment require him/her to hold a valid and effective standard, provisional or emergency certificate, appropriate to his/her office, position or employment, issued by the State board of examiners and includes a school nurse; excluding the district superintendent of schools or, if there is no superintendent, excluding the principal.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Lorraine L. Colavita  
Executive Assistant for Administrative  
Practice and Procedure  
Department of Education  
225 West State Street  
Trenton, N.J. 08625

The State Board of Education may thereafter adopt these revisions substantially as proposed without further notice.

Fred G. Burke  
Commissioner of Education  
Secretary, State Board of Education

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Amendments on Statewide Assessment

On May 3, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18:A4-15, 18A:4-24, 18A:7A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:39-1.1 et seq. concerning Statewide assessments, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 97(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

The substantive changes concern the fact that the proposed rule on exclusion of pupils (N.J.A.C. 6:30-1.2) was not adopted at this time but will be considered for adoption at a later date. The remaining amendments proposed were adopted as published.

An order adopting these amendments was filed and became effective on May 12, 1978, as R.1978 d.146.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Amendments on Adult Education Relating to Standards for Reimbursement

On May 3, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:50-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:44-

3.1(a)5. Concerning adult education and standards for reimbursement, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 141(b).

An order adopting these amendments was filed on May 12, 1978, as R.1978 d.147 to become effective on September 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Rules on Contracting for Educational Services With Eligible Private Vocational Schools

On May 3, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:54-10.1 et seq., 18A:69-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited N.J.A.C. 6:46-9.1 et seq., concerning contracting for educational services with eligible private vocational schools, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 96(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

An order adopting these rules was filed and became effective on May 12, 1978, as R.1978 d.148.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments on Delineated Floodways in the Raritan Basin

Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et seq., proposes to amend N.J.A.C. 7:13-1.11(d)2. concerning delineated floodways in the Raritan Basin.

The proposed amendments are known within the Department of Environmental Protection as Docket No. DEP 017-78.05.

Full text of the proposal follows (additions indicated in boldface thus):

7:13-1.11(d)2.

Council	Adoption Date	Stream	Limits	Type
	6/26/72	Raritan River	Mouth to confluence with north and south branches Raritan River	1

i. Amended 4/17/78 Plate R-8

Copies of the report delineating this stream may be inspected in the offices of the Division of Water Resources at 1474 Prospect Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Betty Wilson  
Deputy Commissioner  
Division of Water Resources  
P.O. Box 2809  
Trenton, N.J. 08625

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Betty Wilson  
Deputy Commissioner  
Department of Environmental Protection

**(a)**

**ENVIRONMENTAL PROTECTION  
THE COMMISSIONER**

**Proposed Amendments on Delineated  
Floodways in the Raritan Basin**

Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-50 et seq. and 13:1D-1 et seq., proposes to adopt amendments to the rules concerning delineated floodways in the Raritan Basin.

The proposed amendments are known within the Department of Environmental Protection as Docket No. DEP 016-78-05.

Full text of the proposal follows (additions indicated in boldface thus):

7:13-1.11(d)21.

Council Adoption Date	Stream	Limits	Type
6/18/73	Matchaponix Brook	Mouth at confluence with South River to confluence with McGelliards Brook and Weamaconk Creek	1

**i. Amended 4/17/78 Plate P-1**

Copies of the report delineating this stream may be inspected in the offices of the Division of Water Resources at 1474 Prospect Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Betty Wilson  
Deputy Commissioner  
Division of Water Resources  
P.O. Box 2809  
Trenton, N.J. 08625

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Betty Wilson  
Deputy Commissioner  
Department of Environmental Protection

**(b)**

**ENVIRONMENTAL PROTECTION**

**THE COMMISSIONER  
Proposed Amendments on Crab Pots**

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, on the advice of the Maurice River Cove Shellfisheries Council, and pursuant to authority of N.J.S.A. 50:3-20; and in accordance with applicable provisions of the Administrative Procedure Act, proposes certain changes in the rules on crab pots known within the Department of Environmental Protection as Docket No. DEP 006-77-02.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

7:25-14.6 Non-commercial licenses [effective January 1, 1978]

A non-commercial license may be issued annually for no more than four [two] pots which shall be marked with the license number. The fee for this non-commercial license shall be \$10.00 [\$5.00] annually. The non-commercial license shall limit the harvest and possession of crabs to one bushel daily per license on the water or landing. Crabs taken under provisions of this license may not be sold or used for barter.

7:25-14.7 Placement and marking of pots

(a) Each crab pot in the bay shall be provided with a clearly visible marker buoy, said buoy to bear in contrasting color the license number of the owner.

(b) No commercial-type [commercially licensed] pot shall be placed within the confines of any creek or river except the Delaware River from the headwaters of the bay to the line of Delaware State jurisdiction eastward of the main shipping channel.

(c) No commercial-type [commercially licensed] pot shall be placed in a marked channel or 100 feet thereof. [Non-commercially licensed pots may be placed in a creek or river or in the Delaware Bay but in all cases must be fastened to a pier or other shore-connected structure by a lone no longer than twice the depth of the water at that point.]

(d) No pot shall be placed in areas designated by the Division of Fish, Game and Shellfisheries after consultation with the Maurice River Cove Shellfisheries Council as off limits for the catching of crabs by means of pots.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1978, to:

Gale Critchlow  
Administrative Assistant  
Division of Fish, Game and Shellfisheries  
Box 1809  
Trenton, N.J. 08625

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt these changes substantially as proposed without further notice.

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

**(a)**

**ENVIRONMENTAL PROTECTION**

**THE COMMISSIONER**

**Proposed Amendments to General Rate Schedule For Delaware and Raritan Canal Water**

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:12.4 and 13:12.9, proposes to amend the rules concerning the general rate schedule for Delaware and Raritan Canal water. This proposal is known within the Department of Environmental Protection as Docket No. DEP 022-78-05.

It is intended, if such amendments are adopted, that they become effective January 1, 1979.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

**SUBCHAPTER 2. GENERAL RATE SCHEDULE FOR DELAWARE AND RARITAN CANAL WATER**

**7:11-2.1 General provisions**

[(a) The general rate schedule established by the Commissioner of Environmental Protection with the endorsement of the Water Policy and Supply Council of the Division of Water Resources, effective as of January 1, 1975, specifies the following rates to be paid for raw water withdrawn from the Delaware and Raritan Canal; these rates, together with the rate adjustment and demand charge provisions set forth in this subchapter, will be incorporated in water use agreements:

Gallons per month	Rate per million gallons
1. All water withdrawn	\$50.00]

The rates and charges listed below shall be paid for raw water withdrawn from the Delaware and Raritan Canal and are hereby promulgated by the Commissioner of the Department of Environmental Protection in accordance with N.J.S.A. 13:13-12.4 and 13:13-12.9. These rates and charges together with rate adjustment and demand charge provisions set forth herein will be incorporated in all water-use agreements.

**[7:11-2.2 Rate adjustment**

All agreements for the sale of water from the Delaware and Raritan Canal shall reserve to the Division the right to review and revise these rates from time to time by the establishment of a new general rate schedule.]

**7:11-2.2 Rates and charges**

(a) The charge per million gallons listed below is based on the estimated annual cost of operations, maintenance, replacement and maintenance reserve, contingency reserve, and capital improvement.

Allocation	Charge/Million Gallons
Million gallons per day (Mgd.)	\$75.00

**7:11-2.3 Demand charge**

(a) Effective on the date of commencement of charges as prescribed under ["Period of agreement"] "commencement of charges" in the rules and regulations for the use of water from the Delaware and Raritan Canal, except for standby service described in section 4 of this subchapter, the user shall pay to the division a monthly charge amounting to 100 per cent of the value of the quantity of water specified in the agreement for maximum 24-hour

withdrawal at the rates prevailing in the agreement in effect at that time.

(b) Calculation of said demand charges as provided in subsection (a) of this section shall be on the basis of the anticipated number of withdrawal days, but not less than 22 withdrawal days per month.

**7:11-2.4 Standby services**

(a) A user applying for water supply for occasional use only, such as fire protection, may be classified by the division as "standby service." Such user shall pay a monthly standby charge instead of a demand charge, but shall in all other respects comply with the rules and regulations for the use of water from the Delaware and Raritan Canal.

(b) The division reserves the right to revoke such standby service classification at any time on 30 days' written notice to the user.

[(c) Upon revocation, such user may submit an application for normal water use, or on failure to do so, the original agreement will be terminated.]

(c) Such revocation shall not prejudice the right of such user to submit an application for normal water use either prior to, or following the effective date of revocation.

**7:11-2.5 Standby charge**

(a) A user classified under standby service, as provided in section 4 of this subchapter, shall pay [for water withdrawn at the rates set forth in the general rate schedule, but not less than the standby charge as specified below, based on the capacity of his withdrawal system.] the monthly minimum charge, based on the capacity of his withdrawal system, as specified below. In addition he shall pay, for all water withdrawn during the month, any charges as set forth in the general rate schedule which are in excess of such monthly standby charge.

Note: Mgd. = million gallons daily; Gpm. = gallons per minute.

Maximum withdrawal capacity	Charge
1. Each 1 Mgd (700 Gpm.) or fraction thereof:	(\$50.00 per month) \$75.00 per month

**7:11-2.6 Rate adjustment**

All agreements for the sale of water from the Delaware and Raritan Canal shall reserve to the department the right to review and revise these rates from time to time by the establishment of a new general rate schedule. Purchasers shall be notified of such changes not less than six months in advance of the effective date of such revision.

**7:11-2.7 Expiration date**

The general rate schedule herein adopted, pursuant to the Administrative Procedure Act (P.L. 1968 C410; N.J.S. 52:14B-1 et seq.), shall expire on December 31, 1984, unless otherwise amended or rescinded.

A public hearing will be held on July 7, 1978 at 10:00 A.M. in Room 116, Hill Center, Busch Campus, Rutgers University, Piscataway Township, Middlesex County to provide the opportunity for public comments and statements on the proposed revisions to the rates and charges to be paid for raw water withdrawn from the Delaware and Raritan Canal. Interested persons may present statements orally or in writing.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before July 7, 1978, to:

Michael J. Galley, Chief  
Bureau of Water Facility Operations  
Division of Water Resources  
Department of Environmental Protection  
P.O. Box 5196  
Clinton, New Jersey 08809

Upon full consideration of all statements and arguments respecting the proposed action, the Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Department of Environmental Protection  
Daniel J. O'Hern  
Commissioner

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments to Standards For Construction of Sewerage Facilities and Water Supply Systems for Realty Improvements

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., and 58:11-23 et seq., proposes to amend several rules concerning the standards for the construction of sewerage facilities and water supply systems for realty improvements.

Such proposed amendments are known within the Department of Environmental Protection as Docket No. DEP 011-77-02.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

N.J.A.C. 7:9-2.5 "Design", is amended to read as follows:

The design of an individual sewage disposal system shall take into consideration, location with respect to wells or other sources of water supply, topography, existing individual sewage disposal systems on adjacent properties, water tables, soil characteristics, available area and expected volume of sewage and shall comply with these and other provisions of these standards regarding design. All engineering data submitted must bear an engineer's seal and signature. Alterations to individual subsurface sewage disposal systems shall be [certified] **acceptable** to the authorized agent.

N.J.A.C. 7:9-2.19 "Distances", is amended by the deletion of the term "trench" under the component portion of the chart in this section.

N.J.A.C. 7:9-2.51(a)6 is amended to read as follows:

Alignment and grade: The connecting pipe shall be laid in a continuous grade and, as nearly as possible, in a straight line. Drop manholes may be installed if found necessary. Horizontal bends, where required, shall not be greater than 45 [per cent] degrees.

N.J.A.C. 7:9-2.60(a) is amended to read as follows:

At least one percolation test shall be performed at the site of each disposal area. More than one test will be required where the soil structure may vary or large disposal areas are required. Preliminary tests for tracts involving more than one disposal system may be made in the amount of one per acre or as prescribed by the administrative authority. All percolation tests shall be performed under the supervision of a licensed professional engineer, licensed health officer, or first-grade sanitarian and witnessed by the administrative authority or its authorized agent, or other person whose training and experience to witness field tests are equivalent to those of a licensed person first-grade. The administrative authority or its authorized agent may waive the right to observe the percolation tests. If the administrative authority or its authorized agent is unable to witness the tests within

15 days of written request from a professional engineer, health officer or sanitarian, then certification from the engineer, health officer or sanitarian will suffice.

N.J.A.C. 7:9-2.60(c) is amended to read as follows:

Percolation tests shall be performed in accordance with the following procedures.

Step 1—Prepare a test hole in the undisturbed soil at the depth intended to be used for disposal purposes, having horizontal dimensions of 8 inches to 12 inches. Means may be used to protect the soil in the test hole from becoming clogged with silt and clay particles. Establish a fixed point at the top of the hole from which all measurements shall be taken. Fill the hole with water and allow all of this water to drain into the soil.

Step 2—Fill the hole to a depth of approximately 7 inches. At a 5 to 30-minute time interval, depending on the rate of fall, record the drop in water level in inches during the time interval selected. Immediately refill the hole to the original depth of approximately 7 inches, and repeat the test using the same time interval and method. Repeat this procedure until the distance that the water has fallen in the time interval selected becomes approximately equal. (Steps 3 and 4 shall follow immediately.)

Step 3—Remove any silt accumulation or debris remaining in the hole.

Step 4—Refill the hole to a depth of 7 inches as quickly as possible and record the time required for only 6 inches of the water to seep away. This time divided by six will be the percolation rate in minutes per inch.

N.J.A.C. 7:9-2.61(a)2 is amended to read as follows:

The depth of test borings or pits shall be 10 feet, or to bedrock when encountered. If seepage pits are proposed, test borings or test pits shall be to a depth of 8 feet below the bottom of the proposed seepage pits or to bedrock when encountered. [Power augers shall not be used to obtain soils or geologic information.] **Power augers may be used to advance or clean out test holes to sampling depths but may not be used to retrieve soil samples. Split-spoon samplers, plug samplers or other sampling devices may be used which retrieve a relatively undisturbed soil sample. Soil sampling should be continuous.**

N.J.A.C. 7:9-2.61(a)3 is amended to read as follows:

Reports of the type, nature and depth of the soils found and depth to ground water when encountered should be made and furnished to the administrative authority. **Requests by the administrative authority for soil samples shall be made prior to the completion of the tests.** All tests to determine depth to ground water must be taken between January and April inclusive, or an indication of the seasonally-high ground water table must be provided (may be obtained from the U.S. Department of Agriculture/Soil Conservation Service) or [only if the above tests and/or soils maps are not available], as accurate an indication of the seasonally-high water table as possible certified by the engineer must be submitted with the application.

N.J.A.C. 7:9-2.95(a)7 is amended to read as follows:

Lot corners or other permanent physical reference points, proposed disposal field sites, and percolation and [subsoil] boring locations [should] **shall be staked and so identified.**

Notice is further given that on May 12, 1978, an emergency rule was adopted, effective that date, deleting the definition of "bedrock" and other related provisions in the regulations. The department is reconvening the committee set forth in the "New Jersey Realty Improvement Sewerage and Facilities Act" (N.J.S.A. 58:11-23 et seq.) to study the "bedrock" issue and prepare a report to the commissioner on its findings and recommendations by December

1, 1978. A public hearing will be held thereafter on the proposed definition, prior to its inclusion in the regulations. During this review process the public is invited to comment on the definition of "bedrock" and its proper implementation in the regulations.

The amendments provided by the emergency rule are as follows:

N.J.A.C. 7:9-2.4 is amended by the deletion of the term "bedrock".

N.J.A.C. 7:9-2.60(b) is amended to read as follows:  
Percolation tests shall not be made in test holes which have been allowed to remain open to the atmosphere for periods over three days or in frozen ground. Tests shall not be made in filled ground unless the soil has been compacted or allowed to settle to the satisfaction of the administrative authority. [Tests shall not be made in bedrock.]

N.J.A.C. 7:9-2.67 is amended to read as follows:  
Excavation—Excavation for disposal beds or trenches may be made by machinery, provided that the adjacent soil will not be compacted and the provisions of section 2.12 are met. No excavating machinery shall be permitted in the excavation. When an excavation is carried below the required depth it shall be brought up to the proper elevation with filter material as specified in section 2.64. [No subsurface disposal system shall be permitted where bedrock below the system has been blasted.]

N.J.A.C. 7:9-2.70 is deleted in its entirety.  
  
The department invites and encourages public comment on these proposed modifications and the provisions of the May 12, 1978, emergency rule. Copies of the proposed modifications may be obtained from:  
Bureau of Water Quality Planning and Management  
Division of Water Resources  
P.O. Box 2809  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to the Department of Environmental Protection at the above address.  
The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

**(a)**  
**ENVIRONMENTAL PROTECTION**  
**THE COMMISSIONER**  
**Proposed Amendments to Rate Schedule**  
**For Spruce Run-Round Valley Reservoirs**

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 58:22-10, proposes to amend portions of the rules concerning the general rate schedule for the Raritan River Basin System, Spruce Run-Round Valley Reservoir Complex. Such amendments, if adopted, will become effective January 1, 1979.  
Such proposal is known within the Department of Environmental Protection as Docket No. DEP 080-78-05.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

7:11-4.4 Equivalent sustained supply  
(a) In operating the Spruce Run-Round Valley reservoir complex to augment natural stream flow during periods of low runoff, optimum dependable supply is attained at the confluence of the Millstone River where the combined flow from the tributaries of the Raritan River above that point becomes effective.

(b) Each application for the diversion, withdrawal or allocation of water from the Raritan River Basin is therefore to be evaluated, [and charges for the allocation are to be applied, in relation to its equivalent in sustained supply at the confluence set forth in subsection (a) of this section.] and differentiation in rates and charges may be made, on the basis of quantities of water to be supplied, distance between the facility and point of diversion, the cost in making such water available, the place where the water is to be used and the character of such use, and the like.

7:11-4.5 Basic confluence charges  
[The charges set forth in this subchapter apply to water withdrawn from the Raritan River Basin at or below the confluence of the Millstone and Raritan Rivers.]

The rates and charges per million gallons set forth herein shall apply to water approved by the Water Policy and Supply Council for diversion from the Raritan River Basin at or below the confluence of the Millstone and Raritan Rivers.

7:11-4.6 Production factor  
[(a) The inverse ratio between any upstream allocation and its equivalent in sustained supply at the confluence is expressed as the production factor for that allocation.]

(b) The changes set forth in this subchapter multiplied by the production factor for a given allocation, will determine the charges applying to such allocation.]

(a) For approved diversion at any location above the confluence of the Millstone and Raritan Rivers the inverse ratio between any upstream allocation and its equivalent in sustained supply at the confluence is expressed as the production factor for that allocation.

(b) For diversion at or below the confluence the production factor shall be considered to be unity (1.0).

(c) The basic confluence charges set forth herein multiplied by the production factor for a given allocation will determine the daily allotment charge applying to such allocation.

7:11-4.7 Annual demand charge [Demand charge]  
[(a) The rates and charges set forth in this subchapter, to be applied to supplies sustained or replaced by releases, or to withdrawal directly from the reservoirs, are hereby promulgated by the Commissioner of Conservation and Economic Development in accordance with N.J.S.A. 58:22-10.]

(a) [(b)] The annual demand charge for a given allocation shall be computed by multiplying the [average] daily allotment charge by 365. [and applying to the resulting annual allotment a charge in accordance with the rates and provisions set forth in this subchapter.]

(b) [(c)] Payments shall be made [quarterly] monthly as billed.

7:11-4.8 [Initial] Rates and charges  
[Charges for water supply, effective July 1, 1965 are as follows:

Bonded Indebtedness	\$20.60
Operation and Maintenance	3.61
Power and Pumping	5.05
Reserve	2.74
	Total \$32.00 per million gallons]

(a) The components of the basic confluence charges per million gallons listed below include the estimated annual cost of operations, maintenance, replacement and maintenance reserve, electrical pumping charge reserve and contingency reserve for the operations and maintenance component and the repayment cost for the bonded indebtedness component.

<b>Bonded Indebtedness Component</b>	
Effective July 1, 1965	\$20.60
<b>Operation and Maintenance Component</b>	
Effective January 1, 1979	\$48.49

7:11-4.9 Period of payment]

(b) [(a)] The bonded indebtedness charge(s) set forth in this section [Initial], Rates and charges, [are] is based on repayment of bonded indebtedness over a period of 40 years beginning in 1965.

(c) [(b)] Purchasers obtaining a supply starting later than 1965 shall be subject to the following bonded indebtedness component in order that their share of storage costs may be completed within the 40-year repayment period:

1966 — \$21.13	1971 — \$24.24	1976 — \$28.41
1937 — 21.69	1972 — 24.97	1977 — 29.43
1968 — 22.27	1973 — 25.75	1978 — 30.52
1969 — 22.89	1974 — 26.58	1979 — 31.69
1970 — 23.54	1975 — 27.47	1980 — 32.96

(d) [(c)] The bonded indebtedness component for starting later than 1980 shall be computed by multiplying the 1965 component by 40 and dividing the product by the number of years remaining in the 40-year repayment period.

7:11-4.9 (Reserved)

7:11-4.10 Special user rates

Where the water withdrawn is returned to the stream channel at a point reasonably considered to be in the near vicinity of the point of withdrawal substantially undiminished in quantity, the purchaser shall only be charged the operation and maintenance component applied to the daily allotment approved by the Water Policy and Supply Council. The annual demand charge for such use shall be determined by multiplying the daily allotment charge by 365.

7:11-4.11 Short term user rates

Until such time as the total water supply capacity of the Spruce Run-Round Valley Reservoir Complex is contracted for, interim short-term use of uncommitted capacity may be available on a non-guaranteed annual interruptible basis to support the growing of agricultural and horticultural products. Such purchaser shall only be charged the operations and maintenance component applied to the total water actually diverted during any month.

7:11-[4.10]4.12 [Periodic revision] Rate adjustment

(a) [Remaining components of the charges shall be revised from time to time, in accordance with N.J.S.A. 58:22-10, to provide for changes in the cost of operation and maintenance, power and pumping and emergency reserve.] In accordance with N.J.S.A. 58:22-10, the department reserves the right to review and revise these rates and charges from time to time. Purchasers shall be notified of such changes not less than six months in advance of the effective date of any revision. Any contract for the sale of water shall be subject to the exercise of this power.

