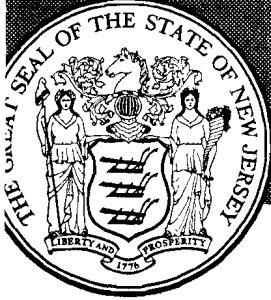


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Howard H. Kestin, Director, Office of Administrative Law

G. Duncan Fletcher, Director of Administrative Procedure

Peter J. Gorman, Rules Analyst

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Rules Concerning Eradication Of Pullorum Disease and Fowl Typhoid

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-11, 5:5-1 and 4:6-105, proposes to adopt new rules concerning the eradication of pullorum disease and fowl typhoid.

Full text of the proposal follows:

2:2-7.8 Definitions

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

"Division" means the Division of Animal Health, New Jersey Department of Agriculture.

"Exhibition" means displaying or showing poultry for competition or advancement of the species, including, among other examples, county and State fairs, farm shows and breeding shows.

"Flock" means all of the poultry on one premises, except that any group of poultry which has been segregated for 21 days may be considered as a separate flock by the Department.

"Fowl typhoid" or "typhoid" means a *Salmonella gallinarum* disease of poultry.

"Game birds" means peafowl, pheasants, partridges, quail, grouse and guineas, but not doves, pigeons or waterfowl.

"Hatchery" means incubators, hatchers and auxiliary equipment on one premises operated for the hatching or incubation of hatching eggs.

"Hatching eggs" means fertile eggs used to produce poultry or embryonated eggs.

"National Poultry Improvement Plan" or "NPIP" means the National Poultry Improvement Plan as described in 9 CFR 445-447.

"Person" means individuals, partnerships, corporations, associations or any other legal entity.

"Poultry" means live fowl, including but not limited to chickens, turkeys, waterfowl and game birds.

"Pullorum disease" or "pullorum" means a *Salmonella pullorum* disease of poultry.

"Pullorum-typhoid test" means a test recognized by the National Poultry Improvement Plan to test poultry for pullorum disease and fowl typhoid.

"Waterfowl" means domesticated fowl which normally swim, such as ducks and geese.

2:2-7.9 Importations

(a) Imported poultry, except poultry imported for immediate slaughter, must be tested negative for pullorum and typhoid within 90 days prior to importation or originate from U.S. Pullorum-Typhoid Clean or equivalent flocks. On request from the Division, NPIP Form 15 or its equivalent shall accompany shipments. Poultry known to be infected with pullorum or typhoid which is shipped into New Jersey for immediate slaughter shall be labeled by the consignor.

(b) Imported hatching eggs shall originate from U.S. Pullorum-Typhoid Clean or equivalent flocks. On request from the Division, NPIP Form 15 or its equivalent shall accompany shipments.

2:2-7.10 Permits

(a) Before a person offers for sale or sells hatching eggs or poultry, except poultry for immediate slaughter, or operates a hatchery, he shall obtain a numbered annual permit from the Division. The number of this permit shall appear on each invoice, NPIP Form 15, or similar certificate.

(b) A permit-holder shall comply with the following requirements:

1. Pullorum-typhoid status: All hatching eggs or poultry sold, except poultry for immediate slaughter, shall originate from flocks and hatcheries participating in the National Poultry Improvement Plan or an equivalent program.

2. Record keeping: A permit holder shall maintain the identity of all poultry and hatching eggs except birds for immediate slaughter. A permit holder shall keep adequate records including the name and address of each flock owner, the number of eggs received from each flock owner, the number of poultry received in each shipment, the name and address of each purchaser, the number, breed and variety, and date of shipment of all poultry. These records shall be made available to the Department. These records shall be retained by permit holders for 12 months.

3. Sanitation: All hatcheries, equipment, and facilities used for poultry, and auction and sales barns shall be sanitary in conformity with NPIP regulations.

NEW JERSEY REGISTER

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4. Inspection: The Division shall have access to the premises of any permit holder.

5. Posting of permits: A permit shall be posted in a conspicuous place in the premises designated in the permit.

6. Permit renewal: A permit is effective until December 31 unless revoked. A permit may not be renewed unless a renewal request is made to the Division 30 days before a permit's expiration date.

2:2-7.11 Exhibitions

(a) A sponsor of an exhibition shall notify the Division of the following, no less than 30 days before the exhibition date: the name, place, and inclusive dates and hours of the exhibition.

(b) The requirements for an exhibition are as follows: Poultry, except waterfowl, at exhibitions shall originate from U.S. Pullorum-Typhoid Clean or equivalent flocks, or shall have had a negative pullorum-typhoid test within 90 days of its movement to an exhibition. This information shall be documented on an NPIP Form 15, NPIP Form 3B or similar certificate which shall accompany poultry on exhibition. In place of NPIP Form 15 or 3B, a junior exhibitor may substitute a health certificate signed by a Division veterinarian or Division livestock inspector, indicating that exhibited poultry has originated from a U.S. Pullorum-Typhoid Clean or equivalent flock within the previous 12 months.

(c) A sponsor of an exhibition shall compile a list of all poultry at the exhibition. This list shall contain the name and address of each owner, the number, type, sex and pullorum-typhoid status of all poultry. A copy of this list shall be kept by the sponsor of the exhibition for 12 months and shall be made available upon the request of the Division.

(d) All exhibitions are subject to inspection by the Division. The Division shall have access to all exhibitions and may conduct inspections and tests to enforce this regulation.

2:2-7.12 Diagnosis of pullorum or typhoid disease

(a) A person performing poultry disease diagnostic services is required to report the source of all poultry suspected of being infected with *S. pullorum* or *S. gallinarum* within 48 hours to the Division.

(b) The Director, Division of Animal Health shall direct an immediate investigation upon receipt of a report of pullorum or typhoid infection.

(c) A flock found to be infected with *S. pullorum* or *S. gallinarum* shall be quarantined until disposed of or retested in a manner approved by the Division.

(d) A hatchery found to be hatching eggs from a flock infected with *S. pullorum* or *S. gallinarum* shall be quarantined until it has been cleaned and disinfected. Any infected hatching eggs shall be disposed of in a manner approved by the Division.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Kathryn A. Clark
Chief, Hearings and Administrative Practices
N.J. Department of Agriculture
John Fitch Plaza
Trenton, N.J. 08625

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Rules on Fee Schedule For Animal Health Laboratory Tests

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-11, 4:5-1 and 4:5-93.22, proposes to adopt new rules concerning the fee schedule for animal health laboratory tests.

Full text of the proposed new rules follows:

2:2-9.3 *Brucella canis* test

The fee for each sample submitted to the New Jersey State Department of Agriculture, Division of Animal Health and which is tested for *Brucella Canis* by the Division utilizing the panel of tests including the Pitman-Moore slide test, tube test, mercaptoethanol tube test, and micro-agar gel immunodiffusion test shall be \$5.00 for the first sample plus \$2.00 for each additional sample. For slide test only, \$3.00 per sample.