[(b) From July 1, 1965, or the effective date of any revision, charges shall prevail pro-rata until the effective date of subsequent revision.]

7:11-4.13 Expiration date

The general rate schedule herein adopted, pursuant to the Administrative Procedure Act (P.L. 1968 C410; N.J.S.A. 52:14B-1 et seq.), shall expire on December 31, 1984, unless otherwise amended or rescinded.

A public hearing will be held on July 7, 1978, at 10:00 A.M. in Room 116, Hill Center, Busch Campus, Rutgers University, Piscataway Township, Middlesex County to provide the opportunity for public comments and statements on the proposed revisions. Interested persons may present statements orally or in writing.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before July 7, 1978, to:

Michael J. Galley, Chief  
 Bureau of Water Facility Operations  
 Division of Water Resources  
 Department of Environmental Protection  
 P.O. Box 5196  
 Clinton, New Jersey 08809

Upon full consideration of all statements and arguments respecting the proposed action, the Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed with further notice.

Daniel J. O'Hern  
 Commissioner  
 Department of Environmental Protection

(a)

**ENVIRONMENTAL PROTECTION**

**THE COMMISSIONER**

**Proposed Amendments on Raritan River Basin System**

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 58:22-10, proposes to adopt amendments, known within that Department as Docket No. DEP 021-78-05, to the rules concerning the Raritan River Basin System. Such proposed amendments are intended to become effective on January 1, 1979.

The proposed amendments involve the general transfer of the current text of N.J.A.C. 7:11-4.11 through 7:11-4.32 to the new subchapter 5 of chapter 11, and will now be cited as N.J.A.C. 7:11-5.1 through 7:11-5.23.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

**SUBCHAPTER 5. RARITAN BASIN SYSTEM; WATER SALES**

7:11-[4.11]5.1 Application for [withdrawal] supply

Application for withdrawal of water from the flow of the Raritan River or its tributaries as maintained or replaced by releases from the Spruce Run Reservoir or from the Round Valley Reservoir or from the reservoir system, or application for withdrawal of water directly from either or both reservoirs shall be submitted in writing to the Division of Water [Policy and Supply] Resources.

7:11-[4.12]5.2 Public hearing

Ed. Note: Note changes made to this section.

7:11-[4.13]5.3 Equivalent sustained supply (Ed. Note: Changes only as noted).

(b) [Each application is to be evaluated, and charges for the allocation are to be applied, in relation to its equiv-

alent in sustained supply at the confluence set forth in subsection (a) of this section.] Each application for the diversion, withdrawal or allocation of water from the Raritan River Basin is therefore to be evaluated, and differentiation in rates and charges may be made on the basis of quantities of water to be supplied, distance between the facility and point of diversion, the cost in making such water available, the place where the water is to be used and the character of such use, and the like.

#### 7:11-[4.14]5.4 Production factor

(a) The inverse ratio between each allocation and its equivalent in sustained supply at the confluence is expressed as the production factor for that allocation.

(b) The prevailing demand charge for water to be withdrawn at or below the confluence of the Raritan and Millstone Rivers (basic confluence charge), multiplied by the production factor for a given allocation, will determine the prevailing charge for such allocation. However, when the water diverted is returned to the stream after treatment which will restore the quality of the stream below the point of discharge to a degree equal to or better than that available in the stream at the point of diversion, based on elements of quality measurements established from time to time by the department, the production factor shall be considered to be unity (1.0).]

(a) The inverse ratio between each daily allocation and its equivalent in sustained supply at the confluence is expressed as the production factor for such allocation. The annual demand charge for water to be withdrawn at or below the confluence of the Raritan and Millstone Rivers (basic confluence charge), multiplied by the production factor for such given allocation, will determine the prevailing charge for such allocation.

(b) However, when the water diverted is returned to the stream after treatment which will restore the quality of the stream below the point of discharge to a degree equal to or better than that available in the stream at the point of diversion, based on elements of quality measurement established from time to time by the department, the production factor shall be considered to be unity (1.0).

Ed. Note: Following text replaces current text of 7:11-4.16.

#### 7:11-[4.16]5.5 Annual demand charge

(a) The charges to be applied to supplies sustained or replaced by releases, or to withdrawal directly from the reservoirs, are set forth as a demand charge in the general rate schedule promulgated by the Commissioner of the Department of Environmental Protection in accordance with N.J.S.A. 58:22-10.

(b) The general rate schedule may be revised from time to time to provide sufficient income for operation, maintenance, electrical pumping cost, contingency reserve and bonded indebtedness repayment.

(c) The general rate schedule provides that the capitalization portion of the charge applying to a participating purchaser contracting for less than the full 40-year period of repayment of bonded indebtedness shall be in inverse proportion to the ratio that the period of participation bears to the full 40-year period, in order that the cost of storage required to maintain such a purchaser's supply shall be paid for within the repayment period.

Ed. Note: Following text replaces current text of 7:11-4.17:

#### 7:11-[4.17]5.6 Payments

(a) The purchaser shall pay to the Division of Water Resources a total annual demand charge computed by multiplying the average daily allotment by 365.

(b) Where the water withdrawn is returned to the stream channel at a point reasonably considered to be in the near

vicinity of the point of withdrawal, substantially undiminished in quantity, the purchaser shall only pay for the cost of operation and maintenance on an annual demand charge basis.

(c) Additionally, until such time as the total water supply capacity of the Spruce Run-Round Valley Reservoir Complex is contracted for, interim short-term use of uncommitted capacity may be available on a non-guaranteed annual interruptible basis to support the growing of agricultural and horticultural products. Such short-term user shall only be charged the operations and maintenance component applied to the water actually diverted during any month.

(d) Payments shall be made monthly as billed at such place as the Division may designate.

Ed. Note: Delete text of current N.J.A.C. 7:11-4.15 and replace with text below:

#### 7:11-[4.15]5.7 Water sale agreement

(a) Water may be withdrawn from the flow of the Raritan River or its tributaries as maintained or replaced by reservoir releases, or may be withdrawn directly from the Spruce Run or Round Valley Reservoirs, only in accordance with the terms of a formal agreement, between the Department of Environmental Protection, acting for the State of New Jersey, and the purchaser.

(b) The said agreement shall be executed within 60 days after submission to the purchaser, otherwise the application and approval shall be null and void.

Ed. Note: Text below reflects changes only made to current text of 7:11-4.18.

#### 7:11-[4.18]5.8 Release scheduling

(b) For the purpose of estimating such travel time the purchaser shall by telephone, notify the Bureau of Water [Supply] Facility Operations, operating agency of the division, on every Monday at a time mutually agreed upon, of his preliminary estimated daily demands for the week starting on the following Monday.

7:11-[4.19]5.9 Peak demand (Ed. Note: No other changes made to current text of 7:11-4.19.)

#### 7:11-[4.20]5.10 Withdrawal limitation

During any period when water is being released from State owned storage facilities for any stream flow augmentation, the purchaser shall not on any day thereof withdraw any quantity of water in excess of his daily demand notification given under the procedure set forth in section (18) 8 (Release scheduling) of this subchapter.

7:11-[4.21]5.11 Excess withdrawal (Ed. Note: Changes only as noted)

During the period of reservoir releases, any water withdrawn over five per cent in excess of the advance notice of daily demand given by the purchaser as required in section (18) 8 (Release scheduling) of this subchapter, shall be paid for at the rate of \$1000.00 for each million gallons of such excess, provided however that prevailing rates shall apply in the case of overdraft for fire suppression or other catastrophe.

Note: This provision has been temporarily waived by the Commissioner of the Department of Environmental Protection until such time as the future confluence force main and confluence reservoir are constructed and are operational.

7:11[4.22]5.12 Withdrawal system (Ed. Note: Changes only as noted)

(d) The purchaser shall make such [reasonable] changes in his withdrawal system as may from time to time be ordered in writing by the division.

7:11-[4.23]5.13 Meter (Ed. Note: No other changes)

7:11-[4.24]5.14 Meter failure (Ed. Note: Changes only as noted)

(b) In the event of failure of the purchaser to comply with the order set forth in subsection (a) of this section within a reasonable period the Division may order suspension of withdrawal until the faulty meter or other measuring device has been repaired or replaced. Such suspension shall not excuse the purchaser from payment of [demand charges.] charges set forth in the general rate schedule.

7:11-[4.25]5.15 Meter readings (Ed. Note: No other changes)

7:11-[4.26]5.16 Quality control (Ed. Note: Changes only as noted)

(a) [Every reasonable action will be taken by the division to eliminate sources of pollution but it] It is stipulated that the reservoir supply is raw water subject to all quality variations and hazards inherent in natural streams and no claims regarding quality variations will be recognized.

7:11[4.27]5.17 Assistance to be furnished by purchaser (Ed. Note: No other changes)

7:11-[4.28]5.18 Damage claims

The purchaser shall at all times save and [keep] hold harmless [and] or indemnify the State of New Jersey and any of its agencies, subdivisions, officers, agents and employees against claims for damages of whatsoever kind or nature arising in any manner or under any circumstances by reason of the [acts or negligence] action or inaction of the purchaser, his officers, agents, representatives or employees in installing, constructing, replacing, repairing, maintaining or operating the withdrawal system, and the furnishing of water to others, whether such damage be sustained by the purchaser or by other persons or corporations which seek to hold the State liable.

7:11-[4.29]5.19 Period of agreement

(a) The effective date, period of agreement, and date of commencement of charges shall be set forth in section (15) 7 (Water sale agreement) of this subchapter and be consistent with terms and conditions for diversion set forth by the Water Policy and Supply Council.

(b) At the end of the specified period the agreement shall terminate except as to those matters set forth in section (28) 18 (Damage claims) of this subchapter.

7:11-[4.30]5.20 Renewal

If the purchaser desires to continue withdrawal of water [from the streams set forth in this subchapter] beyond the period specified in the original agreement, he shall submit to the division notification of intent to renew not less than 90 days in advance of the expiration date of the agreement then in force. The division has the right to reject this request.

7:11-[4.31]5.21 Strikes, natural disasters, acts of God

The division shall not be considered in default in the performance of any of its obligations to the extent that performance of any such obligations is prevented or delayed because or by reason of war, hostilities, revolution, civil commotion, strike, epidemic, accident, fire, wind, flood, explosion or embargo; or because or by reason of law, order, proclamation, or regulation of the Government of the United States of America, or of any state of the United States of America, (other than) including the State of New Jersey, or of any authority or representative of any such governments; or because or by reason of any act of God, whether of the same or a different nature.

7:11-[4.32]5.22 Assignment (Ed. Note: No other changes)

7:11-[4.33]5.23 Expiration date

The rules and regulations herein, adopted pursuant to the Administrative Procedure Act (P.L. 1968, C. 410; N.J. S.A. 52:14B-1 et seq.), shall expire on December 31, 1984, five years after the effective date of these rules and regulations unless otherwise amended or rescinded.

A public hearing will be held on July 7, 1978, at 10:00 A.M. in Room 116, Hill Center, Busch Campus, Rutgers University, Piscataway Township, Middlesex County, New Jersey to provide the opportunity for public comments and statements on the proposed revisions. Interested persons may present statements orally or in writing.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before July 7, 1978, to:

Michael J. Galley, Chief  
Bureau of Water Facility Operations  
Division of Water Resources  
Department of Environmental Protection  
P.O. Box 5196  
Clinton, New Jersey 08809

Upon full consideration of all statements and arguments respecting the proposed action, the Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed with further notice.

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

#### Proposed Amendments on Sulfur in Fuels

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:10-1 et seq., proposes to adopt amendments to the rules concerning sulfur in fuels. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 019-78-05.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

7:27-9.1 Definitions

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

"Aerodynamic downwash" means the rapid descent of a plume to ground level with little dilution and dispersion due to alteration of background air flow characteristics caused by the presence of buildings or other obstacles upward of the emission point.

"Ambient air quality standard" means a limit on the concentration of a contaminant in the general outdoor atmosphere, which cannot be exceeded without causing or tending to cause injury to human health, welfare, animal or plant life or property, or unreasonably interfering with the enjoyment of life and property, excluding all aspects of employer-employee relationship as to health and safety hazards.

"Carbon dioxide (CO<sub>2</sub>)" means a colorless, odorless gas at standard conditions, having a [which has the] molecular [formula CO<sub>2</sub>] composition of one carbon atom and two oxygen atoms.

["Commercial fuel" means liquid or gaseous fuel normally produced, manufactured, used or sold for the purpose of creating useful heat.]

"Fuel" means gaseous, liquid, or liquefiable petroleum product (excluding coal) which is produced, manufactured, used or sold for the purpose of creating useful heat.

"Fuel merchant" means any person who stores, offers for sale or sells [commercial] fuels in retail or wholesale trade, excluding agents, brokers, wholesalers, distributors or producers who sell [commercial] fuels for use in single steam and/or electric power generating facilities having rated hourly capacities that equal or exceed 200,000,000 British thermal units (BTU) gross heat input, or in a group of steam and/or electric power generating facilities at one location having a combined rated capacity which equals or exceeds 450,000,000 British thermal units (BTU) gross heat input.]

"Fuel oil" means a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil.

["Noncommercial fuel" means liquid or gaseous fuel not normally produced, manufactured, used or sold for the purpose of creating useful heat.]

"Motor vehicle" means any vehicle propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

"SSU viscosity" means the number of seconds it takes 60 cubic centimeters of an oil to flow through the standard orifice of a Saybolt universal viscometer at 100 degrees Fahrenheit.

"Stack or chimney" means a flue, conduit or opening [permitting particulate or gaseous emissions into the open air, or constructed or arranged for such purposes] de-

signed, constructed, and/or utilized for the purpose of emitting air contaminants into the outdoor air.

"Sulfur dioxide (SO<sub>2</sub>)" means a colorless gas at standard conditions [which has the], having a molecular [formula SO<sub>2</sub>] composition of one sulfur atom and two oxygen atoms.

"Viscosity" means the measure of a fluid's resistance to flow.

"Zone 1" means Atlantic, Cape May, Cumberland and Ocean Counties.

"Zone 2" means Hunterdon, Sussex and Warren Counties.

"Zone 3" means Burlington, Camden, Gloucester and Mercer Counties, except those municipalities included in Zone 6.

"Zone 4" means Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset and Union Counties.

"Zone 5" means Salem County.

"Zone 6" means the municipalities of Bass River Township, Shamong Township, Southampton Township, Tabernacle Township, Washington Township, Waterford Township and Woodland Township.

7:27-9.2 [Commercial fuel oil] Sulfur content standards

[(a) On and after the effective dates no fuel merchant shall store, offer for sale, sell, deliver for use or exchange in trade, for use in New Jersey, and no person shall use commercial fuel oils which contain sulfur in excess of the percentages by weight set forth in the following table:]

(a) No person shall store, offer for sale, sell, deliver or exchange in trade or use fuel which contains sulfur in excess of the percentages by weight set forth in Table 1.

(b) No person shall use fuel which contains sulfur in excess of the percentages by weight set forth in Table 1.

[Grades of Commercial Fuel Oil]	Classification by SSU Viscosity at 100°F	Percent Sulfur by Weight		
		Effective 5/1/68	Effective 10/1/70	Effective 10/1/71
No. 2 and lighter.	Less than or equal to 45.	0.3%	0.3%	0.2%
No. 4.	Greater than 45 but less than 145.	0.7%	0.4%	0.3%
No. 5, No. 6 and heavier.	Equal to or greater than 145.	1.0%	0.5%	0.3%.]

Table 1

Typical Grades of Fuel Oil	Classification by SSU Viscosity at 100°F.	Percent Sulfur by Weight			
		Zone 1*	Zone 2 and Zone 5	Zone 3	Zone 4 and Zone 6
No. 2 and lighter.	Less than or equal to 45,	0.3%	0.3%	0.2%	0.2%
No. 4.	including gases.				
	Greater than 45 but less than 145.	2.0%	0.7%	0.3%	0.3%
No. 5, No. 6 and heavier.	Equal to or greater than 145.	2.0%	1.0%	0.5%	0.3%

\*Zone 1 standards shall be effective for a five-year-period from the effective date of this subchapter at which time those standards in effect in Zone 2 and Zone 5 shall also apply to sources located in Zone 1.

[(b) The provisions of subsection (a) of this section shall not apply in any case in which it is demonstrated to the department that sulfur dioxide emissions, caused by the combustion of commercial fuel oils, from any stack or chimney into the outdoor atmosphere, can be controlled to levels that, on and after the effective dates do not exceed at any time those quantities of sulfur dioxide, expressed in pounds per 1,000,000 British Thermal Units gross heat input, set forth in the table on the following page:]

[Grades of Commercial Fuel Oil]	Classification by SSU Viscosity at 100°F	Percent SO2 Emissions		
		Effective 5/1/68	Effective 10/1/70	Effective 10/1/71
No. 4.	Greater than 45 but less than 145.	0.74 lbs.	0.42 lbs.	0.30 lbs.
No. 5, No. 6 and heavier.	Equal to or greater than 145.	1.1 lbs.	0.52 lbs.	0.30 lbs.]

(c) The provisions of subsections (a) and (b) of this section shall not apply to fuels whose combustion causes sulfur dioxide emissions from any stack or chimney into the outdoor atmosphere which are demonstrated to the department as not exceeding, at any time those quantities of sulfur dioxide expressed in pounds per 1,000,000 British thermal units (BTU) gross heat input, set forth in Table 2.

Table 2

Typical Grades of Fuel Oil	Classification by SSU Viscosity at 100°F.	SO2 Emissions (lbs./10 <sup>6</sup> BTU)			
		Zone 1	Zone 2 and Zone 5	Zone 3	Zone 4 and Zone 6
No. 4.	Greater than 45 but less than 145.	2.10	0.74	0.32	0.32
No. 5, No. 6 and heavier.	Equal to or greater than 145.	2.10	1.05	0.53	0.32

(d) The provisions of subsections (a), (b) and (c) of this section shall not apply whenever a person responsible for the discharge of sulfur dioxide from a facility:

1. Caused by the combustion of a combination of fuels, conforming with the standards set forth in Tables 1 and 2, in combination with facility by products; or

2. Facility by products alone; can demonstrate to the department that his emissions are predictable and will in no case not exceed 310 p.p.m. by volume adjusted to 12 per cent carbon dioxide by volume. In such cases, the department may establish conditions as it deems appropriate including, but not limited to, requiring sampling and analysis of emissions of sulfur dioxide periodic fuel analysis and the periodic submission of data.

(e) If the identified grade of fuel oil does not agree with the classification by viscosity set forth in Table 1 and Table 2, then the allowable per cent sulfur by weight shall be determined by the viscosity classification.

[7:27-9.3 Noncommercial fuel

(a) No person shall cause, suffer, allow or permit sulfur dioxide, caused by the combustion of noncommercial fuel or the combustion of noncommercial and commercial fuel mixtures, to be discharged from any stack or chimney into the outdoor atmosphere at any time in excess of 640 p.p.m. by volume adjusted to 12 per cent carbon dioxide by volume; and, on and after October 1, 1971, no person shall cause, suffer, allow or permit sulfur dioxide, caused by the combustion of noncommercial fuel or the combustion of noncommercial and commercial fuel mixtures, to be discharged from any stack or chimney into the outdoor atmosphere at any time in excess of 310 p.p.m. by volume adjusted to 12 per cent carbon dioxide by volume.

(b) Any person responsible for the discharge of sulfur dioxide, caused by the combustion of noncommercial fuel or the combustion of noncommercial and commercial fuel mixtures, from any stack or chimney into the outdoor atmosphere shall provide the facilities and necessary equipment and shall conduct stack tests using methods approved by the department. Such tests shall include a determination of the per cent by volume of the concentrations of sulfur dioxide and carbon dioxide at the sampling point in the stack or chimney, and the data shall be recorded in a permanent log at least once each hour. These data shall be maintained for a period of not less than one year and shall be available for review by the department.]

[7:27-9.4] 7:27-9.3 Exemptions

(a) The provisions of this subchapter shall not apply to [commercial] fuel used by ocean-going vessels or in [internal combustion engines.] motor vehicles.

(b) The requirements of this subchapter which are to become effective on October 1, 1970 and October 1, 1971, shall not apply to commercial fuel used in Atlantic, Cape May, Cumberland, Hunterdon, Ocean, Sussex and Warren Counties.]

(c) The requirements of this subchapter shall not preclude the use after May 1, 1968 of any commercial or non-commercial fuel on hand at the place of use on May 1, 1968.]

(b) The provisions of section 2 (a), (b) and (c) of this subchapter shall not apply to fuel merchants or persons storing, offering for sale, and delivering or exchanging in trade, fuels that are being used in compliance with the provisions of Table 2 and/or section 2 (d) of this subchapter.

(c) The department will set such standards for the sulfur contents of fuel as may be necessary to prevent violation of air quality standards where it is determined that an aerodynamic downwash problem exists as the result of emissions from a source or sources of air pollution.

(d) The provisions of this subchapter shall not apply to fuel oil stored exclusively for use in other states.

[7:27-9.5 Temporary variances

(a) The department may grant a temporary variance from the provisions of N.J.A.C. 7:27-9.2(a) for a period not to exceed six months (which apply to No. 4, 5 and 6 grades of commercial fuel oil) if it determines that each of the following conditions have been satisfied:

1. A regional analysis of the ambient air quality and sources of air pollution is feasible in light of the population density, the intensity of development and the industrialization and topography of the region.

2. Such analyses as the department deems appropriate (to be submitted by the applicant and prepared under the supervision of the department) indicate that an increase in the maximum per cent sulfur content of the fuel utilized will not threaten the public health or welfare or violate ambient air quality standards.

3. Any other conditions including, but not limited to, the installation of air quality monitors, the submitting of

ambient air quality monitoring data, the submitting of periodic fuel analyses, or any other condition deemed appropriate by the department are satisfied.

(b) No person shall cause, suffer, allow or permit the breach of any condition of any variance issued pursuant to this section.

(c) The variance provisions of this section shall apply in the following areas:

1. Salem County;
2. Upper Township of Cape May County;
3. Cumberland County.

(d) Any variance issued pursuant to this section is revocable at the discretion of the department.

(e) The department may revise prior variances to reflect changes in conditions resulting from the granting of additional variances in the same region.]

Written and or oral testimony concerning the proposed rules will be received at public hearings to be held from 9:00 A.M. to conclusion of testimony on July 13, 1978, at:

State Museum Auditorium  
State Cultural Center  
State Street  
Trenton, New Jersey

Copies of the proposal and the basis therefore may be obtained from, and written testimony relating thereto, will be accepted prior to July 20, 1978, by:

Herbert Wortreich  
Bureau of Air Pollution Control  
Department of Environmental Protection  
P.O. Box 2807  
Trenton, New Jersey 08625

Copies of this notice, of the proposed regulations and of the basis and background documents will be available for inspection during normal office hours from at least 30 days prior to the hearing through the close of the hearing record at:

Atlantic County Health Department  
1200 Harding Highway  
Mays Landing, New Jersey 08330

N.J. Bureau of Air Pollution Control  
Room 1108, Labor and Industry Building  
John Fitch Plaza  
Trenton, New Jersey 08625

N.J. Bureau of Air Pollution Control  
Metropolitan Field Office  
25 Route 22  
Springfield, New Jersey 07081

N.J. Bureau of Air Pollution Control  
Southern Field Office  
100 Larwin Road  
Cherry Hill, New Jersey

Warren County Health Department  
151 Washington Avenue  
Washington, New Jersey 07882

This hearing is being held in accordance with provisions of the Air Pollution Control Act (1954), as amended (N.J. S.A. 26:2C-1 et seq.) and under title 40, section 51.4, of the Code of Federal Regulations, as a proposed amendment to the State implementation plan to meet national ambient air quality standards.

The department, upon its own motion, may, as provided by law, adopt these rules substantially as proposed without further notice after the close of the hearing record.

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

#### Notice of Public Hearing on Energy Needs and Air Quality Standards

Take notice that, on June 14, 1978, the Clean Air Council of Environmental Protection and the Advisory Council on Energy Planning and Conservation of the Department of Energy will hold a joint information-gathering public hearing on the subject, "How Can New Jersey Meet Its Energy Needs while Attaining and Maintaining Air Quality Standards?" The hearing will be from 9:00 A.M. to 5:00 P.M. in the Assembly Chambers of the State House, Trenton, New Jersey.

This activity is known within the Department as Docket No. DEP 015-78-05. This also is the annual public hearing of the Clean Air Council, which will hold its regular monthly meeting during the proceedings.

Co-chairmen of the public hearing are Seymour Charles, M.D., chairman of the Clean Air Council hearing committee, and Dr. Ellis Dill, Dean of Engineering, Rutgers University, Chairman of the advisory council on energy planning and conservation.

Interested persons may present written or oral statements at the hearing. This Notice is published as a matter of public interest.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Emergency Amendments to Standards for Construction of Sewerage Facilities and Water Supply Systems for Realty Improvements

On May 18, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:11-36, 13:1B-3, and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 7:9-2.4, 7:9-2.60(b), 7:9-2.67 and 7:9-2.70, concerning standards for the construction of sewerage facilities and water supply systems for realty improvements.

Full text of the adoption follows (additions indicated in boldface thus, deletions indicated in brackets [thus]):

#### 7:9-2.4 Definitions

["Bedrock" means in place geologic formations which cannot be removed with conventional excavating equipment, or which upon excavation includes more than 60 per cent formation fragments (by weight) that are retained on a ¼ inch mesh screen.]

7:9-2.60(b) Percolation tests shall not be made in test holes which have been allowed to remain open to the atmosphere for periods over three days or in frozen ground. Tests shall not be made in filled ground unless the

soil has been compacted or allowed to settle to the satisfaction of the administrative authority. [Tests shall not be made in bedrock.]

7:9-2.67 Excavation

Excavation for disposal beds or trenches may be made by machinery provided that the adjacent soil will not be compacted and the provisions of section 12 of this subchapter are met. No excavating machinery shall be permitted in the excavation. When an excavation is carried below the required depth, it shall be brought up to the proper elevation with filter material as specified in section 64 of this subchapter. [No subsurface disposal system shall be permitted where bedrock below the system has been blasted.]

7:9-2.70 [Bedrock] (Reserved)

[Disposal beds shall not be constructed over bedrock where such formations are less than four feet below the bottom of the disposal bed or trench.]

An order adopting these amendments was filed on May 18, 1978, as R.1978 d.161 (Exempt, Emergency Rule), to become effective June 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Rescheduling of Phencyclidine On Schedule of Controlled Substances

Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-6 and 24:21-7, proposes to transfer phencyclidine from schedule III to schedule II of the list of controlled substances.

Full text of the proposal follows:

8:65-10.2(b)4. The Commissioner of Health raises no objection to the rescheduling of the substance

**PHENCYCLIDINE**

from schedule III to schedule II of the Federal Controlled Substance Act of 1970. A final order effecting that rescheduling was published in the Federal Register Vol. 43, No. 17, dated January 25, 1978, and was effective February 24, 1978.

Now, therefore, the Commissioner of Health orders that:

**PHENCYCLIDINE C.D.S. 7471**

be rescheduled and placed in schedule II from schedule III and subject to the provisions of N.J.S.A. 24:21-1 et seq.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Donald J. Foley  
Chief, Drug, Devices and Cosmetics  
State Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Watson E. Neiman  
Acting Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules on Laetrile Efficacy Study for Cancer

The Department of Health, pursuant to authority of N.J. S.A. 24:6F-1 et seq., proposes to adopt new rules concerning the laetrile study for cancer.

Full text of the proposal follows:

8:21-4.31 Filing of affidavit

Every physician who shall make an affidavit that will authorize the importation of amygdalin (laetrile or vitamin B-17) to be administered to a patient, shall cause to be filed a copy of that affidavit with the drug program in the Department of Health.

8:21-4.32 Written orders; prescriptions; dispensing

(a) Any written order for the administration or prescribing of amygdalin (laetrile or vitamin B-17) to a patient shall be made in quadruplicate, and shall contain the following information: The name, address, city and state of the prescriber, the prescriber's professional license number, the name, address, city and state of the patient, age and sex of the patient, the name of the drug, the name of the manufacturer of the drug, strength of the drug, number and type of the dosage forms to be dispensed or prescribed, full directions for its use, date of issue of the written order or prescription, and a written signature of the prescriber.

(b) If amygdalin is to be dispensed by other than the prescriber, it shall be dispensed in a container to which a label shall be affixed containing all of the information required in the written order or prescription, and in addition shall contain the name, address, city and state of the supplier and the supplier's license number.

(c) Copies of all written orders or prescriptions shall be distributed as follows: original to the supplier, copy No. 1 to the department, copy No. 2 to physician, copy No. 3 to patient.

8:21-4.33 Patient's medical history

(a) Any physician who shall make any affidavit that will make available to a patient, the substance amygdalin (laetrile or vitamin B-17) for use in the medical treatment of a malignancy, disease or other medical conditions commonly referred to as cancer, shall make available to the department the full medical history of such a patient, including but not limited to laboratory studies, tests performed and test results, and tissue studies.

(b) Patient confidentiality shall be maintained.

(c) The patient, however, shall sign a "consent to release of medical records" which will authorize the department to examine, review and copy all of the patient's medical and hospital records.

8:21-4.34 Laetrile patient questionnaire

Each patient who is receiving amygdalin (laetrile or vitamin B-17) by means of an affidavit attested to by a physician shall be required to complete and file an initial laetrile patient questionnaire (form NIH-2) with the department.

Interested persons may present statements or arguments

(Continued on Page 30)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted.

The index is current, covering all rules adopted through May 22, 1978. It has been adjusted this month following

the mailing in May of update pages to Code subscribers.

Since their most recent updates, State departments and agencies have adopted the following rules—which have been printed in the Register but are not yet included in current pages of the Code:

## RULES NOT YET IN PRINT IN CODE:

### N.J.A.C. CITATION

### DOCUMENT CITATION    ADOPTION NOTICE (N.J.R. CITATION)

## AGRICULTURE — TITLE 2

2:2-1.1	Amendments on contagious equine metritis reporting	R.1978 d.122	10 N.J.R. 182(d)
2:2-4.40	Rule on pseudorabies vaccination	R.1977 d.367	9 N.J.R. 502(b)
2:48-2.1	Amendments on advertising of milk products	R.1978 d.57	10 N.J.R. 92(a)
2:48-4.1	Confidentiality of certain reports	R.1977 d.366	9 N.J.R. 502(a)
2:52-1.6(a)	Revisions on required reports	R.1977 d.310	9 N.J.R. 404(a)
2:52-7.1 et seq.	Rules on application of minimum price regulations in sale of milk	R.1977 d.303	9 N.J.R. 403(c)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.294	9 N.J.R. 403(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.108	10 N.J.R. 182(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.8	10 N.J.R. 54(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.145	10 N.J.R. 218(b)
2:53-1.2(a)	Amend schedule 69-1N for North Jersey	R.1977 d.414	9 N.J.R. 555(c)
2:54-3.7	Suspension to Federal Order No. 4	R.1978 d.149	10 N.J.R. 218(c)
2:54-3.10	Amend Federal milk handling order	R.1977 d.407	9 N.J.R. 502(c)
2:69-1.11	Revisions on commercial values	R.1977 d.266	9 N.J.R. 403(a)
2:70-1.8	New rules on slurries and suspensions	R.1978 d.81	10 N.J.R. 135(a)
2:71-1.30	Revisions on certificates on grade for eggs	R.1977 d.339	9 N.J.R. 451(b)
2:71-1.30	Amendments on certificates of grade	R.1978 d.115	10 N.J.R. 182(c)
2:71-2.26 to 2.31	Inspection and grading of fruits and vegetables	R.1978 d.114	10 N.J.R. 182(b)
2:90-1.3, 1.7, 1.12	Revisions to rules of Soil Conservation Committee	R.1978 d.5	10 N.J.R. 54(b)

(Rules in the Code for Title 2 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 11.)

## BANKING — TITLE 3

3:1-2.2, 2.3	Amend certain procedural rules	R.1977 d.462	10 N.J.R. 2(b)
3:1-2.24	Minimum subscription for capital stock associations	R.1978 d.71	10 N.J.R. 137(a)
3:1-6.1 et seq.	Amended fees	R.1977 d.469	10 N.J.R. 3(a)
3:1-9.1 et seq.	Rules on home mortgage disclosures	R.1977 d.308	9 N.J.R. 405(c)
3:1-9.2	Amended definition of home improvement loan	R.1977 d.470	10 N.J.R. 3(b)
3:1-10.1 et seq.	Restrictions on real property transactions in new charter applications	R.1978 d.55	10 N.J.R. 92(c)
3:1-11.1 et seq.	Restrictions on loans involving affiliated persons	R.1977 d.471	10 N.J.R. 3(c)
3:1-11.1	Amended definitions of affiliate and institution	R.1978 d.144	10 N.J.R. 219(a)
3:7-2.3	Deletion on verification of real estate taxes	R.1977 d.428	9 N.J.R. 556(a)
3:7-3.9(a)26.	Amend electronic data processing	R.1978 d.103	10 N.J.R. 136(b)
3:10-3.2, 3.3	Amendments on private mortgage insurance	R.1977 d.429	9 N.J.R. 556(b)
3:17-6.4	Repeal rule on husband and wife as one borrower	R.1977 d.330	9 N.J.R. 452(c)
3:18-6.1	Pledged receivables as collateral security for commercial loans	R.1978 d.41	10 N.J.R. 92(b)
3:26-3.1	Reporting possible illegal activity by employees or customers of savings and loan associations	R.1978 d.163	10 N.J.R. 219(b)

(Rules in the Code for Title 3 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

## CIVIL SERVICE — TITLE 4

(Rules in the Code for Title 4 include all adoptions to date—Transmittal Sheet No. 11.)

## COMMUNITY AFFAIRS — TITLE 5

5:23-1.4, 2.9, 3.3, 4.11	Amend Uniform Construction Code	R.1978 d.162	10 N.J.R. 225(a)
5:23-2.6 3.3, 3.8, 4.3 and 4.8	Revisions to energy subcode	R.1977 d.381	9 N.J.R. 506(b)
5:23-3.4(a)21	Revisions to building subcode	R.1977 d.380	9 N.J.R. 506(a)
5:23-4.3(c)6.	Amendments on conflicts of interest	R.1977 d.434	9 N.J.R. 558(a)
5:23-4.9, 5.3	Amendments on effective dates	R.1977 d.435	9 N.J.R. 558(b)
5:24-1.1 et seq.	Conversion to condominiums and cooperatives	R.1978 d.22	10 N.J.R. 55(b)
5:30-1.14	Public participation in revenue sharing program	R.1977 d.479	10 N.J.R. 55(a)
5:62-1.1 et seq.	Rules on Handicapped Person's Recreational Opportunities Act	R.1978 d.143	10 N.J.R. 224(a)

(Rules in the Code for Title 5 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

## EDUCATION — TITLE 6

6:3-1.6	Delete summer payment plan rule for academic year personnel	R.1977 d.465	10 N.J.R. 6(b)
6:3-1.11	Amendments on superintendency	R.1978 d.7	10 N.J.R. 59(a)
6:3-2.1 through 6:3-2.8	Amendments on pupil records	R.1978 d.87	10 N.J.R. 142(c)
6:8-1.1, 6.2, 7.1	Amendments on thorough and efficient system	R.1978 d.85	10 N.J.R. 142(a)
6:20-2.3	Amendments on bookkeeping in local school districts	R.1977 d.483	10 N.J.R. 5(b)
6:28-5.1 et seq.	Rules on auxiliary services for nonpublic school pupils	R.1977 d.464	10 N.J.R. 6(a)
6:28-6.1 et seq.	Rules on corrective speech services for nonpublic school pupils	R.1977 d.466	10 N.J.R. 6(c)
6:39-1.1 et seq.	Amendments on Statewide assessment	R.1978 d.146	10 N.J.R. 227(a)
6:44-3.1(a)5.	Amendments on standards for adult education reimbursement	R.1978 d.147	10 N.J.R. 227(b)
6:46-4.18	Recognition of accredited private vocational schools	R.1978 d.86	10 N.J.R. 142(b)
6:46-9.1 et seq.	Contracting for educational services with eligible private vocational schools	R.1978 d.148	10 N.J.R. 227(c)
6:68-1.8	Amendments on State library aid	R.1978 d.121	10 N.J.R. 183(b)

(Rules in the Code for Title 6 include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 11.)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1E-1.1 et seq.	Amendments on discharge of petroleum and other substances	R.1978 d.112	10 N.J.R. 187(a)
7:1C-1.1 et seq.	Revisions on 90-day construction permits	R.1977 d.390	9 N.J.R. 513(c)
7:7A-1.13(a)	Extend Wetlands Order for parts of Salem, Cape May and Ocean	R.1977 d.267	9 N.J.R. 418(b)
7:8-1.1 et seq.	Rules of practice and procedure; Division of Water Resources	R.1978 d.48	10 N.J.R. 101(b)
7:9-2.1 et seq., 7:9-2.4, 2.60, 2.67, 2.70	Standards for construction of sewerage facilities and water systems	R.1978 d.21	10 N.J.R. 61(b)
7:9-2.4, 2.60, 2.67, 2.70	Amendments on construction of sewerage facilities and waste supply systems	R.1978 d.161	10 N.J.R. 237(b)
7:10-3.10 et seq.			
7:9-2.1 et seq., 7:10-3.10 et seq.	Extend effective date on construction of sewage facilities	R.1978 d.102	10 N.J.R. 146(d)
7:9-4.4, 4.6, 4.8, 14.1 et seq.	Amendments on water quality standards for Pine Barrens	R.1978 d.20	10 N.J.R. 61(a)
7:9-10.1 et seq.	Amendments on Pine Barrens as critical area for sewerage	R.1978 d.19	10 N.J.R. 60(a)
7:9, 10, 20	Amend certain rules of the Division of Water Resources	R.1977 d.477	10 N.J.R. 10(c)
7:12-1.1, 1.3	Amendments on shellfish in Great Egg Harbor Bay	R.1977 d.427	9 N.J.R. 561(b)
7:12-1.1, 1.3	Amendments on shellfish beds in Barnegat Bay	R.1978 d.69	10 N.J.R. 144(a)
7:12-1.3(a) 14.	Revisions on condemnation of certain shellfish beds	R.1977 d.300	9 N.J.R. 420(b)
7:12-1.3(a)39.i.	Revisions on condemnation of certain shellfish beds	R.1977 d.301	9 N.J.R. 420(c)
7:12-1.3(a)39i.(1)	Amendments on condemnation of certain shellfish harvesting waters	R.1977 d.283	9 N.J.R. 419(a)
7:13-1.2, 1.4	Amendments on floodway delineations	R.1978 d.70	10 N.J.R. 145(a)
7:14-1.1 et seq.	Rules on the Water Pollution Control Act	R.1977 d.268	9 N.J.R. 418(c)
7:14-7.1 et seq.	Rules on ocean dumping alternatives development	R.1977 d.458	10 N.J.R. 10(b)
7:16-1.1 et seq.	Financial assistance for public sewage systems	R.1978 d.18	10 N.J.R. 59(c)
7:22-1.1 et seq.	Award of grants for wastewater treatment facilities	R.1977 d.356	9 N.J.R. 465(b)
7:25-9.5	Rules on crab dredging	R.1977 d.269	9 N.J.R. 418(d)
7:25-9.6	Relaying hard clams; Manasquan River	R.1977 d.338	9 N.J.R. 464(b)
7:25-9.6(g), (h)	Revision on relaying hard clams in Manasquan River	R.1977 d.363	9 N.J.R. 512(b)
7:26-1.4, 2.6, 2.11, 2.13, 7.1 et seq.	Amendments on manifest system for hazardous wastes	R.1978 d.72	10 N.J.R. 146(a)

7:26-1.10(c)	Revisions to effective dates of categories of solid waste districts	R.1977 d.311	9 N.J.R. 421(a)
7:27-2.10(a)	Delete portion of rule on orchard prunings	R.1977 d.485	10 N.J.R. 59(b)
7:27-3.1 et seq.	Revisions on control and prohibition of smoke from combustion of fuel	R.1977 d.284	9 N.J.R. 420(a)
7:27-4.1 et seq.	Revisions on control and prohibition of particles from combustion	R.1977 d.284	9 N.J.R. 420(a)
7:27-5.1 et seq.	Revisions on prohibition of air pollution	R.1977 d.284	9 N.J.R. 420(a)
7:28-24.1 et seq.	Nuclear medicine technology	R.1978 d.101	10 N.J.R. 146(c)
7:28-25.1 et seq.	Radiation laboratory fee schedule	R.1978 d.47	10 N.J.R. 101(a)
7:36-1.1 et seq.	Rules on Green Acres land grant program	R.1977 d.395	9 N.J.R. 514(a)
Temporary rule	Revisions on sea clam harvest area openings	R.1977 d.337	9 N.J.R. 464(a)
Temporary rule	Special rule on limiting use of shotgun shells	R.1977 d.355	9 N.J.R. 465(a)
Temporary rule	1978 Fish Code	R.1977 d.384	9 N.J.R. 513(a)
Temporary rule	Crab dredging season for Atlantic Coast	R.1977 d.387	9 N.J.R. 513(b)
Temporary rule	Rules on 1977-78 sea clam season	R.1977 d.451	10 N.J.R. 10(a)
Temporary rule	Closing of State waters to sea clam harvesting	R.1978 d.111	10 N.J.R. 186(c)
Temporary rule	Emergency amendments on opening sea clam waters	R.1978 d.119	10 N.J.R. 187(b)
Temporary rule	Amendments on 1978 oyster seed bed season	R.1978 d.123	10 N.J.R. 188(a)
Temporary rule	Change date of 1978 bay season; oyster seed beds	R.1978 d.128	10 N.J.R. 188(b)

(Rules in the Code for Title 7 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

## HEALTH — TITLE 8

8:7-1.9(a)2.1.	Amendments on qualifications of health officer	R.1978 d.24	10 N.J.R. 62(c)
8:13-2.1 et seq.	Depuration of soft shell clams	R.1978 d.127	10 N.J.R. 188(d)
8:15-1.1 et seq.	Smoking in public places	R.1978 d.129	10 N.J.R. 189(a)
8:15-1.1 et seq.	Postpone effective date of public smoking rules	R.1978 d.168	10 N.J.R. 250(a)
8:21-2.31	Amendments on sterilization of cooking and utensils	R.1977 d.404	9 N.J.R. 519(e)
8:21-4.1 et seq.	New drugs and amygdalin	R.1978 d.93	10 N.J.R. 148(a)
8:21-7.1 et seq.	Extension of effective date to July 1, 1979	R.1977 d.472	10 N.J.R. 12(b)
8:21-9.4, 9.6	Amendments on licenses for food and cosmetic establishments	R.1978 d.167	10 N.J.R. 249(b)
8:21-11.1 et seq.	Rules on dented cans, salvage foods and beverages	R.1978 d.100	10 N.J.R. 149(a)
8:25-5.2	Amendments on waterfront staff and youth camp safety standards	R.1978 d.166	10 N.J.R. 249(a)
8:30-14.1 et seq.	Long-term-care facilities for indigents as condition for licensure	R.1978 d.25	10 N.J.R. 62(d)
8:31-8.1 et seq.	Amended standards and criteria; prenatal services	R.1978 d.49	10 N.J.R. 103(b)
8:31-25.1(a)	Amend list of therapeutic agents on mobile units	R.1977 d.403	9 N.J.R. 519(d)
8:31-27.1 et seq.	Rules on megavoltage radiation oncology units	R.1977 d.397	9 N.J.R. 518(b)
8:31A-10.5	Implementation of economic factor for SHARE	R.1977 d.396	9 N.J.R. 518(a)
8:33-1.5(f)3.	Amendment or certificates of need and transfers of ownership	R.1978 d.62	10 N.J.R. 104(a)
8:33-1.5(i), 3.11	Amendments on submission of certificate of need	R.1977 d.399	9 N.J.R. 518(d)
8:36A-1.1 et seq.	Rules on regional end-stage renal disease services	R.1977 d.398	9 N.J.R. 518(c)
8:39-1.1 et seq.	Amended standards for licensing long-term care facilities	R.1978 d.65	10 N.J.R. 104(d)
8:42-1.18(f)	Amendments on licensure of home health agencies	R.1977 d.400	9 N.J.R. 519(a)
8:43-4.7(c)	Amendments on records for new boarding homes	R.1977 d.401	9 N.J.R. 519(b)
8:43B-15.1 et seq.	Renal dialysis services	R.1978 d.63	10 N.J.R. 104(b)
8:43B-16.1 et seq.	Nurse-midwifery services	R.1978 d.64	10 N.J.R. 104(c)
8:51-7.1 et seq.	Rules on childhood lead poisoning	R.1977 d.402	9 N.J.R. 519(c)
8:57-1.19	Reporting bladder cancer	R.1977 d.467	10 N.J.R. 12(a)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.4	Addition of Lorazepam to controlled dangerous substances	R.1978 d.23	10 N.J.R. 62(b)
8:65-10.5	Add Loperamide as dangerous	R.1977 d.440	9 N.J.R. 567(a)
8:65-10.6	Excluded O.T.C. substances	R.1978 d.60	10 N.J.R. 103(d)
8:65-10.7	Excepted prescription drugs	R.1978 d.61	10 N.J.R. 103(e)
8:65-10.8	Exempt chemical preparations	R.1978 d.59	10 N.J.R. 103(c)

(Rules in the Code for Title 8 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 8.)