2:2-9.4 Toroplasmosis (TPM) tests

The fee for each sample submitted to the New Jersey State Department of Agriculture, Division of Animal Health and which is tested for Toxoplasmosis by the Division, utilizing the indirect hemagglutination test for the detection of antibodies to *Toxoplasma gondii* shall be \$6.00.

2:2-9.5 Bacteriologic culture test and bacteriologic antibiotic sensitivity test

The fee for each sample submitted to the New Jersey State Department of Agriculture, Division of Animal Health and for which a bacteriologic culture is performed shall be \$6.00. The additional fee for bacteriologic antibiotic sensitivity on each sample shall be \$3.00. No fee will be charged for ungulates (hoofed animals) for these two tests.

2:2-9.6 Mare immunological pregnancy (MIP) test

The fee for each sample submitted to the New Jersey State Department of Agriculture, Division of Animal Health and which is tested to determine equine pregnancy shall be \$9.00.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Kathryn A. Clark
Chief, Hearings and Administrative Practices
N.J. Department of Agriculture
John Fitch Plaza
Trenton, N.J. 08625

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Amendments Concerning Reports of Biological Product Use

The State Board of Agriculture, pursuant to authority

of N.J.S.A. 4:5-109, proposes to amend N.J.A.C. 2:6-1.9 concerning reports of biological product use.

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

2:6-1.9 Reports of biological product use

(a) All sales, donations, distributions, injections or tests employing biological products listed in section 4 (Biologics requiring license; term) of this subchapter, except for tuberculin, shall be reported in writing to the Director of the Division of Animal Health at his office, Room 201, Health and Agriculture Building, John Fitch Plaza, South Warren Street, P.O. Box 1888, Trenton, New Jersey 08625, within thirty days thereafter. Such report shall be signed by the person making the same and shall give the name and address of the purchaser or receiver of said biological product, the amount and the date of sale, donation or distribution.

(b) All sales, donations, distributions, injections or tests employing tuberculin shall be reported in writing to the Director of the Division of Animal Health at his office, Room 201, Health and Agriculture Building, John Fitch Plaza, South Warren Street, P.O. Box 1888, Trenton, New Jersey 08625, within seven days thereafter. Such report shall be signed by the person making the same and shall give the name and address of the purchaser or receiver of said biological product, the amount and the date of sale, donation or distribution.

(c) An exemption from the monthly reporting requirements for veterinary biological products enumerated in sections 4 and 5 of this subchapter, except tuberculin, can be requested from the Director, Division of Animal Health, if the following criteria are met:

1. The manufacturer is licensed by USDA, APHIS, VS, to manufacture veterinary biological products under rules and regulations covered by the Serum Virus and Toxin Act.

2. All outlines of manufacture as well as the facilities for production are inspected and approved by Veterinary Services prior to licensing and periodically during tenure of the license.

3. All serials of biologicals produced by a licensed manufacturer are sampled by USDA personnel and forwarded to the National Animal Disease Laboratories for testing.

4. All serials of biologicals are released only after approval by USDA and during their dating period are subject to the constant surveillance program carried out by Veterinary Services, USDA.

5. USDA has, in their files at all times, test information on each serial which has been generated by both the government and the manufacturer.

6. The manufacturer agrees by a signed statement to the Director, Division of Animal Health, that, in lieu of monthly report, at the request of the Director, Division of Animal Health, the manufacturer will furnish within 48 hours all information required on report from DAH 284.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Dr. Robert E. Horton
 Director, Division of Animal Health
 N.J. Department of Agriculture
 P.O. Box 1888
 Trenton, N.J. 08625

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

Phillip Alampi
 Secretary of Agriculture
 Secretary, State Board of Agriculture

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Amendments on Milk Prices

The Department of Agriculture, Division of Dairy Industry, pursuant to the authority of N.J.S.A. 4:12A-1 et seq., proposes to amend N.J.A.C. 2:53-1.1 through 2:53-1.4 by the entry of an order to be designated as Order 79-1 as follows. This proposal replaces the current text of N.J.A.C. 2:53-1.1 through 2:53-1.4.

2:53-1.1 Minimum prices on fluid whole white milk

From and after the effective date hereof, subject to the provisions of N.J.A.C. 2:53-1.4 and 2:53-1.5, minimum prices to be charged to consumers through stores and vending machines and on home-delivery routes, shall be as set forth in Schedule 79-1N for North Jersey (Area One) and Schedule 79-1S for South Jersey (Area Two).

2:53-1.2 Schedule 79-1N; North Jersey

(a) Schedule 79-1N is as follows:

1. Minimum prices for fluid whole white milk sold out-of-stores and vending machines for off-premises consumption and on home-delivery routes.

EXHIBIT A

	1	2	3	4	5	6
M. A. Order	\$10.57	\$10.76	\$10.95	\$11.14	\$11.33	\$11.52
No. 2	to	to	to	to	to	to
Class I Price	\$10.75	\$10.94	\$11.13	\$11.32	\$11.51	\$11.70
Quart	\$.40	\$.405	\$.41	\$.415	\$.42	\$.425
Half Gallon	\$.75	\$.76	\$.77	\$.78	\$.79	\$.80
Gallon	\$ 1.44	\$ 1.46	\$ 1.48	\$ 1.50	\$ 1.52	\$ 1.54
	7	8	9	10	11	12
M. A. Order	\$11.71	\$11.90	\$12.09	\$12.28	\$12.47	\$12.66
No. 2	to	to	to	to	to	to
Class I Price	\$11.89	\$12.08	\$12.27	\$12.46	\$12.65	\$12.84
Quart	\$.43	\$.435	\$.44	\$.445	\$.45	\$.455
Half Gallon	\$.81	\$.82	\$.83	\$.84	\$.85	\$.86
Gallon	\$ 1.56	\$ 1.58	\$ 1.60	\$ 1.62	\$ 1.64	\$ 1.66
	13	14	15	16	17	18
M. A. Order	\$12.85	\$13.04	\$13.23	\$13.42	\$13.61	\$13.80
No. 2	to	to	to	to	to	to
Class I Price	\$13.03	\$13.22	\$13.41	\$13.60	\$13.79	\$13.98
Quart	\$.46	\$.465	\$.47	\$.475	\$.48	\$.485
Half Gallon	\$.87	\$.88	\$.89	\$.90	\$.91	\$.92
Gallon	\$ 1.68	\$ 1.70	\$ 1.72	\$ 1.74	\$ 1.76	\$ 1.78
	19	20	21	22	23	24
M. A. Order	\$13.99	\$14.18	\$14.37	\$14.56	\$14.75	\$14.94
No. 2	to	to	to	to	to	to
Class I Price	\$14.17	\$14.36	\$14.55	\$14.74	\$14.93	\$15.12
Quart	\$.49	\$.495	\$.50	\$.505	\$.51	\$.515
Half Gallon	\$.93	\$.94	\$.95	\$.96	\$.97	\$.98
Gallon	\$ 1.80	\$ 1.82	\$ 1.84	\$ 1.86	\$ 1.88	\$ 1.90

Larger-than-gallon: The quart equivalent of the minimum price for gallon containers minus \$0.01 per quart multiplied by the number of quarts in the unit.