## HIGHER EDUCATION — TITLE 9

9:2-2.2	Definition of academic year	R.1978 d.52	10 N.J.R. 105(b)
9:2-6.1 et seq.	Amendments on appeals to Chancellor	R.1978 d.136	10 N.J.R. 253(a)
9:2-11.1 et seq.	Veterans tuition credit program	R.1977 d.376	9 N.J.R. 521(a)
9:4-3.57(b)	Amendments on non-credit and credit courses auditing procedures	R.1977 d.483	10 N.J.R. 63(a)
9:4-7.2(d)	Amendment on multi-year contracts for non-teaching personnel	R.1978 d.53	10 N.J.R. 105(c)
9:7-1.1 et seq.	Amendments on tuition aid grants and scholarship program	R.1978 d.106	10 N.J.R. 190(a)
9:11-1.1 et seq.	Amend financial aid guidelines for students	R.1978 d.54	10 N.J.R. 105(d)
9:14-3	Amendments to SPUR rules	R.1977 d.439	9 N.J.R. 571(a)

(Rules in the Code for Title 9 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 10.)

## HUMAN SERVICES — TITLE 10

10:3-1.1 et seq.	Rules on debarment of contracting persons	R.1978 d.83	10 N.J.R. 154(a)
10:37-12.1 et seq.	Construction assistance for community mental health facilities	R.1977 d.482	10 N.J.R. 63(d)
10:49-1.3(b)	Adoption by reference of Federal standards for mentally retarded	R.1977 d.490	10 N.J.R. 65(b)
10:51-1.10(c)	Amendments on basis of payment for legend drugs	R.1978 d.1	10 N.J.R. 66(d)
10:54-3.5, 3.6	Amendments on pneumococcal polyvalent vaccine	R.1978 d.44	10 N.J.R. 116(b)
10:51-5.1 et seq.	Rules on pharmaceutical assistance to aged program	R.1977 d.491	10 N.J.R. 66(a)
10:56-1.1 et seq.	Amended dental services manual	R.1978 d.2	10 N.J.R. 66(e)
10:63-3.1 et seq.	Amendments on cost study, rate review guidelines, long-term-care	R.1977 d.489	10 N.J.R. 65(a)
10:69A-1.1 et seq.	Amendments on pharmaceutical assistance to aged	R.1977 d.492	10 N.J.R. 66(b)
10:81	Amendments to Public Assistance Manual to conform	R.1977 d.452	10 N.J.R. 16(b)
10:81-3.8(b), 8.22(a)	Amendments on medical assistance for unborn child	R.1978 d.140	10 N.J.R. 255(a)
10:81-6.15(d)	Amendments on fair hearing requests	R.1977 d.447	10 N.J.R. 16(a)
10:81 Appendix D	Amendments on incentive payments to CWA's	R.1978 d.88	10 N.J.R. 154(c)
10:82-1.3, 1.4, 2.3, 2.4, 2.6, 2.10, 2.19, 3.2, 3.8	Amendments on budgeting public assistance cases	R.1978 d.157	10 N.J.R. 255(b)
10:82-2.9	Amendments on budgeting cases involving stepparents	R.1978 d.76	10 N.J.R. 153(c)
10:85-3.1(a)2, 3.3(e)1.,3.4(b)1., 9.1(d)	Amendments on sponsors of aliens as potential resources	R.1977 d.444	10 N.J.R. 15(a)
10:85-3.2(g)	Amendments on mandatory registration with Employment Service	R.1978 d.169	10 N.J.R. 256(a)
10:85-3.3, 4.1, 4.2	Amendments on general assistance payment levels	R.1977 d.488	10 N.J.R. 64(c)
10:85-3.3(e)4. and 9.5(c)	Amendments on financial eligibility and support	R.1977 d.445	10 N.J.R. 15(b)
10:85-3.3(e)5.	Amendments on exemption of HUD vendor payments	R.1977 d.446	10 N.J.R. 15(c)
10:85-5.3(h)3.	Amendments on referral of clients to DVRS	R.1978 d.77	10 N.J.R. 153(d)
10:87-3.8	Amendments on illegal aliens in food stamp program	R.1978 d.117	10 N.J.R. 192(c)
10:87-3.24	Delete rule on administrative reports	R.1977 d.487	10 N.J.R. 64(b)
10:87-4.13(a)	Identification of exempt assets for food stamps	R.1978 d.74	10 N.J.R. 153(b)
10:87-5.8	Amendments on income deductions for food stamps	R.1978 d.84	10 N.J.R. 154(b)
10:87-6.5	Amendments on certification pending verification for food stamps	R.1978 d.109	10 N.J.R. 192(b)
10:87-6.14, 6.41, 6.42 and 6.44	Amendments to Food Stamp Manual	R.1978 d.43	10 N.J.R. 116(a)
10:87-7.17(a)6	Amendment on appellant's right during fair hearing	R.1977 d.486	10 N.J.R. 64(a)
10:94-4.4	Amendments on exclusion of home Medicaid only	R.1978 d.73	10 N.J.R. 153(a)
10:109	Amend Ruling 11 on classification and compensation	R.1978 d.107	10 N.J.R. 192(a)
Appendix I			
10:109-2.2(e)	Amend Ruling II classification and compensation plan	R.1977 d.459	10 N.J.R. 16(c)
Temporary rule	1978 State plan for vocational rehabilitation	R.1977 d.494	10 N.J.R. 66(c)

(Rules in the Code for Title 10 include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 10.)

## CORRECTIONS — TITLE 10A

10:70-1.1 et seq.	Amended rules of State Parole Board	R.1978 d.97	10 N.J.R. 154(d)
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(Rules in the Code for Title 10A include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 1.)

## INSURANCE — TITLE 11

11:1-5.2(f)	Assumption of insolvent N.Y. insurers' obligations	R.1977 d.389	9 N.J.R. 535(d)
11:1-5.2(g)	Policies of Empire Mutual Insurance Co. and Allcity Insurance Co.	R.1977 d.413	9 N.J.R. 586(a)
11:1-5.2(g)4	Amendment on three-year policies covered by JUA	R.1978 d.3	10 N.J.R. 69(a)
11:1-5.4	FAIR Plan surcharge	R.1978 d.78	10 N.J.R. 165(a)
11:1-10.1	Amended definition of financial institutions	R.1978 d.17	10 N.J.R. 70(a)
11:1-10.1 et seq.	Amendments on licensing of financial institutions	R.1977 d.405	9 N.J.R. 536(c)
11:1-11.3	Disciplinary action and restitution	R.1978 d.11	10 N.J.R. 69(b)
11:2-1.5	Educational program requirements for title agents	R.1977 d.438	9 N.J.R. 586(a)
11:3-8.1	Amendment on nonrenewal of auto insurance	R.1977 d.437	9 N.J.R. 586(b)
11:3-11.1	Motorized bicycle insurance	R.1978 d.12	10 N.J.R. 69(c)
11:4-10.2	Required notice concerning expenses exhibits	R.1977 d.358	9 N.J.R. 481(b)
11:4-13.1 et seq.	Group student health insurance	R.1977 d.309	9 N.J.R. 438(d)
11:4-14.1 et seq.	Home health care insurance coverage	R.1977 d.476	10 N.J.R. 16(d)
11:4-15.1 et seq.	Alcoholism benefits	R.1978 d.165	10 N.J.R. 257(a)
11:5-1.1	Revisions on disciplinary action	R.1977 d.392	9 N.J.R. 536(b)

11:5-1.15(d)	Amendment to advertising rules	R.1978 d.42	10 N.J.R. 116(c)
11:5-1.16(d)	Amendments on prohibited advertising	R.1977 d.391	9 N.J.R. 536(a)
11:5-1.25(h)	Revisions on sale of interstate properties	R.1977 d.292	9 N.J.R. 438(c)
11:5-1.27	Amendments on educational requirements for salesmen and brokers license examinations	R.1978 d.135	10 N.J.R. 256(d)

(Rules in the Code for Title 11 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

### LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Revised 1978 maximum weekly benefit rates	R.1977 d.297	9 N.J.R. 439(b)
12:15-1.4	Revised 1978 taxable wage base under unemployment compensation	R.1977 d.298	9 N.J.R. 439(c)
12:20-5.4(b)	Amendments on appearances before appeal tribunals	R.1978 d.116	10 N.J.R. 202(a)
12:235-4.8	Amendments on certificates of readiness	R.1977 d.406	9 N.J.R. 537(b)
Temporary rule	Revised 1978 workers' compensation benefit rates	R.1977 d.296	9 N.J.R. 439(a)
Temporary rule	Listing of wage rates for construction workers	R.1977 d.383	9 N.J.R. 537(a)

(Rules in the Code for Title 12 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

### LAW AND PUBLIC SAFETY — TITLE 13

13:2-1.1 et seq.	Revised rules of Division of Alcoholic Beverage Control	R.1977 d.342	9 N.J.R. 487(b)
13:2-1.1 et seq.	Delete references to old addresses of ABC Division	R.1978 d.32	10 N.J.R. 121(a)
13:2-3.11	Alcoholic Beverage Licenses in Atlantic City	R.1977 d.348	9 N.J.R. 487(c)
13:2-18.7, 31.3, 31.6(b), 34.6	Amendments on sales and licensing	R.1978 d.75	10 N.J.R. 170(a)
13:4-8.2(a)1.	Deletion on discovery by parties other than Division	R.1978 d.82	10 N.J.R. 171(a)
13:4-9.1, 8.2, 8.4	Amendments on procedure rules of Division on Civil Rights	R.1978 d.26	10 N.J.R. 72(a)
13:4-12.9	Costs of hearings	R.1978 d.46	10 N.J.R. 121(b)
13:19-10.1 et seq.	Revisions on point system and driving during suspension	R.1977 d.352	9 N.J.R. 488(b)
13:20-27.1	Delete rule and mark section and subchapter as revised	R.1978 d.66	10 N.J.R. 122(a)
13:20-32.3(b), 33.22(b)	Amendments on vehicle reinspection centers as to engine emission category	R.1978 d.67	10 N.J.R. 122(b)
13:20-35.1 et seq.	Inspection of State-owned vehicles by central motor pool	R.1978 d.40	10 N.J.R. 71(b)
13:23-2.2(d)	Amendments on documents; applications for driver school licenses	R.1978 d.68	10 N.J.R. 122(c)
13:25-1.1 et seq.	Rules on motorized bicycles	R.1978 d.58	10 N.J.R. 121(d)
13:30-8.3	Amendments on use of general anesthesia	R.1978 d.120	10 N.J.R. 203(b)
13:30-8.6	Providing information to the public	R.1978 d.170	10 N.J.R. 261(c)
13:33-1.29	Amendments on record of prescription filled	R.1978 d.9	10 N.J.R. 72(b)
13:33-1.35(a)	Amendments on professional advertising	R.1978 d.32	10 N.J.R. 120(a)
13:35-1.4	Amendments on approving educational chiropractic institutions	R.1977 d.481	10 N.J.R. 71(c)
13:35-6.12	Release of patient records	R.1978 d.134	10 N.J.R. 261(b)
13:35-6.13	Provision of information to the public	R.1978 d.126	10 N.J.R. 204(a)
13:35-7.2	Termination of pregnancy	R.1977 d.351	9 N.J.R. 488(a)
13:37-8.1 et seq.	Revisions on schools of practical nursing	R.1977 d.273	9 N.J.R. 440(b)
13:44-2.9	Temporary permits	R.1977 d.285	9 N.J.R. 441(a)
13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21, 2.1 et seq.	Amend rules on weights and measures	R.1978 d.56	10 N.J.R. 121(c)
13:47D-4.34(a)3.	Amendments on magnitude of permitted variations	R.1978 d.141	10 N.J.R. 259(b)
13:70-1.17, 1.27, 14:29, 16.34, 13:71-5.1, 5.20, 8.38, 23.22	Amend harness and thoroughbred racing rules	R.1977 d.331	9 N.J.R. 487(a)
13:70-15.1, 15.2, 19.34, 19.38, 13:71-9.1, 9.3	Amendments on veterinarians classified as State veterinarians	R.1978 d.133	10 N.J.R. 261(a)

(Rules in the Code for Title 13 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

### ENERGY — TITLE 14A (Including Board of Public Utilities - 14)

14:1-1.7, 4.3, 6.5, 8.4, 8.5, 9.4, 10.1	Revisions on communications	R.1977 d.263	9 N.J.R. 442(a)
14:3-3.6, 7.1, 7.5, 7.12, 7.13, 7.14	Amendments on public utility deposits and discontinuances	R.1978 d.155	10 N.J.R. 261(e)
14:8-1.2	Railroad track safety	R.1978 d.110	10 N.J.R. 205(a)
14:10-1.1 et seq.	Amendments on telephone service	R.1978 d.89	10 N.J.R. 171(b)
14:17-18.1 et seq.	Amendments on cable television rates	R.1978 d.125	10 N.J.R. 207(a)
14:18-11.19, 11.21	Revisions on required information	R.1977 d.295	9 N.J.R. 443(a)

14A:1.1 et seq.	Adopt P.U.C. rules of practice by reference	R.1977 d.264	9 N.J.R. 442(b)
14A:1-1 et seq.	Rules of practice for Department of Energy	R.1977 d.433	9 N.J.R. 593(a)
14A:2-1.1 et seq.	Energy emergency allocation	R.1977 d.432	9 N.J.R. 592(b)
14A:3-2.1 et seq.	Air conditioning energy efficiency ratios	R.1978 d.150	10 N.J.R. 261(d)

(Rules in the Code for Title 14 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 8.)

## STATE — TITLE 15

(Rules in the Code for Title 15 include all adoptions to date—Transmittal Sheet No. 10.)

### PUBLIC ADVOCATE — TITLE 15A

15A:1-1.1 et seq.	Rules of practice; Public Interest Advocacy	R.1977 d.362	9 N.J.R. 541(b)
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(No rules yet available in the Code.)

### TRANSPORTATION — TITLE 16

16:1-2.1 et seq.	Revisions on issuance and sale of DOT public records	R.1977 d.345	9 N.J.R. 493(d)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.171	Speed limits on Route 31	R.1978 d.40	10 N.J.R. 127(a)
16:28-1.172	Speed limits on parts of Route U.S. 206	R.1978 d.137	10 N.J.R. 263(c)
16:28-3.36, 3.56, 3.158, 3.159	Amendments on restricted parking on Routes 70, U.S. 130 and 179	R.1978 d.37	10 N.J.R. 126(c)
16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
16:28-3.103	Revisions on restricted parking on parts of Route 49	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.151, 152	Restricted parking on parts of Routes 31 and 28	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.153, 3.154	Restricted parking on parts of Routes 88 and 28	R.1977 d.329	9 N.J.R. 493(c)
16:28-3.155	Restricted parking on parts of Route 57	R.1977 d.328	9 N.J.R. 493(b)
16:28-3.157, 3.158	Restricted parking on parts of U.S. Routes 22 and 57	R.1977 d.493	10 N.J.R. 80(a)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(a)
16:28-5.3	Stop intersection on part of Route 208	R.1977 d.326	9 N.J.R. 492(c)
16:28-6.16	No left turn on parts of Route 23	R.1977 d.325	9 N.J.R. 492(b)
16:28-12.1, 12.5, 12.9, 12.15, 12.16 and 12.17	No right turns on red on parts of Routes US 1, 5, 10, 22, 23 and 24	R.1977 d.456	10 N.J.R. 36(e)
16:28-12.18, 12.19, 12.20, 12.26, 12.35 and 12.36	Amend no right turns on parts of Routes 27, 28, 29, 36, 46 and 47	R.1977 d.454	10 N.J.R. 36(c)
16:28-12.37, 12.38, 12.44, 12.55 and 12.56	No right turns on parts of Routes 49, 70, 124 and US 130	R.1977 d.453	10 N.J.R. 36(b)
16:28-12.56 through 12.59	No right turns on red on parts of Routes 130, 154, 166 and 168	R.1977 d.455	10 N.J.R. 36(d)
16:28-13.4	Limited access on interstate highways	R.1977 d.443	10 N.J.R. 36(a)
16:28-15.1 et seq.	No-passing zones on Route 109 and U.S. 206	R.1978 d.80	10 N.J.R. 172(a)
16:41-8	Amend rules on outdoor advertising on access highways	R.1977 d.426	9 N.J.R. 593(d)
16:41-10.9	Violations relating to permits	R.1977 d.418	9 N.J.R. 593(c)
16:65-1.1, 1.2, 4.2, 5.1, 5.5, 6.2	Revisions on classification of contractors	R.1977 d.388	9 N.J.R. 543(b)
16:65-3.2 through 3.5	Amendments on requisition, distribution and sale of construction plans	R.1978 d.164	10 N.J.R. 264(a)

(Rules in the Code for Title 16 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

### TREASURY-GENERAL — TITLE 17

17:1-4.19	Amendments on biweekly salary for retirement	R.1978 d.96	10 N.J.R. 175(b)
17:1-4.30	Optional settlements for group life	R.1977 d.416	9 N.J.R. 601(a)
17:1-10.1, 10.3	Amend rules on prescription drug program	R.1978 d.98	10 N.J.R. 175(c)
17:1-11.1 et seq.	Rules on dental expense program	R.1978 d.99	10 N.J.R. 175(d)
17:2-3.2(i), 6.24(b), 6.25	Amendments on biweekly computation of retirement and death benefits	R.1978 d.138	10 N.J.R. 265(c)

17:2-3.3	Amended contributory insurance rate	R.1978 d.139	10 N.J.R. 265(d)
17:3-3.3, 6.26, 6.27	Amendments on salary computation of benefits	R.1978 d.104	10 N.J.R. 176(a)
17:4-2.1, 2.6	Revisions on enrollment dates	R.1977 d.377	9 N.J.R. 544(b)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 176(b)
17:4-4.1, 6.1, 6.2, 6.3, 6.13	Revisions on police, firemen's retirement system	R.1977 d.378	9 N.J.R. 544(c)
17:5-2.1(g), 5.9	Amendments on salary computation of retirement benefits	R.1978 d.113	10 N.J.R. 209(b)
17:6-2.1(a), 3.2, 3.9, 3.10	Amend rules of Consolidated Police and Firemen's Pension Fund	R.1977 d.461	10 N.J.R. 44(b)
17:9-2.3(a), 5.2, 5.11	Amendments on State health benefits program	R.1978 d.131	10 N.J.R. 265(b)
17:9-6.1(a)	Amended definition of retired employee	R.1978 d.130	10 N.J.R. 265(a)
17:16-5.5	Amendments on classification of funds	R.1978 d.94	10 N.J.R. 175(a)
17:16-9.1	Amend permissible investments	R.1977 d.393	9 N.J.R. 544(d)
17:16-31.1 et seq.	Rules on New Jersey Cash Management Fund	R.1977 d.478	10 N.J.R. 45(c)
17:16-41.1 et seq.	Cash management fund	R.1977 d.436	9 N.J.R. 601(b)
17:27-1.1 et seq.	Affirmative action requirements for public works	R.1977 d.364	9 N.J.R. 543(c)

(Rules in the Code for Title 17 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

### TREASURY-TAXATION — TITLE 18

18:5-6.5, 6.19	Amendments on cigarette distributors' licenses	R.1977 d.473	10 N.J.R. 44(c)
18:5-6.5(d)	Rule on fingerprinting for cigarette distributors' licenses	R.1977 d.468	10 N.J.R. 45(b)
18:7-15.11	Corporation tax; new jobs credit	R.1978 d.30	10 N.J.R. 128(b)
18:12-7.1 et seq.	Amendments to homestead tax rebate rules	R.1978 d.4	10 N.J.R. 81(b)
18:12-7.11	Amendment on extension of filing date	R.1977 d.448	10 N.J.R. 44(a)
18:12-7.12	Amendment on extension of filing date; homestead tax rebate	R.1978 d.10	10 N.J.R. 81(c)
18:24-4.1, 4.4, 4.7	Revisions on exemptions from sales and use tax	R.1977 d.365	9 N.J.R. 544(a)
18:24-7.8, 7.18, 19.4	Amendments on exemption of certain vehicles from sales tax	R.1977 d.484	10 N.J.R. 81(a)
18:24-25.1 et seq.	Rules on sales tax and data processing	R.1978 d.142	10 N.J.R. 265(e)
18:26-2.5, 6.2, 8.22, 9.13	Amendments on transfer inheritance tax	R.1978 d.31	10 N.J.R. 128(a)
18:26-8.22	Amendments on estates for life or years	R.1978 d.118	10 N.J.R. 210(a)
18:33-1.1 et seq.	Closing agreements and compromises	R.1978 d.29	10 N.J.R. 127(d)
18:35-1.8	Information returns for 1977 and subsequent years	R.1977 d.460	10 N.J.R. 45(a)

(Rules in the Code for Title 18 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

### OTHER AGENCIES — TITLE 19

19:1	Amended rules of Mortgage Finance Agency	R.1977 d.442	10 N.J.R. 47(a)
19:6-3.1 et seq.	Uniform procedures for Meadowlands construction code	R.1977 d.457	10 N.J.R. 49(a)
19:8-1.1, 3.1(b)	Amendments on use of Parkway by trucks	R.1977 d.419	9 N.J.R. 603(d)
19:8-1.8	Revisions on Garden State Parkway commuter parking	R.1977 d.270	9 N.J.R. 448(b)
19:9-4.1 et seq.	Rules on inspection and obtaining of Turnpike Authority records	R.1977 d.265	9 N.J.R. 448(d)
19:10-1.1 et seq.	Revised rules on PERC	R.1977 d.272	9 N.J.R. 448(a)
19:16-1.1 et seq.	Rules on negotiations, public fire and police departments	R.1977 d.349	9 N.J.R. 497(a)
19:25-12.1(b)	Revisions on reporting of expenditures	R.1977 d.379	9 N.J.R. 548(a)
19:25-15.38-15.41	Rules on election travel, political action committees and valuation	R.1977 d.350	9 N.J.R. 496(b)
19:40-1.1 et seq.	Practices and procedures; Casino Control Commission	R.1977 d.394	9 N.J.R. 546(a)
19:41-1.1 et seq.	Rules on casino applications	R.1977 d.475	10 N.J.R. 4(d)
19:41-2.3	Declaratory rulings on casino applications	R.1978 d.158	10 N.J.R. 266(a)
19:42-1.1 et seq.	Casino hearings rules	R.1978 d.159	10 N.J.R. 266(b)
19:43-1.1 et seq.	Basic operating rules for casino services	R.1978 d.50	10 N.J.R. 128(c)
19:44-1.1 et seq.	Rules on gaming schools	R.1977 d.474	10 N.J.R. 4(c)
19:46-1.22 through 1.31	Regulations for casino slot machines	R.1978 d.160	10 N.J.R. 266(c)
19:50-1.1 et seq.	Casino hotel alcoholic beverage control	R.1978 d.13	10 N.J.R. 81(d)
19:51-1.1 et seq.	Rules on casino advertising	R.1978 d.14	10 N.J.R. 82(a)
19:52-1.1 et seq.	Rules on casino entertainment	R.1978 d.15	10 N.J.R. 82(b)
19:53-1.1 et seq.	Rules on casino equal employment opportunities	R.1978 d.16	10 N.J.R. 83(a)

(Rules in the Code for Title 19 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

(Continued from Page 22)

in writing relevant to the proposed action on or before June 28, 1978, to:

Donald J. Foley  
Chief, Drug, Devices and Cosmetics  
Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Watson E. Neiman  
Acting Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules on Cancer Registry

Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of P.L. 1977, c. 266, proposes to adopt new rules concerning the cancer registry and the reporting of cancer and other tumorous and precancerous diseases.

Full text of the proposal follows:

##### 8:57-1.20 Cancer registry

(a) Cases of cancer and other tumorous and precancerous diseases, which shall be specified in a listing to be supplied by the Commissioner of Health and which are initially diagnosed after the effective date of these regulations, shall be reported to the State Department of Health.

(b) The administrative officer of every health care facility shall be responsible for reporting every case of cancer or other specified tumorous and precancerous disease when it is initially diagnosed or first admitted to that facility. A report shall also be given for each subsequent primary cancer diagnosed in an individual.

(c) Every physician and dentist shall report on initial diagnosis each case of cancer or other specified tumorous and precancerous disease not referred to or previously diagnosed in a health care facility in the State of New Jersey.

(d) The director of every independent clinical laboratory shall report results of examination of tissue specimens and/or hematology examinations indicating the existence of cancer or other specified tumorous and precancerous disease, not previously reported from that laboratory.

(e) The information to be reported shall be provided upon forms supplied by the State Department of Health. A hospital tumor registry abstract form may be used, provided that information required by the State Commissioner of Health is recorded therein according to standardized definitions utilized by the State Department of Health.

(f) A copy of the pathology tissue report and/or hematology report shall be required in cases confirmed by laboratory analysis.

(g) All case reports shall be sent within 90 days of the date of diagnosis or positive laboratory confirmation.

(h) Every health care facility and independent clinical laboratory shall allow representatives of the State Department of Health to obtain information from all medical, pathological and other pertinent records and logs related to cancer cases and other patients as necessary for fulfilling the functions of the registry and for research studies related to cancer prevention and control. This shall include patients who came under the care of the health care facility prior to the effective date of these regulations.

(i) These regulations do not in any way change the obligation to report bladder cancer in the manner required by N.J.A.C. 8:57-1.19 for the time period specified in that regulation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Dr. Ronald Altman  
Director, Epidemiologic Services  
Room 403  
Department of Health  
Box 1540  
Trenton, N.J. 08625

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Watson E. Neiman  
Acting Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Immunization Of Pupils in Schools

Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-7, proposes to amend a portion of the rules concerning immunization of pupils in schools.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

##### 8:57-4.8 Reports to be sent to State Department of Health

(a) A report of the immunization status of the pupils in every school shall be sent each year to the State Department of Health by the principal or other person in charge of a school.

(b) The form for the report shall be provided by the State Department of Health.

(c) [During the academic years 1975-1976 and 1976-1977, t] This report shall include all students and shall be submitted by [February 1] **December 1** of the respective academic year. [Thereafter, the report shall be limited to the immunization of school entrants and transfer students and shall be submitted by December 1 of each academic year.]

(d) A copy of this report shall be sent to the local board of health in whose jurisdiction the school is located.

##### 8:57-4.11 Poliomyelitis vaccine

(a) Every pupil shall have received at least three doses of poliomyelitis vaccine, live, oral, trivalent and the last dose must have been administered not less than six months after the previous dose.

(b) If a pupil has received poliomyelitis vaccine, live, oral, type 1; poliomyelitis vaccine, live, oral, type 2; and poliomyelitis vaccine, live, oral, type 3; this will be accepted in lieu of the first two doses of poliomyelitis vaccine, live, oral, trivalent.

(c) If a pupil has received four doses of inactivated poliomyelitis vaccine, this will be accepted in lieu of oral poliomyelitis vaccine, provided that the last dose must be administered not less than six months after the previous dose, and that all of the inactivated poliomyelitis vaccine was received in 1968 or thereafter.

##### 8:57-4.14 Providing immunization

(a) A board of education and/or a local board of health

may provide, at public expense, the necessary equipment, materials and services for immunizing pupils with the following immunizing agents, either singly or in combination:

1. Diphtheria toxoid;
2. Pertussis vaccine;
3. Tetanus toxoid;
4. Measles virus vaccine, live, attenuated;
5. Rubella virus vaccine, live;
6. Polomyelitis vaccine, live, oral trivalent;
7. Mumps virus vaccine, live;
8. Other immunizing agents when specifically authorized to do so by the State Department of Health.

#### 8:57-4.16 Mumps vaccine

Every pupil, six years of age or younger, shall have received mumps virus vaccine, live, or any vaccine combination containing mumps vaccine, live. This regulation shall become effective on September 1, 1979.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Ronald Altman  
Director, Epidemiologic Services  
State Department of Health  
Box 1540  
Trenton, N.J. 08625

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Watson E. Neiman  
Acting Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments on Time-Phased Plans

Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to amend N.J.A.C. 8:31A-10.6, concerning time-phased plans.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

#### 8:31A-10.6 Time-phased plans (1978)

(a) This provision establishes the procedure to arrive at a time-phased plan which will enable the hospital to eliminate expenditures subject to [minimum base period and] base period challenges, which expenditures are actually being incurred by the hospital. Thus, it does not apply to budgeted but unfilled positions, annualization, or similar situations. This section applies to new base period challenges not addressed in the 1977 time-phase adjustment, termed eligible base period challenges. Where the above defined actual expenditures are to be reduced, the following procedures shall apply:

1. All such 1978 expenditures, eligible for a time-phase adjustment, incurred by the hospital prior to receiving the administrative payment rate shall be included in the 1978 budget.

2. Following receipt of the administrative payment rate, with respect to [minimum base period and] eligible base period challenges which the hospital does not intend to appeal, the hospital shall submit a detailed plan [which is designed to lead] leading to the elimination of the challenged expenditure within a reasonable period of time. Such plans shall set forth in detail the costs [which will] necessarily [be] incurred in eliminating the challenged expenditure within the time period set forth.

3. A time-phased plan may be substituted only for any [issues] eligible base period challenge made the subject of appeal by a hospital. Where such a substitution is made for all [minimum base period and] base period challenges made the subject of appeal, the following procedure shall apply:

i. Notice that such a plan will be substituted for all [minimum base period and] eligible base period challenges made the subject of appeal shall be made to the analyst [and the hearing officer] no later than [15 days] 10 days following establishment of the administrative payment rate.

ii. Such plan shall be submitted to analyst no later than [thirty] [30] 20 days following establishment of the administrative payment rate. The submission of such a plan by an institution shall extinguish the right of appeal with respect to base period challenges.

iii. No later than 15 working days following the receipt of such plans, [the analyst shall submit a written recommendation with respect thereto, together with said plan, to the Director of Health Economics Services. A copy of said recommendation shall be made available to the hospital.] Health economics services (HES) will make a written recommendation with respect to said plan. The hospital shall receive a copy of the recommendation.

iv. [Upon agreement by the Director of Health Economics Services that the proposed plan, the time period and the costs are all reasonable and necessary to the elimination of the challenged expenditure, the plan shall be made a part of the hospital's rate file, appropriate adjustment to the administrative payment rate shall be made and all such expenditures shall be removed from the budget base for all succeeding years. A determination by the director shall be made within 15 working days following receipt of the recommendation and plan and timely notice with respect to said determination given the hospital. Where the interests of concerned parties may be served, a meeting between the analyst, the director and representatives of the institution may be held in order to resolve difference as to reasonableness.] If the hospital accepts the recommendation of HES, the department must be notified within 10 working days of receipt of the recommendation. The recommended plan shall be made a part of the hospital's rate file, appropriate adjustments shall be made to the administrative payment rate and all such expenditures shall be removed from the budget base for all succeeding years.

v. [The submission of such a plan by an institution shall extinguish a right of appeal with respect to minimum base period and base period challenges. However, failure to agree on a reasonable plan in whole or in part shall constitute a subject of appeal with respect to any unresolved issues as to reasonableness. Such appeals shall be heard no later than 30 working days following notice of the determination to be made in subparagraphs iv of this paragraph] If the hospital does not accept the recommendation of HES, it shall constitute a subject of appeal, which shall proceed as under paragraph 5 below. The hospital must notify the department within 10 working days of receipt of the recommendation that the hospital intends to appeal the time-phased plan to the hearing officer. No adjustment will be made to the administrative payment rate with regard to the time-phased plan. Hospitals shall be notified of the date of their appeal within 30 days following receipt of the request for said appeal. Where possible said appeal will be heard in conjunction with any appeal scheduled under this subchapter.

vi. [During the pendency of the procedure outlined above, the hospital shall make reasonable efforts to eliminate the actual expenditures intended for elimination consistent with its proposed time-phased plan. However, such remaining, reasonable expenditures incurred in good faith by the hospital shall be included in the 1978 budget.]

[vii.] Failure by the hospital to implement the approved plan [agreed upon or approved by the hearing officer] shall be treated by the Department of Health in succeeding years as if said plan had been implemented. [, and compensation for any sums approved in order to give effect to said plan made through an appropriate retroactive adjustment.]

4. A time-phased plan may be substituted only for any [issues] eligible base period challenge made the subject of appeal by a hospital. Where such a substitution is made for some but not all [minimum base period and] eligible base period challenges made the subject of appeal, the following procedure shall apply:

i. Notice that such a plan will be substituted for certain [minimum base period and] eligible base period challenges made the subject of appeal, together with notice as to those issues remaining on appeal, shall be made to the analyst [and the hearing officer] no later than 15 [10] days following establishment of the administrative payment rate.

ii. A time-phased plan covering the [substituted issues] eligible base period challenges shall be submitted no later than [thirty (3)] 20 days following the establishment of the administrative payment rate. The submission of such a plan by an institution shall extinguish the right of appeal with respect to those base period challenges.

iii. No later than 15 working days following the receipt of such plans, [analyst shall submit a written recommendation with respect thereto, together with said plan, to the Director of Health Economics Services. A copy of said recommendation shall be made available to the hospital.] HES will make a written recommendation with respect to said plan. The hospital shall receive a copy of said recommendation.

iv. [Upon agreement by the Director of Health Economics Services that the proposed plan, the time period and the costs are all reasonable and necessary to the elimination of the challenged expenditure, the plan shall be made a part of the hospital's rate file, appropriate adjustment to the administrative payment rate shall be made and all such expenditures shall be removed from the budget base for all succeeding years. A determination by the director shall be made within 15 working days following receipt of the recommendation and plan and timely notice with respect to said determination given the hospital. Where the interests of concerned parties may be served, a meeting between the analyst, the director, and representatives of the institution may be held in order to resolve differences as to reasonableness.]

If the hospital accepts the recommendation of HES the department must be notified within 10 working days of receipt of the recommendations. The recommended plan shall be made a part of the hospital's rate file, appropriate adjustments shall be made to the administrative payment rate and all such expenditures shall be removed from the budget base for all succeeding years.

v. [The submission of such a plan shall extinguish a right of appeal with respect to the issues covered thereby. However, failure to agree on a reasonable plan in whole or in part shall constitute a subject of appeal with respect to any unresolved issues as to reasonableness. Such appeals shall be heard no later than 30 working days following notice of the determination to be made in subparagraph iv of this paragraph and where possible, shall be consolidated with any remaining appealable issues.] If the hospital does not accept the recommendation of HES, it shall constitute a subject of appeal which shall proceed as under paragraph 5 below. The hospital must notify the department within 10 working days of receipt of the recommendation, that the hospital intends to appeal the time-phased plan to the hearing officer. No adjustment will be made to the administrative payment rate with regard to the time-

phased plan. Hospitals shall be notified of the date of their appeal within 30 days following receipt of the request for said appeal. Where possible said appeal will be heard in conjunction with any appeal scheduled under this subchapter.

vi. [During the pendency of the procedure outlined above, the hospital shall make reasonable efforts to eliminate the actual expenditures intended for elimination consistent with its proposed time-phased plan. However, such remaining, reasonable expenditures incurred in good faith by the hospital shall be included in the 1978 budget.] Failure by the hospital to implement the approved plan shall be treated by the Department of Health in succeeding years as if said plan had been implemented.

vii. [Where the hearing officer finds against the hospital with respect to a minimum base period or base period challenge made the subject of appeal he shall approve a time-phased plan designed to lead to the elimination of the actual expenditure within a reasonable period of time. He shall notify the hospital with respect to an adverse determination within 10 days of the hearing and shall approve such plan within 20 days of the notice. The 1978 budget shall include costs actually incurred up to the date of hearing where such appeals involve colorable issues and are taken in good faith; however, whenever it shall appear that non-colorable issues have been pursued not in good faith, a time-phased plan shall be approved by the hearing officer designed to lead to the elimination of the actual expenditure as if such a plan had been submitted by the hospital in good faith in a timely fashion following receipt of the administrative payment rate pursuant to paragraphs 3 and 4 of this subsection. Said plans shall be made a part of the formal record, an appropriate adjustment to the final administrative rate shall be made giving due consideration to both base period and minimum base period challenges and all such expenditures shall be removed from the budget base for all succeeding years.]

viii. Failure to implement the plan agreed upon or approved by the hearing officer shall be treated by the Department of Health in succeeding years as if said plan had been implemented and compensation for any sums approved in order to give effect to said plan made through an appropriate retroactive adjustment.]

5. [Where an institution elects not to substitute a time-phased plan for any issue made the subject of appeal,] Where an institution appeals the time-phased plan to the hearing officer (paragraphs 3 and 4 above), the following procedure shall apply:

(1) i. [With respect to any and all base period and minimum base period challenges where the hearing officer finds in favor of the hospital, such costs shall be allowed in the final administrative rate (FAR).] The hearing officer shall make a recommendation as to which time-phased plan should be approved (that is, either the hospital's plan as proposed under paragraphs 2 or 3 above or the recommendation of HES as proposed under paragraphs 2 or 3 above. The approved plan shall be made part of the hospital's rate file, appropriate adjustment shall be made to the payment rate (APR/FAR) and all such expenditures shall be removed from the budget base for all succeeding years.]

ii. [Where the hearing officer finds against the hospital with respect to a minimum base period or base period challenge made the subject of appeal, he shall approve a time-phased plan designed to lead to the elimination of the actual expenditure within a reasonable period of time. He shall notify the hospital with respect to an adverse determination within 10 days of the hearing and shall approve such plan within 20 days of the notice. The 1978 budget shall include costs actually incurred up to

the date of hearing, where such appeals involve colorable issues and are taken in good faith; however, whenever it shall appear that non-colorable issues have been pursued not in good faith, a time-phased plan shall be approved by the hearing officer designed to lead to the elimination of the actual expenditure as if such a plan had been submitted by the hospital in good faith in a timely fashion following receipt of the administrative payment rate pursuant to paragraphs 3 and 4 of this subsection. Said plan shall be made a part of the formal record, an appropriate adjustment to the final administrative rate shall be made giving due consideration to both base period and minimum base period challenges and all such expenditures shall be removed from the budget base for all succeeding years.] Failure by the hospital to implement the approved plan shall be treated by the Department of Health in succeeding years as if said plan had been implemented.

[iii. Failure to implement the plan agreed upon or approved by the hearing officer shall be treated by the Department of Health in succeeding years as if said plan had been implemented and compensated for any sums approved in order to give effect to said plan made through an appropriate retroactive adjustment.]

6. In situations where the passage of time shall have rendered the procedures set forth above inapplicable, considerations of equity shall dictate and upon notice by the institution that a time-phased plan may be substituted for any or all issues heard prior to the effective date of this regulation, the hearing officer shall reopen the formal record for a reasonable period of time to accommodate both the submission of a plan and the analyst's recommendation with respect thereto. Such notice shall be made prior to receipt of the hearing officer's report. Upon notice, the hearing officer shall set forth a time schedule specifying submission dates, supplementary hearings if any, and a date for his final approval of a reasonable plan. Any remaining issues shall be determined upon evidence already submitted at the appeal.] Where an institution elects not to substitute a time-phased plan for any eligible base period challenge made the subject of appeal, the following procedure shall apply:

i. With respect to any eligible base period challenges where the hearing officer finds in favor of the hospital, such costs shall be allowed in the final administrative rate (FAR).

ii. Where the hearing officer finds against the hospital with respect to an eligible base period challenge made the subject of appeal, an adjustment shall be made and said adjustment will constitute an approved time-phased plan. The 1978 budget shall include costs actually incurred up to the date of hearing, where such appeals involve colorable issues and are taken in good faith. Whenever, the hearing officer shall determine that non-colorable issues have been pursued or the issues were not pursued in good faith, only those expenditures covered in this chapter shall be included in the 1978 budget. An appropriate adjustment shall be made to the final administrative rate and all such expenditures shall be removed from the budget base for all succeeding years.

iii. Failure by the hospital to implement the approved plan shall be treated by the Department of Health in succeeding years as if said plan had been implemented.

7. For those hospitals which proceed under the guidelines, late submissions and resubmissions, is amended to read as follows:

i. Only 1978 expenditures eligible for a time-phased adjustment incurred by the hospital prior to July 1, 1978 shall be included in the 1978 budget.

8. For hospitals receiving a time-phased adjustment, the following provisions shall apply in all future years:

i. The hospital cannot time-phase expenditures in any

cost center where the above adjustment has been granted, neither can the hospital appeal the base period challenge in said cost center except for those screens which are lower in 1979 than they were in 1978. The effect of the difference between the two on the hospital's budget may be appealed.

ii. There shall be no appeal of minimum base period challenges (except for base year k-form adjustments) and there shall be no time-phasing in minimum base period challenges.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

John B. Reiss  
Assistant Commissioner  
Health Planning and Resources Development  
State Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Watson E. Neiman  
Acting Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Amendments on Waterfront Staff And Youth Camp Safety Standards

On May 19, 1978, Watson E. Neiman, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:12-1, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 8:25-5.2 concerning waterfront staff and youth camp safety standards, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 147(b).

An order adopting these amendments was filed and became effective on May 22, 1978, as R.1978 d.166.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Amendments on License Requirement And Expiration Dates for Food And Cosmetic Establishments

On May 15, 1978, Watson E. Neiman, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 8:21-9.4(a) and 8:21-9.6(a) concerning license requirement and expiration dates for food and cosmetic establishments as proposed in the Notice published April 6, 1978, at 10 N.J.R. 147(a).

An order adopting these amendments was filed and became effective on May 22, 1978, as R.1978 d.167.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**HEALTH**

**PUBLIC HEALTH COUNCIL**

**Postponement of Effective Date  
Of Smoking Rules in Public Places**

On May 18, 1978, Jane B. Robinson, Chairperson of the Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and 8, and the formal opinion number 7 of the Attorney General, and in accordance with applicable provisions of the Administrative Procedure Act, amended its order of adoption concerning smoking in certain public places, cited as N.J.A.C. 8:15-1.1 et seq., by postponing the effective date of such rules to February 1, 1979.

The Public Health Council also resolved to submit a proposal in a procedurally-correct way and allow sufficient time for appropriate public participation.

An order postponing the effective date of these rules was filed and became effective on May 22, 1978, as R.1978 d.168 (Exempt, Formal Opinion of the Attorney General).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**HIGHER EDUCATION**

**STATE BOARD OF HIGHER EDUCATION**

**Proposed Amendments Concerning  
General Accounting and Procedures  
Manual for State-Supported County Colleges**

T. Edward Hollander, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:64A-7, proposes to amend a portion of the rules concerning the general accounting and procedures manual for State-supported county colleges.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

**9:4-3.1 General provisions**

[(a)] The colleges' accounting and financial reporting practices shall be, in all [material] respects, in accordance with **College and University Business Administration**, [Volume 1] **Third Edition**, and, as it may be subsequently amended except in those instances where these practices would be in direct contravention to existing State regulations. [The principles set forth in this publication have received general acceptance by such authorities as the American Council on Education, the American Institute of Certified Public Accountants and the majority of educational institutions in the United States.]