2:53-1.3 Schedule 79-1S; South Jersey

(a) Schedule 79-1S is as follows:

1. Minimum prices for fluid whole white milk sold out-of-stores and vending machines for off-premises consumption and on home-delivery routes.

	1	2	3	4	5	6
M. A. Order	\$11.16	\$11.35	\$11.54	\$11.73	\$11.92	\$12.11
No. 4	to	to	to	to	to	to
Class I Price*	\$11.34	\$11.53	\$11.72	\$11.91	\$12.10	\$12.29
Quart	\$.40	\$.405	\$.41	\$.415	\$.42	\$.425
Half Gallon	\$.75	\$.76	\$.77	\$.78	\$.79	\$.80
Gallon	\$ 1.44	\$ 1.46	\$ 1.48	\$ 1.50	\$ 1.52	\$ 1.54
	7	8	9	10	11	12
M. A. Order	\$12.30	\$12.49	\$12.68	\$12.87	\$13.06	\$13.25
No. 4	to	to	to	to	to	to
Class I Price*	\$12.48	\$12.67	\$12.86	\$13.05	\$13.24	\$13.43
Quart	\$.43	\$.435	\$.44	\$.445	\$.45	\$.455
Half Gallon	\$.81	\$.82	\$.83	\$.84	\$.85	\$.86
Gallon	\$ 1.56	\$ 1.58	\$ 1.60	\$ 1.62	\$ 1.64	\$ 1.66
	13	14	15	16	17	18
M. A. Order	\$13.44	\$13.63	\$13.82	\$14.01	\$14.20	\$14.39
No. 4	to	to	to	to	to	to
Class I Price*	\$13.62	\$13.81	\$14.00	\$14.19	\$14.38	\$14.57
Quart	\$.46	\$.465	\$.47	\$.475	\$.48	\$.485
Half Gallon	\$.87	\$.88	\$.89	\$.90	\$.91	\$.92
Gallon	\$ 1.68	\$ 1.70	\$ 1.72	\$ 1.74	\$ 1.76	\$ 1.78
	19	20	21	22	23	24
M. A. Order	\$14.58	\$14.77	\$14.96	\$15.15	\$15.34	\$15.53
No. 4	to	to	to	to	to	to
Class I Price*	\$14.76	\$14.95	\$15.14	\$15.33	\$15.52	\$15.71
Quart	\$.49	\$.495	\$.50	\$.505	\$.51	\$.515
Half Gallon	\$.93	\$.94	\$.95	\$.96	\$.97	\$.98
Gallon	\$ 1.80	\$ 1.82	\$ 1.84	\$ 1.86	\$ 1.88	\$ 1.90

* Including direct delivery differential pursuant to section 1004.83 of Federal Order Number 4.

Larger-than-gallon: The quart equivalent of the minimum price for gallon containers minus \$0.01 per quart multiplied by the number of quarts in the unit.

Note: The director may extend the foregoing schedules or make changes pursuant to section 2:53-1.4 by filing a copy with the Division of Administrative Procedure for publication in the New Jersey Register.

2:53-1.4 Changes in minimum prices

(a) From time to time as indicated by an economic formula, the director shall change the prices shown in Schedules 79-1N and 79-1S to reflect changes in prices paid and in productivity in marketing milk in New Jersey. Such formula shall be computed as follows:

(b) First, compute an Index of Prices Paid in Marketing Milk as:

$$PP = 0.472WS + 0.187C + 0.051TG + 0.045U + 0.245WPI$$

Where:

PP = Index of Prices Paid in Marketing Milk in New Jersey.

WS = Wages and Salary Component (47.2 percent) based upon Average Hourly Earnings, Food and Kindred Workers, New Jersey as published by the New Jersey Department of Labor and Industry.*

C = Containers and Package Component (18.7 percent) based upon a weight of .80 for paper and .20 for plastic containers using the Index of Prices of paper, one-half gallon milk containers, BLS Code 0915-0239; and the Index of Prices of resin for blow molding bottles, BLS Code 0661-0103, as published by the United States Bureau of Labor Statistics.*

TG = Truck and Gasoline Component (5.1 percent) based upon a weight of .66 for trucks and .34 for gasoline using the Index of Prices Paid for Motor Trucks, BLS Code 1411-02, computed as the average of the preceding twelve months; and the Index of Prices Paid for regular gasoline at Chicago, BLS Code 0571-02, computed as the average of the preceding twelve months, as published by the United States Bureau of Labor Statistics.*

U = Utility Component (4.5 percent) based upon a weight for electricity of .75 and for fuel oil of .25 using the Index of Prices Paid for commercial electrical power in the Middle Atlantic States, BLS Code 0542-1204; and the Index of Prices Paid for number six fuel oil at Tulsa, BLS Code 0574, computed as the average of the preceding twelve months as published by the United States Bureau of Labor Statistics.*

WPI = Other Expense Component (24.5 percent) based upon the wholesale price for industrial commodities (all commodities less food and agricultural commodities) computed as the average of the preceding twelve months, as published by the United States Bureau of Labor Statistics.*

(c) Second, compute an index of productivity based upon an increase of 1.25 percent per year or .1042 percent per month from the 1974 base year.

(d) Third:

$$\text{Index of Costs} = \frac{\text{Index of Prices Paid}}{\text{Index of Productivity}} \times 100$$

(e) Minimum milk prices shown on Schedule 79-1N and Schedule 79-1S shall be increased or decreased for January, April, July, and October of each year as indicated by the formula for Index of Costs when applied to the Average Marketing Margin for the base year 1974 of 14.4 cents per quart. Changes shall be made based upon the following schedule:

Index of Costs Range	Price Change
131.6 - 135.0	-0-
135.1 - 138.5	-0-
138.6 - 142.0	.5 cents per quart
142.1 - 145.4	-0-
145.5 - 148.9	.5 cents per quart
149.0 - 152.4	-0-
152.5 - 155.9	.5 cents per quart
156.0 - 159.3	-0-
159.4 - 162.8	.5 cents per quart

Note: The director may extend the foregoing schedule by filing a copy with the Division of Administrative Procedure for publication in the New Jersey Register.

* For the third preceding month.