**9:4-3.3(a)5.i. This group shall be used to account for funds which have been provided by the State or county, contributed, or designated by the board of trustees for the acquisition of capital assets as defined in section 4 of this subchapter.**

**9:4-3.3(a)5.ii. It shall also account for capital expenditures from current funds for movable equipment, furniture, improvements, and library books. Such expenditures will be reflected on the statement of current fund revenues, expenditures and other charges as a non-mandatory transfer. Guidelines as to those current fund expenditures**

which may be added to the plant funds are presented in sections 40 through 45 of this subchapter.

Delete N.J.A.C. 9:4-3.3(a)5.iii. in its entirety and insert new language as follows:

**9:4-3.3(a)5.iii. The group shall be divided into three separately balanced sections:**

(1) **Unexpended plant funds: Funds for the acquisition of capital or plant assets;**

(2) **Expended plant funds: Funds already invested in plant;**

(3) **Renewal and replacement fund: Funds held or set aside for renewal or replacement of institutional properties.**

**iv. Plant assets, until disposed of, shall be carried in the accounts at cost, or at an appraised value as of the date of the gift. Library books may be recorded at a nominal value. The nominal value used should be specified on the annual financial report.**

Delete N.J.A.C. 9:4-3.44 in its entirety and insert new language as follows:

**9:4-3.44 Determination and categorization of assets to be capitalized**

(a) **The value of an article, as well as its estimated useful life, should be considered in determining whether it should be capitalized.**

(b) **It is suggested that items of furniture, equipment, fixtures, and audio visual hardware having an estimated useful life of three or more years and a cost of \$100.00 or more be capitalized and included in the inventory of capital assets. Included in the cost of the item will be installation and other costs that give the asset utility.**

(c) **For furniture, fixtures, equipment, and audio visual hardware, items having an estimated useful life of three years, a cost of \$100.00 or more must be included in the category, (ref. N.J.A.C. 9:4-4.55), except for library books which may have a unit cost under \$25.00.**

(d) **The initial acquisition of library books, documents and audio visual software exclusive of binding or cataloging charges may be capitalized. Replacement of library books or audiovisual software subsequent to the initial acquisition period are not to be classified as capital expenditures but are to be included in the budget for current operations.**

**9:4-3.55(c)2.i. "New facilities" include the purchase cost of land to include title fees, search, other legal fees, title insurance, land acquisition [;] the preparation of drawings and specifications for new facilities; erecting, constructing or acquiring new facilities; inspection and supervision of the construction of the facilities; and directly related legal and other incidental costs in accordance with generally accepted accounting principles. [Construction costs will include any necessary demolition of existing buildings and site preparation. For purchased buildings, initial renovation costs will be included in the cost of the building. Also included in this category will be the initial installation cost of underground utility conduits, sidewalks, paved roads, fencing and similar costs relating to the general preparation and improvement of the campus grounds.]**

Delete N.J.A.C. 9:4-3.55(c)2ii. through v. in their entirety and insert new language as follows:

**9:4-3.55(c)2.ii. Land improvements includes the installation cost of underground utility conduits, sidewalks, paved roads, fencing, parking lots and similar costs relating to the general preparation and improvement of the campus grounds.**

**9:4-3.55(c)2.iii. "Buildings" include the preparation of drawings and specifications, erecting, constructing or acquiring facilities and directly related legal and other inci-**

dental costs. Construction costs will include any necessary demolition of existing buildings and site preparation. Renovation costs will be included in the cost of the building. Also included in this category are building improvements, including but not limited to improvement of plumbing, heating, ventilation, air conditioning, emission control system, electrical and renovations which will substantially affect the utility of the facility. The building or facility may be either owned or leased but improvements to leased buildings using State funds must have prior approval of the Board of Higher Education. In the case of a leasehold improvement, the annual cost of the lease agreement and/or the initial lease cost are not to be included in the plant fund.

9:4-3.55(c)2.iv. "Furniture fixtures and equipment" includes those items which are owned and meet the criteria of N.J.A.C. 9:4-3.44.

9:4-3.55(c)2.v. "Library books and audio visual software" includes those items which are owned and meet the criteria of N.J.A.C. 9:4-3.44. This does not include binding or cataloging charges.

9:4-3.55(c)2.vi. "Renewals and replacements", as defined by College and University Business Administration (NACUBO-1974), are part of the plant fund in a designated area known as the fund for renewals and replacements. The request will indicate the item needed and the item to be replaced or the described renewal of an existing item. Included in this fund will be renewals of equipment, land and building improvements that will extend the useful life of the initial acquisition at least three more years and whose renewal cost must be at least one hundred dollars (\$100). Also included in this fund will be replacements of equipment, land improvements and buildings where an initial acquisition is being replaced by a like item.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Frederick Gruel  
Assistant Director, Budget  
Office of County Colleges  
Department of Higher Education  
225 West State Street  
P.O. Box 1293  
Trenton, N.J. 08625

The State Board of Higher Education may thereafter adopt rules concerning this subject without further notice.

T. Edward Hollander  
Chancellor of Higher Education  
Secretary, State Board of Higher Education

## (a)

# HIGHER EDUCATION

## STATE BOARD OF HIGHER EDUCATION

### Proposed Amendments on Membership And Responsibilities of Licensure And Approval Advisory Board

T. Edward Hollander, Chancellor and Secretary of the State Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:68-1 et seq., proposes to amend the rules concerning the membership and responsibilities of the Licensure and Approval Advisory Board.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

## SUBCHAPTER 2. LICENSURE AND APPROVAL OF DEGREES WITH RESPECT TO CERTAIN INSTITUTIONS OF HIGHER EDUCATION IN NEW JERSEY

### [FOREWORD]

According to law, the Board of Higher Education shall "license institutions of higher education . . . , approve the basis or conditions for conferring degrees . . . , exercise enforcement powers as provided (by statute), require from institutions such reports as may be necessary to enable the board to perform the duties imposed upon it by statute" (N.J.S.A. 18A:3-14, m, n, o, p), "may make and enforce, alter and repeal rules . . . for implementing and carrying out this law" (N.J.S.A. 18A:3-15), and "shall have all powers, in addition to those specifically provided by law, requisite to the performance of its duties" (N.J.S.A. 18A:3-16). Specifically, the board may, under certain specified conditions, revoke licenses (N.J.S.A. 18A:68-4) and withdraw approval of the basis or conditions of conferring degrees (N.J.S.A. 18A:68-7).

### IMPLEMENTATION

#### 9:1-2.1 Accreditation

In carrying out these provisions of the law, the Board of Higher Education will distinguish between institutions accredited by the Middle States Association of Colleges and Secondary Schools and those institutions not so accredited.]

#### [9:1-2.2 Accredited institutions]

##### 9:1-2.1 Licensure of New Jersey independent institutions regionally accredited

(a) With respect to institutions accredited by the Middle States Association, the Board of Higher Education will ordinarily accept such accreditation as sufficient for the continuance of licensure and approval, provided that the institution shall submit to the Chancellor within 30 days of their filing or receipt, as the case may be, copies of all reports filed by the institution with the Middle States Commission on Higher Education and of reports transmitted to the institution by the commission, and the filing of such reports is hereby required pursuant to the authority of N.J.S.A. 18A:3-6p. [At any time, despite accreditation by the Middle States Association, the Board of Higher Education may direct the Chancellor to proceed with respect to any particular institution as though that institution were not accredited by the Middle States Association.]

(b) The Board of Higher Education may direct the Chancellor at any time to proceed with respect to any particular institution as though that institution were not accredited by the Middle States Association.

#### [9:1-2.3 Nonaccredited institutions]

##### 9:1-2.2 Licensure of New Jersey independent institutions not regionally accredited and out-of-State institutions

[In the case of institutions not accredited by the Middle States Association, it is the desire of the Board of Higher Education that the New Jersey institutions of higher education themselves shall bear the major responsibility for advising the Chancellor with respect to the recommendations he shall from time to time submit to the board.] In the case of New Jersey independent institutions not accredited by the Middle States Association, as well as out-of-State institutions seeking licensure in the State of New Jersey, it is the desire of the Board of Higher Education that the New Jersey institutions of higher education themselves shall bear the major responsibility for advising the Chancellor with respect to the

**recommendations which the Chancellor shall from time to time submit to the Board of Higher Education.** [To that end, there is hereby established a Licensure and Approval Advisory Board including representatives of the Department of Higher Education, the State University, the State colleges, the county colleges, and the independent institutions of higher learning.] **To that end, a Licensure and Approval Advisory Board (LAAB) is established.** [The advisory board will be responsible for advising the Chancellor with respect to policies for licensure and degree approval designed to promote the maintenance of educational quality, the optimal utilization of educational resources, and the sanctions that may appropriately be invoked in the case of institutions whose educational effectiveness is called in question.]

[LICENSING AND APPROVAL ADVISORY BOARD]

[9:1-2.4 Regulations

The specific regulations establishing the advisory board are set forth in sections 2.5 through 2.9 of this chapter.]

[9:1-2.5] **9:1-2.3 Establishment of Licensure and Approval Advisory Board**

There is established by the Board of Higher Education a Licensure and Approval Advisory Board.

[9:1-2.6 Board members]

**9:1-2.4 Membership**

(a) [The Licensure and Approval Advisory Board shall consist of the Chancellor or his representative, a member of the staff of the Department of Higher Education designated by the Chancellor, a representative of Rutgers, the State University, designated by the president of the university, a representative of the State colleges designated by the Council of State Colleges, a representative of the county colleges designated by the Council of County Colleges, three representatives of the Association of Independent Colleges and Universities in New Jersey designated by the association, and three persons representative of the independent colleges not members of the aforesaid association, selected as hereinafter provided.] **The Licensure and Approval Advisory Board shall consist of a representative of Rutgers, the State University designated by the president of the university; a representative of the New Jersey Institute of Technology designated by the NJIT president; a representative of the College of Medicine and Dentistry of New Jersey designated by the president of the college; two representatives of the State colleges designated by the Council of State Colleges; two representatives of the county colleges designated by the Council of County Colleges; three representatives of the Association of Independent Colleges and Universities in New Jersey designated by the association; three persons representative of the independent colleges not members of the aforesaid association selected as hereinafter provided; and one representative of the Department of Higher Education designated by the Chancellor serving as an ex officio non-voting member.**

(b) [The representatives of the independent colleges not members of the Association of Independent Colleges and Universities in New Jersey shall be chosen by ballot at a meeting of the presidents of these institutions to be convened annually for this purpose by the Chancellor at the office of the Department of Higher Education in Trenton.] **The representatives of the independent colleges not members of the Association of Independent Colleges and Universities in New Jersey shall be chosen by ballot at a meeting of the presidents of these institutions to be convened by the Chancellor when appropriate for this purpose. The persons having the highest number of votes, provided it is a majority of the total number of votes**

**cast, shall be declared elected.** [In case of a tie or in case of inability to elect, the Chancellor shall designate the persons to serve.] **In the case of a tie, the Chancellor shall break the tie; in the case of inability to elect, the Chancellor shall designate the persons to serve.**

[9:1-2.7] **9:1-2.5 Membership term**

[The term of membership on the advisory board shall be three years, except in the case of the Chancellor and the members of the staff of the Department of Higher Education, provided that the member designated initially by the Council of State Colleges shall serve for a term of two years, the member designated initially by the Council of County Colleges shall serve for a term of one year, and the representatives of the Association of Independent Colleges and of the nonmember independent colleges shall in each case be chosen for a term of three years, one for a term of two years and one for a term of one year.] **The term of membership on the advisory board shall be three years except in the case of the Department of Higher Education representative. Members may be reappointed. If a member of the advisory board ceases to hold an official position within the sector of the academic community he was designated to represent, a vacancy shall be deemed to exist. If a member of the advisory board is unable to serve as a representative of the sector of the academic community he/she was designated to represent, a vacancy shall be deemed to exist. Vacancies shall be filled for [the] any unexpired term according to the applicable procedure set forth in section [2.6 (Board members)] 4 (Membership) of this chapter.**

[9:1-2.8] **9:1-2.6 Officers and staff**

The advisory board shall elect its own officers and determine its own rules of procedure. [It shall be provided with staff and secretarial assistance by the Department of Higher Education.] **The Department of Higher Education shall provide the advisory board with staff and secretarial assistance.**

[9:1-2.9] **9:1-2.7 Duties**

[The duties of the advisory board shall be to recommend to the Chancellor and the Board of Higher Education policies for licensure and degree approval designed to promote the maintenance of generally accepted standards of excellence, consistent growth in educational usefulness and the optimal utilization of educational resources on the part of institutions comprising the New Jersey system of higher education; to advise the Chancellor when requested with respect to reports filed by the institutions with the Department of Higher Education and with respect to the personnel and reports of committees that may from time to time be appointed to visit institutions of higher education; and as to the action taken with respect to any college or university whose educational quality may be called in question. Any proposed action with respect to any independent institution looking toward the revocation of licensure or the withdrawal of approval of the basis or conditions for the conferring of degrees, or of the practice of conferring and bestowing degrees, shall be referred to the advisory board for an advisory opinion before the statutory procedures are invoked.]

(a) **The responsibilities of the Licensure and Approval Advisory Board will be:**

1. **To advise the Chancellor with respect to policies for licensure and degree approval designed to promote the maintenance of educational quality and the optimal utilization of educational resources in the State;**

i. **To recommend to the Chancellor and to the Board of Higher Education policies for licensure and degree approval in the case of independent institutions not regionally accredited;**

ii. To recommend to the Chancellor and to the Board of Higher Education policies for licensure, degree approval, and approval of credit-bearing courses in the case of out-of-State institutions seeking licensure in New Jersey;

2. To recommend to the Chancellor and to the Board of Higher Education action on petitions for licensure by independent New Jersey institutions not regionally accredited;

3. To recommend to the Chancellor and to the Board of Higher Education action on petitions for licensure by any out-of-State institutions;

4. To advise the Chancellor, when requested, with respect to reports filed with the Department of Higher Education by any New Jersey institution, public or independent, or by committees that may from time to time be appointed to visit institutions of higher education operating in the State;

5. To advise the Chancellor, when requested, as to the action to be taken with respect to any college or university, public or independent, whose educational quality may be called in question;

6. To review any proposed action by the Chancellor with respect to any institution which could result in the revocation of licensure or the withdrawal of approval of the basis or conditions for the conferring of degrees, or of the practice of conferring and bestowing degrees. The Chancellor will request and the advisory board will provide an advisory opinion before the statutory procedures are invoked by the Board of Higher Education; and

7. To advise the Chancellor, when requested, with respect to any matters the Chancellor may deem appropriate.

**9:1-2.8 Subcommittee on New Jersey independent institutions not regionally accredited**

In matters pertaining to the New Jersey independent institutions not regionally accredited, the chairperson of the advisory board shall designate annually from among the LAAB members one member from the public institutions, one member from the Association of Independent Colleges and Universities in New Jersey institutions, and one member from the independent institutions which are nonmembers of the aforesaid association, who shall be the only voting constituents on matters brought before the Licensure and Approval Advisory Board pertaining to New Jersey independent institutions not regionally accredited, although all members of LAAB will participate in the discussion of these matters. Recommendations of the subcommittee shall be communicated through the chairperson of LAAB to the Chancellor.

[Statutory Reference]

**9:1-2.9 (Reserved)**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Amorita Suarez, Director  
Office of Independent Colleges  
Department of Higher Education  
225 West State Street  
P.O. Box 1239  
Trenton, N.J. 08625

The State Board of Higher Education may thereafter adopt rules concerning this subject without further notice.

T. Edward Hollander  
Chancellor of Higher Education  
Secretary, State Board of Higher Education  
Department of Higher Education

**(a)**

**HIGHER EDUCATION**

**THE CHANCELLOR**

**Amendments on Appeals to Chancellor Under Higher Education Laws**

On April 25, 1978, T. Edward Hollander, Chancellor of Higher Education, pursuant to authority of N.J.S.A. 18A:6-26 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:2-6.1 et seq. concerning appeals to the Chancellor under the higher education laws, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 567(c) and on March 9, 1978, at 10 N.J.R. 104(e).

An order adopting these amendments was filed on April 27, 1978, as R.1978 d.136 to become effective for all appeals filed after April 26, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**BUREAU OF CLAIMS AND ACCOUNTS**

**Proposed Rules on Long-Term-Care Facilities' Billing Procedures**

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to rescind N.J.A.C. 10:63-2.1, et seq. of the Skilled Nursing Home Manual and to adopt new rules, to be cited as N.J.A.C. 10:63-2.1 et seq., concerning billing procedures in the long-term-care facilities manual.

Copies of the 61 pages of full text of the proposal, including exhibits and appendices, may be obtained or made available for review by contacting:

Administrative Practice Officer  
Division of Medical Assistance and Health Services  
P.O. Box 2486  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 28, 1978, to the above address.

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein  
Commissioner  
Department of Human Services

**(c)**

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Proposed Amendments on Salary Increases For County Welfare Agencies' Employees**

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to

amend N.J.A.C. 10:109-1.1 et seq., concerning Ruling 11 and salary increases for county welfare agencies' employees.

Copies of the 31 pages of full text of the proposal may be obtained from or made available for review by contacting:

G. Thomas Riti  
Director  
Division of Public Welfare  
Box 1627  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to the Division of Public Welfare, at the above address.

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments to Public Assistance Allowance Standards for AFDC Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to delete the current schedule of public assistance allowance standards for the AFDC program in N.J.A.C. 10:82-1.2(c) and adopt a new schedule therein to reflect a five per cent increase in such standards.

Full text of the proposed new standards follows:

10:82-1.2(c)

#### Public Assistance Allowance Standards

Schedule I AFDC-C AFDC-F	AFDC Program Number in Eligible Unit	Schedule II AFDC-N
124	1	83
247	2	165
326	3	217
374	4	249
426	5	284
482	6	321
531	7	354
583	8	389
628	9	419
669	10	446
721	11	481
774	12	516
826	13	551
870	14	580
916	15	611
Add \$42 each person	More than 15	Add \$28 each person

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, N.J. 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Proposed Rules on Probable Cause Hearings

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-12 and N.J.S.A. 30:4C-26a, proposes to adopt new rules to be cited as N.J.A.C. 10:120-3.1 et seq., concerning probable cause hearings.

This proposal is on procedures governing probable cause hearings conducted by the Division of Youth and Family Services.

Purpose of the rules is to set forth procedures for preliminary hearings to determine whether there is probable cause to believe that a parolee under DYFS supervision has committed acts which constitute a violation of parole conditions.

The United States Supreme Court, in *Morrissey v. Brewer*, 408 U.S. 471 (1972), interpreted the due process clause of the Constitution as requiring an inquiry in the nature of a preliminary hearing to determine whether probable cause exists for parole revocation. In keeping with *Morrissey v. Brewer*, supra, the rules set forth procedures for initiation of parole revocation proceedings, notification procedures, the manner in which the preliminary hearing is to be conducted (notice requirements, right to be represented, evidential rules), and dispositional procedures.

Copies of the 11 pages of full text of the proposal may be obtained or made available for review by contacting:

Bernard Goldberg, Supervisor  
Administrative Hearing Unit  
Division of Youth and Family Services  
1 South Montgomery Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 28, 1978, to:

Bernard Goldberg, Supervisor  
Administrative Hearing Unit  
Division of Youth and Family Services  
Trenton, N.J. 08625

The Division of Youth and Family Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein  
Commissioner  
Department of Human Services

(c)

## HUMAN SERVICES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Proposed Rules Concerning Fair Hearings

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-12 and 30:4C-26a, proposes to adopt new rules to be cited as N.J.A.C. 10:120-2.1 et seq., concerning fair hearings.

This proposal sets forth procedures governing fair hearings conducted by the Division of Youth and Family Services.

The main purpose of the rules is to set forth procedures wherein applicants for, or recipients of, social services funder under Title XX of the Federal Social Security Act and administered directly or indirectly by the Division of Youth and Family Services may appeal a denial, reduction or termination of service, or failure to act upon a request for service with reasonable promptness.

The Federal Social Security Act requires the State agency to provide an opportunity for a fair hearing to applicants for, or recipients of, Title XX services. Accordingly, the rules set forth when persons have a right to a fair hearing, notification procedures, procedures specifying the manner in which the hearing is to be conducted (including time, place, notice, right to be represented, evidential rules) and dispositional procedures.

Copies of the 44 pages of full text of the proposal may be obtained or made available for review by contacting:

Bernard Goldberg, Supervisor  
Administrative Hearing Unit  
Division of Youth and Family Services  
1 South Montgomery Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 28, 1978, to:

Bernard Goldberg, Supervisor  
Administrative Hearing Unit  
Division of Youth and Family Services  
Trenton, New Jersey 08625

The Division of Youth and Family Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein  
Commissioner  
Department of Human Services

**(a)**

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments to Medical Assistance For an Unborn Child

On April 25, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-3.8(b) and 10:81-8.22(a)5. concerning medical assistance for an unborn child, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 106(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

Full text of the adoption follows:

10:81-3.8 [(b) A pregnant woman may make application for AFDC-C or -F up to 60 days before the expected birth date of her child. Such application will be considered pending, with assistance to begin when the child is born, providing the applicant meets all other eligibility requirements.]

(b) Upon presentation of documented medical evidence of pregnancy, which shall include the estimated date of conception and delivery, a woman may make application for medical assistance on behalf of her unborn child and for AFDC for herself and the child upon the child's birth.

One application form will be prepared to cover both requests.

1. The application will be processed and registered immediately to determine eligibility for Medicaid Special (see N.J.A.C. 10:81-8.22(a)) which may be provided until the birth of the child. Post natal care for the mother is not covered unless she herself is under age 21 or unless eligibility for AFDC is established in accordance with the following subsection.

2. Determination of eligibility for AFDC money payments will be suspended pending verification of the child's birth and affirmation by the client at the time of the birth that she desires assistance and intends to retain care and custody of her child. Within 30 days prior to the expected date of the child's birth, the CWA will make a determination regarding eligibility for AFDC, including completion of form PA-10G, Assignment of support rights, and any appropriate evaluation of LRRs.

i. At the time of application, financial eligibility for AFDC and Medicaid Special is based on the -C and -F allowance standard for two (mother and unborn child) or three (two parents and unborn child), as appropriate. Eligibility for a money payment following the birth of the child is based on the requirements and standard for -C, -F or -N, whichever is applicable.

ii. At time of application, the mother shall be advised of the need for additional information prior to receipt of a money payment.