2:53-1.5 Limitations on price changes

Notwithstanding the provisions of sections 2:53-1.2 and 2:53-1.3, until September, 1979 the minimum prices shall be 0.5 cents per quart less than the indicated prices on Schedules 79-1N and 79-1S.

2:53-1.6 Price change automatic

Changes in minimum prices provided in N.J.A.C. 2:53-1.1 through 2:53-1.5 shall be effective based upon minimum prices to be paid to dairy farmers for raw milk sold for Class I use, and shall be announced by the director prior to the effective date thereof.

The Director, Division of Dairy Industry published a proposal to amend N.J.A.C. 2:53-1.1 through 2:53-1.4 in the March 8, 1979 issue of the New Jersey Register (11 N.J.R. 115). Subsequent to that date, the director held a public hearing on March 13, 14, 15 and April 3, 4, and 6, 1979.

Based upon the testimony made of record at such hearing, a Finding of Fact has been filed with the Secretary of State (Division of Administrative Procedure) in ac-

cordance with N.J.S.A. 4:12A-23 which finding of fact provides for adoption of the above new proposal to amend N.J.A.C. 2:53-1.1 through 2:53-1.4.

Pursuant to the New Jersey Administrative Procedure Act, interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the above proposal on or before May 30, 1979. Comments shall be directed to:

Woodson W. Moffett, Jr., Director
Division of Dairy Industry
New Jersey Department of Agriculture
P.O. Box 1999
Trenton, New Jersey 08625
(Telephone: 609 - 292-5646)

The Department of Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt this regulation substantially as proposed without further notice.

Woodson W. Moffett, Jr., Director
Division of Dairy Industry
Department of Agriculture

(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Proposed Amendments on Commercial Values

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.26, proposes to amend N.J.A.C. 2:69-1.11 concerning commercial values.

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

2:69-1.11 Commercial values

(a) The State Board of Agriculture, pursuant to N.J.S.A. 4:9-15.26, determines the commercial values of primary plant nutrients to be:

1. Nitrogen: \$3.00 per unit;
2. Water insoluble nitrogen: \$7.50 per unit;
3. Available phosphoric acid: [~~\$2.40~~] \$2.50 per unit;
4. Soluble potash: \$1.50 per unit.

(b) These values shall be effective from July 1, [1978] 1979, through June 30, [1979] 1980.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Kathryn A. Clark
Chief, Hearings and Administrative Practices
N.J. Department of Agriculture
John Fitch Plaza
Trenton, N.J. 08625

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Proposed Amendments Concerning Use Of New Jersey Map Symbol on Egg Packages and Advertising

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.22 and 4:10-13, proposes to amend N.J.A.C. 2:71-1.39 concerning the use of the New Jersey map symbol on egg packages and advertising.

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

2:71-1.39(e) All applications approved for issuance of license shall have the license granted for the period of one year commencing July 1 [, upon payment of a fee of \$20.00 at the time of application]. Licenses shall be renewed annually upon application filed with the Department 60 days prior to July 1 [, and be accompanied by a fee of \$20.00 which shall not be refunded in the event the license is denied for any reason].

(f) All eggs to be packed in cartons or containers bearing the map symbol shall be those produced on New Jersey farms and packed within the State of New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979, to:

Kathryn A. Clark
Chief, Hearings and Administrative Practices
N.J. Department of Agriculture
John Fitch Plaza
Trenton, N.J. 08625

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(c)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Amendments Concerning Equine Infectious Anemia Tests for Equidae Entering the State

On March 29, 1979, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:3-2.5 concerning equine infectious anemia tests for equidae entering the State as proposed in the Notice published March 8, 1979 at 11 N.J.R. 114(a).

An order adopting these amendments was filed and became effective on April 3, 1979 as R.1979 d.135.

Howard H. Kestin
Director
Office of Administrative Law

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Rules Concerning Importation, Movement and Transfer of Horses

On March 29, 1979, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 2:5-2.3 through 2:5-2.6, concerning the importation, movement and transfer of horses as proposed in the Notice published March 8, 1979 at 11 N.J.R. 114(b).

An order adopting these rules was filed and became effective on April 3, 1979 as R.1979 d.136.

Howard H. Kestin
Director
Office of Administrative Law

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments Concerning Make-Up Examinations

On March 28, 1979, the New Jersey 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 N.J.A.C. 4:1-8.21 concerning make-up examinations as proposed in the Notice published February 8, 1979, at 11 N.J.R. 58(c).

An order adopting these amendments was filed and became effective on March 30, 1979 as R.1979 d.133.

Howard H. Kestin
Director
Office of Administrative Law

(c)

COMMUNITY AFFAIRS

THE COMMISSIONER

Rules on New Home Warranty And Builder's Registration Act

On April 18, 1979, Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 46:38-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 5:24-1.1 et seq., concerning the New Home Warranty and Builder's Registration Act substantially as proposed in the Notice published September 7, 1978, at 10 N.J.R. 377(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Community Affairs.

An order adopting these rules was filed on April 18, 1979 as R.1979 d.147 to become effective on April 19, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(d)

EDUCATION

STATE BOARD OF EDUCATION

Amendments to School Facility Planning Services

On April 4, 1979, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:18A-16 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning school facility planning services which deleted the current text of Chapters 22 and 22A in Title 6 of the New Jersey Administrative Code and adopted new text therein substantially as proposed in the Notice published January 4, 1979, at 11 N.J.R. 9(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Education.

The substantive changes involve the new effective date of July 1, 1979, and the insertion of the word "instructional" before "space and systems shall . . ." in N.J.A.C. 6:22-5.1(a)6.

An order adopting these amendments was filed on April 4, 1979 as R.1979 d.139 to become effective on July 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(e)

EDUCATION

STATE BOARD OF EDUCATION

Amendments to Appeals to State Board Of Education and Filing for Stays From the Commissioner's Decisions

On April 4, 1979, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-1 et seq., 18A:6-27 through 18A:6-29, 18A:7A-25 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:2-1.2 et seq. substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 472(c) concerning appeals to the State Board of Education and in the Notice published January 4, 1979, at 11 N.J.R. 8(b) concerning the filing of stays from the Commissioner's decisions but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Education.

An order adopting these amendments was filed and became effective on April 4, 1979 as R.1979 d.140.

Howard H. Kestin
Director
Office of Administrative Law

(a)

EDUCATION

STATE BOARD OF EDUCATION

Amendments on Testing for Tuberculosis Infection

On April 4, 1979, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:16-2, 18A:40-16 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:29-4.2 concerning testing for tuberculosis infection substantially as proposed in the Notice published March 8, 1979, at 11 N.J.R. 112(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Education.

An order adopting these amendments was filed on April 18, 1979 as R.1979 d.148 to become effective on July 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Addition of Chemical Compounds To Industrial Survey Project

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:10-9(a) and (c) and N.J.S.A. 58:10A-4 proposes to amend N.J.A.C. 7:1-7, Table 1 (Proposed at 11 N.J.R. 12(c)) by adding additional chemical compounds to that Table.

Written comments on the proposed regulations, as well as the survey questionnaire and instruction forms that were appended to them, were accepted through April 2, 1979. As of the date on which this notice was written (April 18, 1979), the Department was still reviewing the regulations and forms in light of those comments. It is probable that final versions of those regulations and forms will have been adopted by the time this notice appears in the New Jersey Register, or will be adopted in the near future. It was anticipated at the time this notice was written that the final versions of the questionnaire and instruction forms would be much simplified from the versions proposed, resulting in a substantial reduction of the potential reporting burden to be borne by survey respondents.

However, in line with a recent revision to the list of known and suspected carcinogens the Department regards as "of concern", the Director of the Toxic Substances Program now desires to add an additional 119 chemical compounds to the list of selected substances covered by the Industrial Survey Project questionnaires. These would be in addition to the approximately 300 compounds that were included in the list appended to the regulations as originally proposed.

The compounds being proposed for addition to the survey list are ones that will be included in a soon-to-be published revision of the Department's 1976 publication, Selected Environmental Carcinogens.

Copies of the list of additional chemicals and further information, including copies of the Industrial Survey Regulations, sample questionnaire and instruction forms

(as proposed or, if they shall have been formally adopted by the time this notice is published, as adopted) may be obtained from:

Bruce S. Schwartz, Esq.
Assistant to the Director
Toxic Substances Program
N.J. D.E.P.
P.O. Box 1390
Trenton, New Jersey 08625

Comments on this proposal should be sent by June 4, 1979, to Mr. Schwartz at the above address. The Department may thereafter adopt rules on this subject without further notice.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF PARKS AND FORESTRY

Proposed New Rules Concerning the New Jersey Register of Historic Places

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-15.129 proposes to adopt a new rule to be cited as N.J.A.C. 7:4-1 et seq. concerning the New Jersey Register of Historic Places.

This proposal establishes criteria for receiving and processing nominations and approvals of areas, sites, structure and objects, both publicly and privately owned, for inclusion in the Register of Historic Places. It also establishes criteria for review of any public undertaking which would encroach upon a registered area, site, structure or object.

Copies of the 28 pages of the full text of the proposal may be obtained or made available for review by contacting the person indicated below.

A public hearing will be held May 29, 1979 at 10:00 A.M. in the State Museum Auditorium, 205 West State Street, Trenton, New Jersey.

Persons wishing to testify shall contact Judith Winslow Blood, Chief of the Office of Historic Preservation, 109 West State Street, Trenton, New Jersey 08625, (609) 292-2023.

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 1, 1979 to 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

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments on Flood Plain Delineation Of Passaic River from Dundee Dam Upstream To Beatties Dam and Various Tributaries

Daniel J. O'Hern, Commissioner of the Department of

Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended and N.J.S.A. 13:1D-1 et seq., proposes to amend N.J.A.C. 7:13-1.11, Delineated Floodways, by adding to it the floodway and flood hazard areas of the Passaic River from Dundee Dam upstream to Beatties Dam; Henderson Brook from its mouth at the confluence of the Passaic River upstream to the Erie-Lackawanna Railroad within Fair Lawn Borough; Diamond Brook from its mouth at the confluence with the Passaic River upstream through Fair Lawn and Glen Rock Boroughs; Goffle Brook from its mouth at the confluence of the Passaic River upstream through Hawthorne Borough and Deep Brook from its mouth at the confluence with Goffle Brook through Hawthorne Borough; Molly Ann Brook from its mouth at the confluence with the Passaic River upstream through the City of Paterson, and Boroughs of Haledon and North Haledon; Tributaries Nos. 3, 4, 5, and 6, Buttermilk Falls and Squaw Brook each from their mouths at the confluence with Molly Ann Brook upstream through the Borough of North Haledon; Slippery Rock Brook from its mouth at the confluence with the Passaic River upstream through the City of Paterson and Borough of West Paterson; Pearl Brook and Dowling Brook each from their mouths at the confluence with the Passaic River upstream within the Borough of West Paterson; Peckman River from its mouth at the confluence with the Passaic River upstream through the Borough of West Paterson, Townships of Little Falls and Cedar Grove, and Borough of Verona; Great Notch Brook from its mouth at the confluence with Peckman River upstream through the Township of Little Falls and Borough of West Paterson; Taylor Brook and a small tributary of Peckman River, each from their mouths at the confluence with Peckman River upstream within the Township of Cedar Grove; Wabash Brook from its mouth at the confluence with the Passaic River upstream to the Garden State Parkway; Weasel Brook from the Passaic City boundary upstream to Rutgers Place; Plog Brook from its mouth at the confluence with Weasel Brook upstream to Van Houten Avenue; and Weasel Brook Branch No. 3-5-2 from its mouth upstream to Athena Avenue and a small tributary of Weasel Brook upstream to the Garden State Parkway and within the City of Clifton.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on June 4, 1979 at 8:00 p.m. in the West Paterson Municipal Building, Council Chamber, McBride Avenue and Brophy Lane, West Paterson, New Jersey.

The proposed delineation affects Cedar Grove Township, Clifton City, Elmwood Park Borough, Fair Lawn Borough, Garfield City, Glen Rock Borough, Haledon Borough, Hawthorne Borough, Little Falls Township, North Haledon Borough, Paterson City, Prospect Park Borough, Totowa Borough, Verona Borough and West Paterson Borough in the Counties of Bergen, Essex, and Passaic, based upon studies undertaken by the Bureau of Flood Plain Management under contracts with the Federal Insurance Administration.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulation, are listed in N.J.A.C. 7:13-1.11. This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway, for the proposed portion of the Passaic River from Dundee Dam upstream to Beatties Dam and various tributaries of the Passaic River within this reach, the Department intends to adopt

this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625. This proposal is known within the Department of Environmental Protection as Docket No. DEP 021-79-04.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before May 30, 1979, to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Proposed Amendments on Flood Plain Delineation Of Raritan River, South River, Manalapan Brook, Matchaponix Brook and Various Tributaries

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended and N.J.S.A. 13:1D-1 et seq., proposes to amend N.J.A.C. 7:13-1.11, Delineated Floodways, by adding to it the floodway and flood hazard areas of the Raritan River from its mouth upstream to the confluence of Mile Run; South River from its confluence with the Raritan River upstream to the confluence of Manalapan and Matchaponix Brooks and upstream along these streams through Spotswood Borough and Lawrence Brook from its confluence with the Raritan River upstream to the confluence of Oakleys Brook and to delineate the floodway and flood hazard area of Cedar Brook and its tributary from the mouth of each upstream through Spotswood Borough; Tennent Brook from its mouth through Sayreville Borough; Saw Mill Brook, Bog Brook, Beaverdam Brook and Ireland Brook from its mouth upstream within East Brunswick Township; Oakleys Brook, Mae Brook, Sucker Brook and its tributary each from its mouth upstream within North Brunswick Township; Mile Run from its mouth upstream to Georges Road, and its tributary from its mouth upstream through the City of New Brunswick, and Six Mile Run from the Somerset-Middlesex County Boundary (Route 27) upstream to Jersey Avenue, and Crossway Creek from Ernston Road to upstream from Frank Avenue.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on June 6, 1979 at 8:00 p.m. in the Public Meeting Room, City of New Brunswick, City Hall, 78 Bayard Street, New Brunswick, New Jersey.