10:81-8.22(a)5. An unborn child, regardless of age of the mother, when the parent's (or parents') income, as calculated by appropriate procedures, would render her (or them) financially eligible for AFDC-C or -F, regardless of other program requirements.

i. Coverage begins with the medical determination of pregnancy and ends with delivery of the child (including expenses of delivery. Medical documentation will include the estimated date of conception and delivery date. Cost of the examination to determine pregnancy may be made from the administrative account.

ii. See N.J.A.C. 10:81-3.8(b) regarding application for AFDC during pregnancy.

An order adopting these amendments was filed and became effective on May 1, 1978, as R.1978 d.140.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments on Budgeting Of Public Assistance Cases

On May 10, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-1.3, 10:82-1.4, 10:82-2.3, 10:82-2.4, 10:82-2.6, 10:82-2.10, 10:82-2.19, 10:82-3.2 and 10:82-3.8, concerning the budgeting of public assistance cases, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 113(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

Take notice that, the proposed amendments to N.J.A.C. 10:82-2.9(c)2. are not included in this adoption.

An order adopting these amendments was filed on May 16, 1978, as R.1978 d.157, to become effective June 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments on Work Requirements In the General Assistance Program

On May 23, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.2(g) concerning work requirements in the general assistance program regarding mandatory registration with the New Jersey Employment Service, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 151(a).

An order adopting these amendments was filed on May 23, 1978, as R.1978 d.169 to become effective on June 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## INSURANCE

### REAL ESTATE COMMISSION

#### Proposed Amendments Concerning Educational Requirements for Salesmen and Brokers Making Application for Licensure Examination

Joan Haberle, Secretary-Director of the Real Estate Commission, Department of Insurance, pursuant to the authority of N.J.S.A. 45:15-6 and N.J.S.A. 45:15-10.1, proposes to amend N.J.A.C. 11:5-1.27, concerning educational requirements for salesmen and brokers in making application for licensure examination.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated by brackets [thus]):

11:5-1.27(d) "Hour" means a period of 50 minutes of actual classroom instruction. The time allotted by any school for a final examination, **50 minutes or more in duration**, covering real estate subjects shall not be applicable toward the minimum hours of course study above prescribed.

11:5-1.27(e)5. Any applicant who has satisfactorily completed a course of education in real estate subjects in any accredited institution of higher education; **provided, however, that the commission shall determine that the course of education is substantially equivalent to the educational requirements prescribed herein.**

Delete text of N.J.A.C. 11:5-1.27(f) and reletter remaining subsections.

Delete text of N.J.A.C. 11:5-1.27(k) and insert new language as follows:

11:5-1.27(j) **For purposes of the Real Estate Commission, the salesperson's course shall be equivalent to three credits and the broker's course shall be equivalent to six credits.**

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 28, 1978, to:

Joan Haberle, Secretary-Director  
Department of Insurance Real Estate Commission  
P.O. Box 1510  
Trenton, New Jersey 08625

The Real Estate Commission may thereafter adopt rules concerning this subject without further notice.

Joan Haberle  
Secretary-Director  
Real Estate Commission  
Department of Insurance

(c)

## INSURANCE

### THE COMMISSIONER

#### Notice of Correction on Exportables List

Take notice that, in the Notice published April 6, 1978, in the New Jersey Register at 10 N.J.R. 163(a), the text of item 6 therein which read "auto rates" should have read "auto races."

This Notice is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## INSURANCE

### REAL ESTATE COMMISSION

#### Amendments on Educational Requirements for Salesmen and Brokers License Examinations

On April 26, 1978, Joan Haberle, Secretary-Director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-10.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.27 concerning the educational requirements for salesmen and brokers license examinations, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 163(b).

An order adopting these amendments was filed and became effective on April 27, 1978, as R.1978 d.135.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

# INSURANCE

## THE COMMISSIONER

### Rules on Alcoholism Benefits In Health Insurance Contracts

On May 19, 1978, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), L.1977, c.116 and 118, and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 11:4-15.1 et seq., concerning alcoholism benefits in health insurance contracts, substantially as proposed in the Notice published April 6, 1978, at 10 N.J.R. 162(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

Full text of the adoption follows:

#### SUBCHAPTER 15. ALCOHOLISM BENEFITS

##### 11:4-15.1 Scope

This rule applies to all individual and group health insurance policies providing hospital-medical expense benefits issued or renewed in this State. "Renewed" is defined as any date the insurer has the option to change the level of premium rates. This rule does not apply to policies which provide only limited hospital or medical expense coverage, such as: Medicare complement policies, hospital income policies, student accident, trip or accident only policies, PIP coverage, cancer or dread disease policies, or surgical expense policies, or to policies issued prior to June 2, 1977, where the premium is guaranteed at issue and the insurer cannot increase the premium.

##### 11:4-15.2 Benefits

(a) The following benefits shall be included in each contract:

1. Where benefits are defined in terms of inpatient days, treatment of alcoholism by means of inpatient confinement in a detoxification facility or a residential treatment facility, and outpatient treatments shall be considered equivalent to inpatient hospital days and afforded the same kind of coverage under the policy as an alternative to inpatient

2. For policies that provide blanket reimbursement for medical expenses, with or without deductibles, coinsurance, and inside limits, alcoholism shall be covered as any other sickness, subject to the same deductibles and coinsurance, but with the inside limits on inpatient hospital days applying equally to detoxification facilities, residential treatment facilities, and outpatient treatments.

3. Outpatient treatment is defined as treatment on an outpatient basis at a hospital or residential treatment facility or as aftercare at a detoxification facility, provided by a certified alcoholism counselor under a program approved by the Division on Alcoholism.

##### 11:4-15.3 Exclusions

(a) An insurer may avail itself of any appropriate legal methods to avoid duplication of coverage, such as coordination of benefit provisions or statutory provisions concerning other insurance.

(b) Alcoholism benefits must be included for all certificate holders under all group policies issued or renewed in New Jersey. New Jersey residents insured under group policies issued in other states are not covered by this rule.

(c) Policy exclusions relating to workers' compensation, employers' liability laws, veterans' hospitals, military

service, and so forth may apply also to benefits for alcoholism treatment.

(d) Benefits need not be payable if no charge is normally made for the service.

(e) Benefits may be limited to the reasonable and customary charges for care and treatment.

(f) Benefits may be limited to expenses for treatment provided at the appropriate level of care.

##### 11:4-15.4 Effective date

This rule is effective immediately and benefits for all care and treatment required by the enacted legislation must be provided.

An order adopting these rules was filed and became effective on May 22, 1978, as R.1978 d.165.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

# LABOR AND INDUSTRY

## THE COMMISSIONER

### Proposed Amendments Concerning Carnival-Amusement Rides

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 5:3-36, proposes to amend Chapter 195 of Title 12 in the New Jersey Administrative Code, concerning the safe installation, repair, maintenance, use, operation and inspection of carnival-amusement rides.

This proposal concerns the deletion of the current text of chapter 195 and the adoption of new text therein, which covers such areas as:

1. Design and construction;
2. Building and structures as part of an amusement ride;
3. Operation;
4. Maintenance and inspection records;
5. Accident and injury reporting;
6. Testing of amusement rides.

Copies of the 29 pages of full text of the proposed new rules may be obtained from or made available for review by contacting:

William H. Van Arnum  
Assistant Director  
Division of Workplace Standards  
Department of Labor and Industry  
Room 1103-C, Box 709  
John Fitch Plaza  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to: the Department of Labor and Industry at the above address.

The Department of Labor and Industry may thereafter adopt rules concerning this subject without further notice.

John J. Horn  
Commissioner  
Department of Labor and Industry

**(a)**

**LABOR AND INDUSTRY**

**DIVISION OF WORKPLACE STANDARDS**

**Proposed Repeal of Rules on Worker Health And Safety, Seasonal Workers and Construction**

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-1 et seq., 34:9A-1 et seq., and 34:5-166 et seq., proposes to repeal the chapters of N.J.A.C. listed below, concerning worker health and safety, seasonal workers and construction safety.

Rules under N.J.S.A. 34:6A-1 et seq. to be repealed.

N.J.A.C. 12:110	N.J.A.C. 12:132	N.J.A.C. 12:145
N.J.A.C. 12:111	N.J.A.C. 12:133	N.J.A.C. 12:147
N.J.A.C. 12:115	N.J.A.C. 12:134	N.J.A.C. 12:148
N.J.A.C. 12:116	N.J.A.C. 12:140	N.J.A.C. 12:160
N.J.A.C. 12:120	N.J.A.C. 12:141	N.J.A.C. 12:161
N.J.A.C. 12:121	N.J.A.C. 12:142	N.J.A.C. 12:162
N.J.A.C. 12:130	N.J.A.C. 12:143	N.J.A.C. 12:170
N.J.A.C. 12:131	N.J.A.C. 12:144	N.J.A.C. 12:173

Rules under N.J.S.A. 34:9A-1 et seq. to be repealed.

- N.J.A.C. 12:100
- N.J.A.C. 12:101
- N.J.A.C. 12:102

Rules under N.J.S.A. 34:5-166 et seq. to be repealed.

- N.J.A.C. 12:180

It is appropriate that these rules be repealed since the New Jersey State plan for occupational safety and health was withdrawn April 1, 1975 and jurisdiction vested fully with the United States Department of Labor under the Federal Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.; USPL 91-596) for the regulation of occupational safety and health.

Copies of the 28 rules, each in pamphlet form, may be obtained by contacting:

William H. Van Arnum, Assistant Director  
Division of Workplace Standards  
Department of Labor and Industry  
Room 1103C, Box 709  
Trenton, New Jersey 08625

Interested persons may submit statements or arguments in writing relevant to the proposal on or before July 26, 1978, to:

William J. Clark, Assistant Commissioner  
Division of Workplace Standards  
Department of Labor and Industry  
Post Office Box V  
Trenton, New Jersey 08625

The Commissioner of Labor and Industry may thereafter repeal the above listed rules without further notice, effective August 1, 1978.

John J. Horn  
Commissioner  
Department of Labor and Industry

**(b)**

**LAW AND PUBLIC SAFETY**

**DIVISION OF CONSUMER AFFAIRS**

**BOARD OF VETERINARY MEDICAL EXAMINERS**

**Proposed New Rule Concerning Fee for Temporary Permits**

Ruth Weisman, Executive Secretary of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13 proposes to adopt N.J.A.C. 13:44-2.11 concerning a temporary permit fee.

Full text of the proposal follows:

13:44-2.11 When a candidate for a State board examination submits an application for temporary permit

Any temporary permit fee paid shall be applied to the examination fee only when the applicant sits for the full National Board examinations and New Jersey practical examination. A temporary permit fee shall apply only to the fee of the first full examination for which the applicant sits. A fee for the issuance of a temporary permit shall be required in all other circumstances.

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 30, 1978, to:

Ruth Weisman, Executive Secretary  
Board of Veterinary Medical Examiners  
1100 Raymond Boulevard—Room 503  
Newark, New Jersey 07102

The Board of Veterinary Medical Examiners may thereafter adopt rules concerning this subject without further notice.

Ruth Weisman, Executive Secretary  
Board of Veterinary Medical Examiners  
Department of Law and Public Safety

**(c)**

**LAW AND PUBLIC SAFETY**

**RACING COMMISSION**

**Proposed Amendments to Trifecta Wagering Rule**

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:70-29.53, concerning amendments to the trifecta wagering rule.

Full text of the proposal follows (additions indicated in boldface thus);

13:70-29.53(f) Trifecta tickets shall be sold in not less than \$2.00 denominations and only from machines capable of issuing three numbers. **Nothing in this section shall preclude any permit-holder from the sale of combination trifecta tickets in the amount of \$6.00.**

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 30,

1978, to:

John J. Reilly, Executive Director  
New Jersey Racing Commission  
404 Abbington Drive  
East Windsor, New Jersey 08520

The New Jersey Racing Commission may thereafter adopt rules concerning this subject without further notice.

John J. Reilly  
Executive Director  
Racing Commission  
Department of Law and Public Safety

**(a)**

**LAW AND PUBLIC SAFETY**

**RACING COMMISSION**

**Proposed Amendments Creating the Position of Chief State Veterinarian**

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:70-15.1, 15.2; 13:70-19.34, 19.35 and 19.38; and 13:71-9(a), concerning the creation of the position of chief State veterinarian in thoroughbred and harness racing.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

13:70-15.1 List of racing officials

(a) The racing officials shall include:

1. Three stewards, one of whom shall be appointed by the Racing Commission and paid by the association;
2. Three placing judges;
3. Clerk of the scales;
4. Three or more patrol judges;
5. Starter;
6. Paddock judge;
7. Racing secretary, who may also be the handicapper;
8. Timer;
9. State veterinarian and two or more associate State veterinarians; [and]
10. A mutuel manager, general manager and all other managers and persons having administrative responsibility;
11. Chief State veterinarian.

13:70-15.2 Appointment

One of the stewards, a State veterinarian and associate State veterinarians, and a supervisor of mutuels shall be appointed by the Racing Commission. One of the duly appointed State veterinarians shall also be designated by the Racing Commission as the chief State veterinarian and shall so serve at the pleasure of the commission. All other racing officials listed in section 1 of this subchapter shall be appointed by the association, subject to the approval of the commission.

13:70-19.34 Chief State veterinarian, State veterinarians and associate State veterinarian license

The chief State veterinarian, State veterinarian and associate State veterinarian shall be graduate veterinarians in good standing and licensed to practice under the laws of the State of New Jersey.

13:70-19.35 Duties of chief State veterinarian, State veterinarians and associate State veterinarians

(a) The chief State veterinarian shall have the duty to supervise the activities of the various State veterinarians

and associate State veterinarians in the performance of their prescribed duties.

(b) The State veterinarian shall have full and complete control of the detention barn, and shall supervise all activities therein including the taking of pre-race and post-race blood and urine samples. Further, the State veterinarian shall have assigned to him two or more associate State veterinarians who shall perform their duties and responsibilities under the supervision of the State veterinarian. The associate State veterinarian shall, in general, familiarize himself with the racing condition of all entrants, and if in his opinion, any entrant is not in good condition to race, he shall immediately notify the stewards and the racing secretary.

13:70-19.38 Other treatments by veterinarian

The chief State veterinarian, State veterinarian and associate State veterinarians shall not be permitted, during the period of their employment, to treat or prescribe for any horse, for compensation or otherwise, except in the case of emergency, in which case a report shall be made to the stewards.

13:71-9.1 Chief State veterinarian, State veterinarian and associate State veterinarians

(a) The commission shall designate two or more duly licensed veterinarians at each association track one of whom shall be known as the State veterinarian and the other shall be known as associate State veterinarians. Their compensation shall be fixed by the commission and paid by the association. The various State veterinarians and associate State veterinarians shall be under the supervision of the chief State veterinarian who shall be designated by the commission from among the State veterinarians and who shall serve at the pleasure of the commission.

...

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 30, 1978, to:

John J. Reilly, Executive Director  
New Jersey Racing Commission  
404 Abbington Drive  
East Windsor, New Jersey 08520

The Racing Commission may thereafter adopt rules concerning the subject without further notice.

John J. Reilly  
Executive Director  
Racing Commission  
Department of Law and Public Safety

**(b)**

**LAW AND PUBLIC SAFETY**

**DIVISION OF CONSUMER AFFAIRS**

**OFFICE OF WEIGHTS AND MEASURES**

**Amendments Establishing New Maximum Allowable Variations for Food in Package Form**

On May 3, 1978, William J. Wolfe Sr., Superintendent of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:1-29, 51:1-54, 51:1-61 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 13:47D-4.34(a)3. establishing new maximum allowable variations for food and other commodities in package form. The maximum allowable varia-

tions are those suggested by the United States Department of Commerce, National Bureau of Standards, and are designed to establish uniform standards throughout the United States.

The amendments concern the deletion of the current text of N.J.A.C. 13:47D-4.34(a)3. and the adoption of new text therein.

Full text of the new rules follows:

13:47D-4.34(a)3. That when a variation from the declared net contents of an individual package exceeds the maximum allowable variations for an individual package (MAV), such variation from the declared net contents is unreasonably large and is a violation.

i. Each individual package exceeding the MAV shall be a separate and distinct violation.

ii. The table of maximum allowable variations for an individual package is as follows:

Maximum Allowable Variations for an Individual Package

Package Type								
MAV	Weight (Standard Pack)	Weight (Random Pack)	Liquid Volume Including Frozen Liquids	Solid Volumes	Linear Measure	Square Measure	Cubic Measure	Count
½ %		greater than 2 lb. (1.0 kg)			greater than 10 ft. (3 m)			
1%	greater than 2 lb. (1 kg)	greater than 1 lb. to & inc. 2 lb. (500 g - 1.0 kg)	greater than 1 gal. (4 L)	greater than 1 qt. (1 L)	less than & inc. 10 ft. (3 m)	greater than 100 ft. <sup>2</sup> (10 m <sup>2</sup> )		greater than 100
1½ %							greater than 1 yd. <sup>3</sup> (1 m <sup>3</sup> )	
2%			greater than 1 qt. to & inc. 1 gal. (1 L - 4 L)	greater than 1 pt. to & inc. 1 qt. (500 mL - 1 L)		less than & inc. 100 ft. <sup>2</sup> (10 m <sup>2</sup> )		
3%	greater than 2 oz. to & inc. 2 lb. (50 g - 1 kg)		greater than 1 pt. to & inc. 1 qt. (500 mL - 1 L)				less than & inc. 1 yd. <sup>3</sup> (1 m <sup>3</sup> )	
5%	Less than & inc. 2 oz. (50 g)		greater than 3 fl. oz. to & inc. 16 fl. oz. (100 - 500 mL)	less than & inc. 1 pt. (500 mL)				
7%			greater than ¼ fl. oz. to & inc. 3 fl. oz. (10 mL - 100 mL)					
10%			less than ¼ fl. oz. (10 mL)					
0.01 lb (5 g)		less than & incl. 1 lb. (500 g)						
0 1								less than 25 25 - 100

inc. = including

The superintendent intends to readopt this amendment as a regular regulation pursuant to N.J.S.A. 52:14B-4(a). Interested persons may present statements or arguments in writing relative to the proposed readoption of this emergency regulation as a regular regulation on or before June 30, 1978, to James R. Bird, Deputy Superintendent of Weights and Measures, 187 West Hanover Street, Trenton, New Jersey 08625. Telephone number 609-292-4615.

The Superintendent of Weights and Measures, upon his own motion or at the instance of any interested party, may thereafter adopt this emergency rule as a regular rule substantially as proposed without further notice.

An order adopting these amendments was filed and became effective on May 4, 1978, as R.1978 d.141 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### RACING COMMISSION

#### Amendments on Track Veterinarians To be Classified as State Veterinarians

On February 22, 1978, John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-15.1, 13:70-15.2, 13:70-19.34 through 13:70-19.38, 13:71-9.1 and 13:71-9.3 concerning track veterinarians classified as State veterinarians in thoroughbred and harness racing, substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 18(a), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

Such change concerns the changing of the name of "Assistant State Veterinarians" to now read "Associate State Veterinarians".

An order adopting these amendments was filed and became effective on April 19, 1978, as R.1978 d.133.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Rule Concerning Release of Patient Records

On April 19, 1978, Edwin H. Albano, president of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C.

13:35-6.12, concerning the release of patient records, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 587(b).

An order adopting this rule was filed and became effective on April 27, 1978, as R.1978 d.134.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF DENTISTRY

##### Rule on Providing Information to the Public

On April 5, 1978, James F. Flood, President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-3, and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 13:30-8.6, concerning the providing of information to the public, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 117(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

An order adopting these rules was filed and became effective on May 23, 1978, as R.1978 d.170.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## ENERGY

### THE COMMISSIONER

#### Rules on Air Conditioning Energy Efficiency Ratios

On May 4, 1978, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 27F-9(g), and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 14A:3-10.1 et seq., concerning air conditioning energy efficiency ratios, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 123(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Energy.

An order adopting these rules was filed and became effective on May 15, 1978, as R.1978 d.150.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## ENERGY

### BOARD OF PUBLIC UTILITIES

#### Amendments on Public Utility Deposits and Discontinuances

On May 1, 1978, George H. Barbour, President of the Board of Public Utilities in the Department of Energy,

pursuant to authority of N.J.S.A. 48:2-25, and in accordance with applicable provisions of the Administrative Procedure, adopted amendments concerning public utility deposits and discontinuances, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 290(e), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Energy.

Full text of the adoption follows:

14:3-3.6(c) Public utilities may not discontinue residential service for non-payment on Saturday, Sunday or a holiday on which the utility company's commercial offices are closed or after 1:00 P.M. of the business day prior to a weekend or such holiday.

(d) Discontinuance of residential service for non-payment is prohibited if a medical emergency exists within the premises which would be aggravated by discontinuance of service and the customer gives reasonable proof of inability to pay. Discontinuance shall be prohibited for a period of up to two months when a customer submits a physician's statement in writing to the utility as to the existence of the emergency, its nature and probable duration and that termination of service will aggravate the medical emergency. Recertification by the physician as to continuance of the medical emergency shall be submitted to the utility after 30 days. However, at the end of such period of emergency, the customer shall still remain liable for payment of service(s) rendered, subject to the provisions of N.J.A.C. 14:3-7.13. During the period of medical emergency the customer shall pay telephone tolls which are in excess of the average bills of the six months preceding the first 30-day period.

1. The board may extend the 60-day period for good cause.

2. Public utilities may in their discretion delay discontinuance of residential service for non-payment prior to submission of the physician's statement required by this subsection when a medical emergency is known to exist.

Delete current text of N.J.A.C. 14:3-7.1(a) and replace it with following new text therein:

14:3-7.1(a) If after notice of the methods of establishing credit and being afforded an opportunity, a customer has not established credit, the utility may require a reasonable deposit as a condition of supplying service.

Delete current text of N.J.A.C. 14:3-7.5(b) and replace it with following new text therein:

14:3-7.5(b) Each utility shall review a residential customer's account at least once every year and a non-residential customer's account at least once every two years and if such review indicates that the customer has established credit satisfactory to the utility, then the outstanding deposit shall be refunded to the customer.