The proposed amended and new delineation affects East Brunswick Township, Milltown Borough, New Brunswick City, North Brunswick Township, Sayreville Borough, South River Borough, and Spotswood Borough, all within Middlesex County and the Raritan River Basin and is

based upon studies undertaken by the Bureau of Flood Plain Management under a contract with the Federal Insurance Administration.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulation, are listed in N.J.A.C. 7:13-1.11. This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway, for the proposed portion of the Raritan River, South River, Manalapan Brook, Matchaponix Brook, and Lawrence Brook and delineation of various tributaries all within the Raritan River Basin, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 019-79-04.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before May 30, 1979, to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments on Flood Plain Delineation Of Part of Saddle River and Portions Of Its Various Tributaries

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended and N.J.S.A. 13:1D-1 et seq., proposes to amend N.J.A.C. 7:13-1.11, Delineated Floodways, by adding to it the floodway and flood hazard areas of the Saddle River from its mouth at the confluence with the Passaic River through Wallington Borough and from the downstream boundary of Saddle Brook Township upstream through the Borough of Fair Lawn; Coalberg Brook from its mouth at the confluence with Saddle River upstream to Route 46; Sprout Brook from its mouth at the confluence with Saddle River through Rochelle Park Township; Beaver Dam Brook from its mouth at the confluence with Saddle River upstream to Van Duren Avenue; Jordan Brook from its mouth at the confluence with Saddle River upstream to Berdan Avenue, and Hohokus Brook from its mouth at the confluence with Saddle River upstream through Glen Rock Borough; Ramsey Brook from the downstream Ramsey Borough Boundary upstream to Route 17; Valentine Brook from the downstream Ramsey Borough Bound-

ary to upstream from Darlington Avenue; Valentine Brook Tributary No. 1 from its mouth upstream to Darlington Avenue; Valentine Brook Tributary No. 2 from its mouth upstream to East Main Street; Darlington Brook Tributary and Masicus Brook through Ramsey Borough.

The Water Policy and Supply Council is proposing to delineate the aforesaid floodways and will hold public hearings on this matter on June 7, 1979 at 8:00 p.m. in the Municipal Building Council Chambers, Fair Lawn, New Jersey.

The proposed delineation affects the Boroughs of Fair Lawn, Glen Rock, Lodi, Paramus, Ramsey and Wallington, the Townships of Rochelle Park and Saddle Brook, the City of Garfield and Village of Ridgewood all within the County of Bergen, based upon studies undertaken by the Bureau of Flood Plain Management under contracts with the Federal Insurance Administration.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulation, are listed in N.J.A.C. 7:13-1.11. This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway, for the proposed portion of the Saddle River flowing through Wallington Borough and from the downstream boundary of Saddle Brook Township upstream through the Borough of Fair Lawn together with various tributaries of the Saddle River flowing within the Boroughs of Fair Lawn, Glen Rock and Ramsey, and the Townships of Rochelle Park and Saddle Brook, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625. This proposal is known within the Department of Environmental Protection as Docket No. DEP 020-79-04.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before May 30, 1979, to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed 1979-80 Game Code

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority delegated in N.J.S.A. 13:1B-30 et seq., proposes the Game Code for 1979-80 hunting and trapping seasons.

Copies of the proposed Game Code have been prepared and a summary supplied to newspapers throughout the state. The proposed code states when, under what circumstances, in what localities, by what means and in what amounts and numbers game birds, game animals and fur-bearing animals may be pursued, taken, killed or had in possession. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 023-79-04.

Copies of the full text of the proposed Game Code may be obtained from:

Division of Fish, Game and Shellfisheries,
P.O. Box 1809,
Trenton, N.J. 08625

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing in the State Museum Cultural Center Auditorium, West State Street, Trenton, N.J. on Tuesday, June 12, 1979 at 8:00 P.M.

Written comments regarding the proposed code may be filed on or before June 12, 1979 with the New Jersey Fish and Game Council, Division of Fish, Game and Shellfisheries at the above address.

After full consideration of all submissions respecting the proposed code, the New Jersey Fish and Game Council, upon its own motion or at the instance of any interested party may thereafter adopt the Game Code substantially as proposed without further action.

Russell A. Cookingham, Director
Division of Fish, Game and Shellfisheries
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF RADIATION PROTECTION

Proposed Amendments Concerning Transportation

Dr. Max Weiss, Chairman of the Commission on Radiation Protection, and Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq. and 26:2D-1 et seq., proposes to delete the current text of Subchapter 12, Chapter 28, in Title 7 of the New Jersey Administrative Code and adopt new text therein concerning transportation.

Such proposal is known within the Department of Environmental Protection as Docket No. DEP 022-79-04.

Full text of the proposal follows:

SUBCHAPTER 12. TRANSPORTATION

7:28-12.1 Purpose and scope

(a) This subchapter establishes requirements for transportation of radioactive material and for approval by the Department of shipping procedures for certain quantities of radioactive materials as defined in section 3 of this subchapter.

(b) The provisions of this subchapter shall apply to the transportation of certain quantities of radioactive materials into, through or within the State of New Jersey and to any storage of such materials during or pending such transportation notwithstanding the applicability of other provisions of this chapter or compliance with other applicable law or regulations.

7:28-12.2 Definitions

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

"Certificate of handling" means a written document issued by the Department approving the use of certain specified New Jersey roads or highways for the transport of specified quantities of radioactive materials.

"Certificate of handling for intransit storage" means a written document issued by the Department approving the use of a specifically designated location for the temporary storage of specified quantities of radioactive materials.

"Certification number" means the number associated with the written document issued by the Department.

"Certified shipment" means a shipment which meets the certification requirements as set forth in this subchapter.

"Intransit storage" means the storing, holding, or otherwise detaining of radioactive material during shipment at a location other than its ultimate delivery point or point where material is to be used, processed, disposed of or otherwise utilized.

"Radiopharmaceutical" means a radionuclide or radioactive compound designed and prepared for organ or body system administration.

7:28-12.3 General requirements

(a) No person shall cause, suffer, allow or permit the transportation including the storage, holding or detention pending such transportation of any of the following materials without first having obtained a certificate of handling or a certification number in advance of such certificate from the Department.

1. Plutonium isotopes in any quantity and form exceeding two grams or 20 curies, whichever is less;

2. Uranium enriched in the isotope U-235 exceeding 25 atomic percent of the total uranium content in quantities where the U-235 content exceeds one kilogram;

3. Any quantity of radioactive material which, when combined with any other quantity of such material, exceeds 20 curies including, but not limited to, any of the actinides, spent reactor fuel elements or mixed fission products associated with such spent fuel elements.

7:28-12.4 Application for certificate of handling for the transportation of radioactive material

(a) No person shall cause, suffer, allow or permit the transportation of radioactive material in quantities specified in section 3 of this subchapter without having first obtained a certificate of handling or a certification number in advance of such certificate from the Department.

(b) All shipments of radioactive material shall be accompanied by either a certificate of handling or a certification number issued by the Department.

1. In those cases where a certificate of handling is issued by the Department, the certificate of handling shall be included with the shipping documents accompanying the certified shipment;

2. In those cases where a certification number is issued by the Department, the certification number and a 24-hour emergency telephone number for notifying the State Police in the event of a public safety accident shall appear on all shipping documents accompanying the certified shipment;

3. All documents accompanying a certified shipment shall be available for inspection by authorized enforcement personnel.

(c) All requests for a certificate of handling or certification number shall be made to the Department not less

than seven business days prior to shipment and shall include the following information:

1. Name of shipper;
2. Name of carrier and name of driver;
3. Type and quantity of radioactive material;
4. Date and time of shipment;
5. Starting point, scheduled route and destination;
6. Year, make, color, state of registration and plate number of vehicle;
7. Names and phone numbers of individuals with knowledge as to the type and quantity of material, who will be available on a 24-hour basis in the event of a public safety accident;
8. An affidavit of insurance which complies with the requirements of subsection (j) of this section;
9. Any additional information required by the Department.

(d) The Department may require changes in dates, routes or time of transporting such material, if necessary, to maximize protection to public health and safety.

(e) The Department, upon receipt of the information specified in subsection (c) of this section and after consultation with the Superintendent of State Police, may approve an application for a certificate of handling or a certification number, if it determines that the shipment of such material shall be accomplished in a manner which does not jeopardize the public health and safety.

(f) Where the applicant supplies a shipping schedule for a number of shipments along with the information specified in subsection (c) of this section for each shipment, the Department, after consultation with the Superintendent of State Police, may issue certificates of handling or certification numbers for the specified shipments for a period not exceeding one year in advance of any shipment.

(g) The Department may issue yearly certificates of handling or yearly certification numbers for the routine shipment of radioactive materials.

(h) In the case of certain shipments including, but not limited to, spent nuclear fuel elements or high level radioactive waste shipments, the Department may prohibit any shipment until the applicant has satisfactorily demonstrated that he has arranged, at his own expense, an approved escort or other special handling.

1. Where an escort or other special handling is required, the applicant shall submit the plans or specifications for review and approval by the Department and by the Superintendent of State Police.

2. The Superintendent of State Police reserves the right to disapprove such specifications and to require such modifications as deemed appropriate or in certain extraordinary cases to direct that any shipment be prohibited until a State Police escort or other action can be arranged.

(i) All certified shipments which do not require placarding on the outside of the shipping vehicle shall have a placard conspicuously posted in the cab of the vehicle bearing the conventional radiation symbol and the words:

"CAUTION: THIS VEHICLE CONTAINS
RADIOACTIVE MATERIAL"

(j) The applicant shall have adequate insurance coverage in order to indemnify all parties against injury, loss, or damage resulting from accidents.

(k) The Department may amend or revoke any certificate of handling issued pursuant to this subchapter whenever it has cause to believe that the information upon which the certificate is issued is in anyway inaccurate, incomplete or otherwise invalid.

7:28-12.5 Application for certificate of handling for the transportation of radiopharmaceuticals or radiographic exposure devices

(a) No person shall cause, suffer, allow or permit the shipment of radiopharmaceuticals or radiochemicals used to produce such radiopharmaceuticals or radiographic exposure devices in quantities of 20 or more curies without first obtaining certificate of handling from the Department.

(b) The Department, after consultation with the Superintendent of State Police, may issue to the applicant a certificate of handling for a period not exceeding one year subject to fulfillment of the following conditions by the applicant.

1. The applicant shall submit a written application to the Department containing the information required by N.J. A.C. 7:28-12.4(c)1 to 9 except that where such information is unavailable at the time the application is made, the applicant shall submit his best judgment as to such information and report deviations in accordance with paragraph 3 of this subsection.

2. The applicant shall submit a report to the Department which supplies the specific information required by N.J. A.C. 7:28-12.4(c)3, 4, 5 for each shipment. Such reports shall be received by the Department not later than 30 days following each of the following periods or partial period during which the certificate of handling is in force: January 1 to March 31; April 1 to June 30; July 1 to September 30; October 1 to December 31.

3. The applicant shall request approval from the Department for a certificate of handling in accordance with the provisions of section 4 of this subchapter whenever a shipment deviates from the general conditions set forth in the applicants' annual certificate of handling.

4. When an applicant consistently or routinely applies to the Department for approval of deviations from the annual certificate of handling, the Department may require the applicant to reapply for new annual certificate of handling.

5. In the case of radiographic exposure devices, a statement shall be submitted that such devices and the radiation sources utilized therein meet all the requirements of subchapter 17 of this chapter.

7:28-12.6 Application for certificate of handling for the storage of intransit radioactive material

(a) No person shall cause, suffer, allow or permit any intransit storage of radioactive material unless measures are taken to insure that the material cannot be removed by other than authorized personnel, and to insure compliance with such provisions of subchapters 6, 7, and 8 of this chapter as the Department may have imposed, on a case by case basis, as a condition of certification.

(b) Any person who holds, detains or otherwise stores radioactive material while intransit, where the combined amounts of radioactive materials continually or periodically exceed the quantities specified in section 3 of this subchapter, shall apply for a certificate of handling for intransit storage.

(c) Any person seeking to obtain a certificate of handling for intransit storage shall submit to the Department the following information:

1. The type, maximum quantity, and maximum time period for storage of each radioactive material to be stored;

2. A description of the location and manner of storage;

3. Names, addresses and telephone numbers of the chiefs of local police and fire departments of the jurisdiction in which the storage facility is situated;

4. Names and phone numbers of individuals, with knowledge as to the type and quantities of materials in storage,

who will be available on a 24-hour basis in the event of a public safety accident;

5. An affidavit of insurance which complies with the requirements of subsection (g) of this section;

6. Any additional information required by the Department.

(d) The Department, upon receipt of the information specified in subsection (c) of this section, after consultation with the Superintendent of State Police, may issue to the applicant a certificate of handling for intransit storage upon finding that such material will be stored in a manner which does not jeopardize the public health or safety.