14:3-7.12(a) 1. Electric, gas, water, sewer and telephone public utilities shall annually notify all residential customers that, upon request, notice of discontinuance of service will be sent to a designated third party as well as to the customer.

2. Electric, gas, water, sewer and telephone public utilities shall make good-faith efforts to determine which of their residential customers are over 65 years of age, and shall make good-faith efforts to notify such customers of discontinuance of service by telephone, in addition to notice by regular mail. This effort may consist of an appropriate inquiry set forth on the notice informing customers that they may designate a third party to receive notice of discontinuance. This provision shall not apply

to utilities which make good-faith efforts to contact all residential customers by telephone prior to discontinuance and file with the board a statement setting forth such procedure.

14:3-17.12(c) On all notices of discontinuance to residential customers there shall be included:

1. A statement that the utility is subject to the jurisdiction of the Board of Public Utilities and the address and telephone number of the board. The telephone number of the board to be indicated on such statement is (201) 648-2350.

2. A statement that in the event the customer is either unable to make payment of a bill or wishes to contest a bill, the customer should contact the utility. The notice shall contain information sufficient for the customer to make appropriate inquiry.

3. A statement that if a customer is presently unable to pay an outstanding bill, the customer may contact the utility to discuss the possibility of entering into a reasonable deferred payment agreement.

14:3-7.13(b) In appropriate cases the board may require all or a portion of disputed charges to be placed in escrow.

(c) Whenever a residential customer advises the utility prior to the date of a proposed discontinuance for nonpayment that he wishes to discuss a deferred payment agreement because he is presently unable to pay a total outstanding bill, the utility shall make a good-faith effort to provide the customer with an opportunity to enter into a reasonable deferred payment agreement.

(d) Such agreements which extend for more than two months shall be in writing and shall provide that a customer who is presently unable to pay an outstanding debt for utility services may make reasonable periodic payments until the debt is liquidated while continuing payment of current bills. A deferred payment agreement need not be entered into more than once a year. If the customer defaults on any of the terms of the agreement, the utility may discontinue service after providing the customer with a notice of discontinuance. Such notice of discontinuance shall contain the information required in N.J.A.C. 14:3-7.12(c)1.

14:3-7.14 Discontinuance of residential service to tenants

Electric, gas, water and sewer public utilities shall make every reasonable attempt to determine when a landlord-tenant relationship exists at residential premises being serviced. If such a relationship is known to exist, discontinuance of residential service is prohibited unless the utility has posted notice of discontinuance in the common areas of multiple-family premises and has given in individual notice to occupants of single- and two-family dwellings and has offered the tenants continued service to be billed to the tenants, unless the utility demonstrate that such billing is not feasible. The continuation of service to a tenant shall not be conditioned upon payment by the tenant of any outstanding bills due upon the account of any other person. The utility shall not be held to the requirements of this provision if the existence of a landlord-tenant relationship could not be reasonably ascertained.

An order adopting these amendments was filed and became effective on May 16, 1978, as R 1978 d.155.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rules on Rescission of Allocated But Unexpended Local State Aid Funds

Russell H. Mullen, Acting Commissioner of the Department of Transportation, in accordance with the authority of N.J.S.A. 27:15-1 et seq., proposes to adopt regulations concerning the rescission of allocated, but unexpended "local State aid funds".

Full text of the proposed revision follows (additions indicated by boldface thus; deletions indicated by brackets [thus]):

#### 16:16-4.3 Rescission of allocated but unexpended "local State aid funds"

Whenever the Commissioner of Transportation shall be empowered, by law, to rescind previously allocated but unexpended funds under provisions of N.J.S.A. 27:15-1 et seq., or under P.L. 1966, c. 33, the commissioner shall rescind such sums where the county or municipality, for whom the funds were previously allocated, shall not have awarded a contract for, or otherwise commenced the actual performance of such work within 90 days of the effective date of such law, or of this regulation, whichever date is later.

#### 16:17-4.3 Rescission of allocated but unexpended "local State aid funds"

Whenever the Commissioner of Transportation shall be empowered, by law, to rescind previously allocated but unexpended funds under provisions of N.J.S.A. 27:15-1 et seq., or under P.L. 1966, c. 33, the commissioner shall rescind such sums where the county or municipality, for whom the funds were previously allocated, shall not have awarded a contract for, or otherwise commenced the actual performance of such work within 90 days of the effective date of such law, or of this regulation, whichever date is later.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Frank Bara  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N. J. 08625

The Department of Transportation may thereafter adopt rules concerning this subject without further notice.

Russell H. Mullen  
Acting Commissioner  
Department of Transportation

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amendments on Limited Access Prohibition Along Interstate Highways

Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-94.1, pro-

poses to adopt amendments establishing limited access prohibition along certain interstate highways.

The proposal concerns the deletion of the current text of N.J.A.C. 16:28-13.4 and the adoption of new text therein.

Full text of the proposed new rule follows:

#### 16:28-13.4 Interstate highways

(a) It has been found and determined that the health, safety and welfare of the public require that the use of all interstate highways in the State of New Jersey be limited to certain classes of traffic.

(b) Therefore, in accordance with the provisions of section 52, chapter 23, Laws of 1951 (N.J.S.A. 39:4-94.1), the use of the aforesaid highways by the following classes of traffic is prohibited except on sections specifically signed for such use, or unless permission therefor has been obtained in advance from the State Commissioner of Transportation.

1. Pedestrians;
2. Animals led, ridden or driven;
3. Bicycles;
4. Non-motorized vehicles;
5. Tractors, rollers, and agricultural or construction machinery, self-propelled or towed.

(c) Provided, however, that the following traffic is exempt from the provisions of this regulation:

1. NJDOT equipment;
2. Equipment of contractors engaged by the NJDOT for construction or repairs;
3. Equipment of a public utility company as defined in N.J.S.A. 48:2-13.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to:

Frank Bara  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

The Department of Transportation may thereafter adopt rules concerning this subject without further notice.

Russell H. Mullen  
Acting Commissioner  
Department of Transportation

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Rule on Speed Limits on Portions of Route U.S. 206

On April 28, 1978, Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-1.172, concerning speed limits on portions of Route U.S. 206 in Newton and Hampton Township, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 171(c).

An order adopting this rule was filed and became effective on April 28, 1978, as R.1978 d.137.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**TRANSPORTATION**

**THE COMMISSIONER**

**Amendments on Requisition, Distribution  
And Sale of Construction Plans and Specs**

On May 22, 1978, Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 16:65-3.2(b), 16:65-3.3, 16:65-3.4 and 16:65-3.5, concerning the requisition, distribution and sale of construction plans and supplementary specifications, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 171(d).

An order adopting these amendments was filed and became effective on May 22, 1978, as R.1978 d.164.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**TREASURY**

**LOTTERY COMMISSION**

**Proposed Rules on Jersey  
Casino Instant Lottery**

The Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7, proposes to adopt new rules concerning the new Jersey Casino Instant Lottery.

Such proposed new lottery will commence on a date to be announced later and terminate approximately 20 weeks thereafter.

The proposed rules concern the lottery's name, sales procedures, price, grand prize drawing, parts of lottery ticket, amount of prizes, jackpot drawings, agents and agent's compensation, winners and prize claims, ticket responsibility and liability.

Copies of the 13 pages of full text of the proposal may be obtained from or made available for reviewing by contacting: New Jersey State Lottery, CN 041, Trenton, N.J. 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 1978, to the Lottery Commission at the above address.

The Lottery Commission may thereafter adopt rules concerning this subject without further notice.

Gloria A. Decker  
Executive Director, Lottery Commission  
Department of the Treasury

**(c)**

**TREASURY**

**DIVISION OF TAXATION**

**Proposed Rules on Property Tax Exemption  
For Solar Energy Heating and Cooling Systems**

Sidney Glaser, Director of the Division of Taxation in

the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-1 et seq., proposes to adopt new rules concerning a property tax exemption for solar energy heating and cooling systems.

Full text of the proposal follows:

**SUBCHAPTER 8. EXEMPTIONS; SOLAR ENERGY  
HEATING AND COOLING SYSTEMS**

**18:12-8.1 Claims for exemption of solar energy systems;  
value of exemption**

An exemption from property tax shall be allowed by the assessor for a solar energy heating and cooling system which has been certified to by the construction code official on a claim for property tax exemption (form SEE-1). The exemption shall be a sum equal to the remainder of the assessed valuation of the real property with the solar energy heating and cooling system included, minus the assessed valuation of the real property without the solar energy heating and cooling system.

**18:12-8.2 Term of exemption**

Claim for the exemption, once certified shall continue in force until December 31, 1982, or until certification has been revoked by the enforcing agency (construction code official) under regulations promulgated by the Department of Community Affairs.

**18:12-8.3 Certified copy of application to director, Division  
of Taxation**

Data concerning the exemption shall be recorded and retained in the assessor's office. Accordingly, the assessor shall forthwith send a copy of the certified application to the:

Local Property and Public Utility Branch  
Appraisal Section - Ninth Floor  
West State and Willow Streets  
Trenton, New Jersey 08646

**18:12-8.4 Effect of valuation of solar energy system**

In applying the exemption, the assessor may regard the certified solar energy system as not increasing the value of the property. Accordingly, the provisions of N.J.S.A. 54:4-63.1 to 63.11, the added and omitted assessment laws, shall not apply to the allowable exemption in the year in which the qualified solar energy system is completed.

**18:12-8.5 Applicant's administrative remedy**

N.J.S.A. 54:4-3.111, et seq. provides that any person aggrieved by any action of the assessor or of the director of the Division of Taxation, may seek a review before the director of the Division of Taxation pursuant to the Administrative Procedure Act, P.L. 1968, c. 410 (C. 52:14B-1, et seq.). The request for review shall be filed after the tax list has been certified by the county board of taxation, but not later than August 15.

**18:12-8.6 Procedure for review; copy of request for review  
to go to the assessor of municipality**

(a) The request for a review must be made in writing and should contain the basis for such request, and shall include a copy of the approved certification (form SEE-1), which should be mailed to:

Director  
Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08646

(b) Copy of the request for review shall be sent forthwith to the assessor of the municipality in which the property is located.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before June 28, 1978, to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Streets  
Trenton, N.J. 08646

The Department of the Treasury may thereafter adopt rules concerning this subject without further notice.

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### HEALTH BENEFITS COMMISSION

#### Amendments Concerning Definition Of Retired Employee

On April 12, 1978, William J. Joseph, Secretary of the Health Benefits Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:9-6.1(a) concerning the definition of a retired employee, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 600(a).

An order adopting these amendments was filed and became effective on April 18, 1978, as R.1978 d.130.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISIONS OF PENSIONS

### HEALTH BENEFITS COMMISSION

#### Amendments and New Rule On Health Benefits Program

On April 12, 1978, William J. Joseph, Secretary of the State Health Benefits Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:9-2.3(a) and 17:9-5.2 as well as a new rule, to be cited as N.J.A.C. 17:9-5.11, concerning the State Health Benefits Program, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 80(b).

An order adopting these amendments and new rule was filed and became effective on April 18, 1978, as R.1978 d.131.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### DIVISION OF PENSIONS

### PUBLIC EMPLOYEES' RETIREMENT SYSTEM

#### Amendments on Biweekly Salary Computation Of Retirement and Death Benefits

On April 24, 1978, John P. Olender, Secretary of the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:2-3.2(i), 17:2-6.24(b) and 17:2-6.25 concerning the biweekly salary computation of retirement and death benefits, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 38(a).

An order adopting these amendments was filed and became effective on May 1, 1978, as R.1978 d.138.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## TREASURY

### DIVISION OF PENSIONS

### PUBLIC EMPLOYEES' RETIREMENT SYSTEM

#### Amendments Concerning Change In Contributory Insurance Rate

On April 24, 1978, John P. Olender, Secretary of the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:2-3.3 concerning the change in the contributory insurance rate, as proposed in the Notice published March 9, 1978, at 10 N.J.R. 127(b).

An order adopting these amendments was filed and became effective on May 1, 1978, as R.1978 d.139.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## TREASURY

### DIVISION OF TAXATION

#### Rules on Sales Tax and Data Processing

On May 4, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 18:24-25.1 et seq., concerning the sales tax and data

processing, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 173(a).

An order adopting these rules was filed and became effective on May 4, 1978, as R.1978 d.142. Take notice that these rules are intended to be of a prospective nature only.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

**(Other Agencies)**

**CASINO CONTROL COMMISSION**

**Rule on Declaratory Rulings on Applications**

On May 17, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J. S.A. 5:12-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 19:41-2.3, concerning declaratory rulings regarding applications, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 176(d).

An order adopting this rule was filed and became effective on May 17, 1978, as R.1978 d.158.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

**CASINO CONTROL COMMISSION**

**Adopt Rules on Hearings**

On May 17, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J. S.A. 5:12-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:42-1.1 et seq., concerning hearings, substantially as proposed in the Notice published April 6, 1978, at 10 N.J.R. 177(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the New Jersey Casino Control Commission.

An order adopting these rules was filed and became effective on May 17, 1978, as R.1978 d.159.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

**CASINO CONTROL COMMISSION**

**Adopt Rules Concerning Slot Machines**

On May 17, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J. S.A. 5:12-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:46-1.22 through 19:46-1.31, concerning slot machines, substantially as proposed in the Notice published April 6, 1978, at 10 N.J.R. 176(c), but with subsequent, substantive changes not detrimental

to the public, in the opinion of the New Jersey Casino Control Commission.

An order adopting these rules was filed and became effective on May 17, 1978, as R.1978 d.160.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(d)**

**HACKENSACK MEADOWLANDS  
DEVELOPMENT COMMISSION**

**Proposed Amendments to  
District Zoning Regulations**

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to amend the Hackensack Meadowlands District Zoning Regulations in N.J.A.C. 19:1-1.1 et seq.

Copies of the proposed amendments may be obtained upon request from:

William D. McDowell, Executive Director  
Hackensack Meadowlands Development Commission  
Post Office Box 1175  
100 Meadowland Parkway  
Secaucus, N.J. 07094

A public hearing will be held by the commission regarding the proposed action on June , 1978, at 7:30 p.m. in the of of , New Jersey.

Interested persons may present statements or arguments in writing or orally in person relevant to the proposed action at this hearing. Any person wishing to present a statement should submit a written request to the executive director of the commission on or before the date of the hearing, at the above address.

The time, date and place of any subsequent hearing, if deemed to be necessary, will be announced at said hearing, but no notice of such subsequent hearing will appear.

Written statements will also be accepted by the Commission on or before the date of the public hearing; they will be included in the record and will be given full consideration by the Commission.

Upon full consideration of all submissions regarding the proposed action, the Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the rules substantially as proposed without further notice.

William D. McDowell  
Executive Director  
Hackensack Meadowlands Development Commission

**(e)**

**HIGHWAY AUTHORITY**

**GARDEN STATE PARKWAY**

**Proposed Repeal of Regulations Restricting  
Use of Inner Roadway of Garden State Parkway**

F. Joseph Carragher, Executive Director of the Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1, et seq., proposes to repeal N.J.A.C. 19:8-1.9(d), concerning restrictions on use of the inner roadway of the dualized portion of the Garden State Parkway between the Raritan

toll plazas and Asbury Park toll plaza, effective June 30, 1978.

Full text of the proposal follows (deletions indicated in brackets [thus]):

19:8-1.9 [(d) Where the Parkway has been divided in such a manner that there are two or more roadways of divided traffic in any one direction, regardless of the number of lanes, no vehicles except cars while not in funeral cortege shall be driven in the left or inner roadway except when and to the extent necessary to prepare for a left turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left or inner roadway or when reasonably necessary in response to emergency conditions.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 28, 1978, to:

F. Joseph Carragher, Executive Director  
Highway Authority  
Garden State Parkway  
Woodbridge, New Jersey 07095

The Highway Authority may thereafter repeal rules concerning this subject without further notice.

F. Joseph Carragher  
Executive Director  
Highway Authority  
Garden State Parkway

(a)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Amendments to FMC Schedule Number PA-9

On March 29, 1978, the committee on operations of the Port Authority of New York and New Jersey adopted amendments to FMC Schedule Number PA-9 concerning Port Authority marine terminals.

Full text of the adoption follows:

Resolved, that the "FMC Schedule to No. PA-9 Naming Rules and Regulations at Port Authority Marine Terminals and Rules and Charges Applicable for the Use of Public Areas at Port Authority Marine Terminals" adopted by the committee, at its meeting on February 3, 1966 (appearing at page 3 et seq. of the committee minutes of that date), as amended, be and the same is hereby amended, effective April 30, 1978, as follows:

1. By adding the following to Item 590: Scrap metals in bulk—No free time—100 cents per ton.
2. By adding "New Year's eve" to Item 635.
3. By adding the following new item to be numbered "22" and entitled "metric conversion table":

Metric conversion table:

Multiply	By	To Find
Short Tons	.907	Metric Tons
Long Tons	1.016	Metric Tons
Metric Tons	1.102	Short Tons
Metric Tons	.984	Long Tons
Pounds	.4536	Kilograms
Kilograms	2.2046	Pounds
Measurement Ton (U.S.) (40 cu. ft.)	1.133	Cubic Meters
Cubic Meters	.883	Measurement Tons (40 c.f.)

Cubic Meters	.424	MFBM's
MFBM's	2.36	Cubic Meters
Linear Feet	.3048	Meters
Meters	3.281	Feet

Metric equivalents:

60° Fahrenheit	=	15.6° Celsius
1 linear foot	=	0.3048 meters
1 mile per hour	=	1.61 Kilometers/ hr.
1 cubic foot	=	.0283 cubic meters
1 pound	=	.4536 Kilograms
1 barrel (42 gals.)	=	158.986 liters
1 short ton	=	.9072 metric tons
1 long ton	=	1.0160 metric tons
80° Fahrenheit	=	26.7° Celsius

An order adopting these amendments was filed on May 16, 1978, as R.1978 d.156 (Exempt, Exempt Agency).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### BROAD HEARINGS SET ON PROPOSED MASTER PLAN FOR ENERGY USES

Six widespread public hearings begin next Monday on the proposed master plan of the State Energy Department, which among other things would give it the authority to reject proposed new energy-related construction projects.

Copies of the plan have been sent to each of the 21 county libraries where they are available for review. Personal copies may be obtained from the Department, by writing Charles Richman, Energy Department, 101 Commerce Street, Newark, N.J. 07102.

The June hearing schedule is:

June 12-13 — Freeholder chambers, Bergen County Courthouse, Hackensack.

19-20 — City Council chambers, Newark.

21-22 — Labor Center auditorium, Rutgers University, New Brunswick.

26-27 — State Museum, Trenton.

28 — Council chambers, Cherry Hill.

29 — City Commissioner chambers, Atlantic City.

Those wishing to present statements are asked to mail a summary of their remarks prior to the meeting and to limit their oral presentation to 15 minutes.

The proposal, announced last month, will be part of a comprehensive long-range energy plan. Energy Commissioner Joel R. Jacobson said the State must take a "vigorous role" in the field of energy planning rather than simply reacting to proposals from utilities on an individual basis.

The recommendations require approval of both the Energy Department and the Department of Environmental Protection for all major facilities.

"Undertaking long-range planning for energy facility siting will permit the State to incorporate considerations of environmental quality, economic vitality, and open space preservation into decisions concerning the wise and efficient production and distribution of energy," the policy paper said.

Approval of future energy facilities, including onshore support facilities for the Baltimore Canyon drilling operations, will be based on forecasts of future energy demands, determination of the best means of meeting energy needs and the best location for the facility.

"The Department will develop the independent capability to forecast future New Jersey demand for electricity, gas and oil," the paper said. "Capability will also be developed to forecast levels of energy supply from existing and known or expected sources."

The Department proposed several guidelines for location of energy facilities, including:

- Encouraging support bases for offshore drilling.
- Prohibiting energy facilities from the Pine Barrens, except for gas pipelines.
- Requiring buffer zones around all new major energy facilities.
- Discouraging new refinery construction because "New Jersey has for too long assumed more than its share of responsibility for these critical facilities."
- Refusing to allow nuclear generating stations in developed areas.
- Caution in considering proposals for floating nuclear units.
- Excluding liquified natural gas (LNG) storage tanks from New Jersey until "rigorous and consistent" Federal standards are written.

Charles A. Richman, director of the Department's division of planning and conservation, said siting decisions could be made by the end of the year if the Department's timetable can be followed.

## **\$1 BILLION INDUSTRIAL PROJECT ANNOUNCED FOR PORT DISTRICT**

Gov. Brendan Byrne and Gov. Hugh Carey of New York in a joint announcement last month revealed plans of the Port Authority of New York and New Jersey for spending \$1 billion for new industrial parks in the port district over the next 10 years.

The effort is designed to help create up to 30,000 jobs and to revitalize the cities of the district. The project would require some 4,000 construction jobs, which in turn could generate \$12 million in State and local taxes.

Legislation necessary for the mammoth project is expected to be voted on by both State Legislatures this spring, it was noted.

At the news conference announcing the project, the Governors were accompanied by Mayors Edward I. Koch of New York, Kenneth A. Gibson of Newark and Thomas F. X. Smith of Jersey City, and by Port Authority Chairman Alan Sagner and Executive Director Peter C. Goldmark.

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**Next RULES FILING DEADLINE ..... June 19**

The proposed Port Authority program to develop sites for manufacturing plants in the hard-pressed central cities would require an investment of more than \$1 billion in public and private funds over the next 10 years.

The Port Authority would invest from \$300 to \$400 million on a self-supporting basis. The program would return revenues to the three major central cities and the two states in the order of \$77 million annually, when the industrial parks reach full development.

The two Governors declared: "This is an historic effort by the two states of New York and New Jersey to join together through the Port Authority in a regional approach to create jobs and revitalize our economies."

"It is clear from all we have experienced during the past decade that unless we can rebuild upon the economic strengths of our inner cities, we cannot expect our states or the northeast region to prosper."

Jack Watson, Assistant to the President for Intergovernmental Relations, in a memorandum from Washington stated, "Today the Governors of the States of New York and New Jersey join with the Port Authority to launch a unique cooperative effort aimed at revitalizing the urban manufacturing base of these two great states."

The Port Authority objective is to develop a concept of urban industrial renewal which would recreate advantageous conditions within the central cities through the development of major inner-city industrial parks.