(e) Any person storing radioactive material while such material is in transit shall immediately notify the Department of any additions in type, or increases in quantities or length of time or storage.

(f) The certificate of handling for intransit storage shall be posted prominently in the storage facility.

(g) The applicant shall have adequate insurance coverage in order to indemnify all parties against injury, loss, or damage resulting from accidents.

7:28-12.7 Noncompliance with certification conditions

Any person who deviates from the conditions of any certificate of handling issued by the Department shall be considered to be transporting, storing or otherwise handling radioactive material without such certificate.

7:28-12.8 Fees

The Department may charge fees for any service performed pursuant to this subchapter in accordance with a fee schedule promulgated pursuant to N.J.S.A. 26:2D-1 et seq., if it determines that such is necessary for the efficient implementation of the provisions of this subchapter.

Written and/or oral testimony concerning the proposed rules will be received at public hearings to be held on the dates specified from 3:00 P.M. and continuing until the close of testimony at:

Monday, June 11, 1979
Administrative Building
Public Meeting Room 427
Main Street
Hackensack, New Jersey 07601

Tuesday, June 12, 1979
Law Enforcement Center
Oak Avenue
Court Room
Toms River, New Jersey 08753

Wednesday, June 13, 1979
Lower Alloways Creek Municipal Building
Locust Island Road
Hancocks Bridge, New Jersey 08038

Copies of the proposal and basis therefor may be obtained from, and written testimony relating thereto will be accepted prior to June 30, 1979 by:

Eugene J. Fisher, Chief
Bureau of Radiation Protection
380 Scotch Road
Trenton, New Jersey 08628

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

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

N.J. Division of Environmental Quality
Room 1110, Labor & Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

N.J. Bureau of Radiation Protection
380 Scotch Road
West Trenton, New Jersey 08628

N.J. Bureau of Air Pollution Control
Metropolitan Field Office
1259 Route 46
Parsippany-Troy Hills, New Jersey 07054

N.J. Bureau of Air Pollution Control
Southern Field Office
100 Larwin Road
Cherry Hill, New Jersey 08034

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

This hearing is being held in accordance with the provisions of the Radiation Protection Act (N.J.S.A. 26:2D-1 et seq., P.L. 1958 c. 116) as amended.

The Commission on Radiation Protection and the Department of Environmental Protection may thereafter adopt these rules substantially as proposed without further notice.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

Dr. Max Weiss
Chairman
Commission on Radiation Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Amendments Concerning Endangered Species

On March 29, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2A-4(b) and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:25-11.1(b) concerning endangered species as proposed in the Notice published January 4, 1979 at 11 N.J.R. 10(a).

These amendments are known within the Department of Environmental Protection as Docket No. DEP 055-78-11.

An order adopting these amendments was filed and became effective on March 29, 1979 as R.1979 d.128.

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments Concerning Sewer Extension Bans

On March 29, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq., 58:10A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:9-13.1 et seq. concerning sewer extension bans substantially as proposed in the Notice published January 4, 1979, at 11 N.J.R. 9(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

These amendments are known within the Department of Environmental Protection as Docket No. DEP 056-78-12.

An order adopting these amendments was filed and became effective on March 29, 1979 as R.1979 d.129.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rules on State Aid to Local Environmental Agencies

On March 30, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq., 13:1H-1 et seq., P.L. 1978 c. 60 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:37-1.1 et seq., concerning State aid to local environmental agencies as proposed in the Notice published October 5, 1978 at 10 N.J.R. 420(a).

These rules are known within the Department of Environmental Protection as Docket No. DEP 040-78-09.

An order adopting these rules was filed and became effective on March 30, 1979 as R.1979 d.134.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments to Procedures For Hearings Before the Water Policy and Supply Council

On April 10, 1979, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1B-3, 13:1D-1 et seq., 58:1-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:21-4.1 et seq. concerning procedures for hearings before the Water Policy

and Supply Council as proposed in the Notice published August 10, 1978 at 10 N.J.R. 320(a).

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 028-78-06.

An order adopting these amendments was filed and became effective on April 11, 1979 as R.1979 d.142.

Howard H. Kestin
Director
Office of Administrative Law

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rules on Abandoned Vessels

On April 12, 1979, Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 12:7C-7 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:6-7.1 et seq., concerning abandoned vessels substantially as proposed in the Notice published July 6, 1978 at 10 N.J.R. 276(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

Such rules are known within the Department of Environmental Protection as Docket No. DEP 025-78-06.

An order adopting these rules was filed on April 16, 1979 as R.1979 d.145 to become effective on June 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(e)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Amendments Concerning the Shellfish Relay Program

On April 19, 1979, Glenn Paulson, Assistant Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 24:14-3, 50:1-5, 50:1-31 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments concerning the shellfish relay program which deleted the current text of N.J.A.C. 7:25-15.1 and adopted new text therein.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 024-79-04.

Full text of the adoption follows:

7:25-15.1 Relay of hard clams

(a) These rules are intended to implement the hard clam relaying program administered by the Department of Environmental Protection. These rules must be read together with the shellfish growing water classification regulations which appear at N.J.A.C. 7:12-1 et seq. and which rules are subject to amendment at any time. See N.J.S.A. 24:14-2 which requires the immediate condemnation of shellfish beds deemed dangerous to health. See also N.J.S.A. 13:1D-7 which transfers these functions to the Department of Environmental Protection.

(b) The general intent of these rules is to control the relaying of hard clams (*Mercenaria mercenaria*) from

specified Special Restricted or Condemned Waters within Atlantic and Cape May Counties, which are within the Atlantic Coastal section (see N.J.S.A. 50:1-18), to specially designated leased shellfish relay grounds also situated in the Atlantic Coast Section. Such designated Special Restricted or Condemned Waters will be charted by the department and such charts will be issued to the participants and available to the public on demand. Application for the shellfish relay program will be open to all applicants. If limitations must be imposed on the number of participants as the result of practical considerations, selection will be made on the basis of the time the application is received.

(c) Any person who wishes to participate in this program must comply with each of the following provisions:

1. Possess a current, valid, shellfish harvesting license issued by the Division of Fish, Game and Shellfisheries (See N.J.S.A. 50:2-1 et seq.).

2. Hold one of the following special permits issued by the Division of Water Resources (N.J.S.A. 24:14-3 and N.J.A.C. 7:12-1.2 et. seq.) to harvest and/or buy and/or sell oysters, clams or mussels from Condemned Waters; (a fee of \$25.00 is required for each permit issued, Chapter 156, Public Law of 1971 N.J.S.A. 24:14-3).

i. Permit 5a: SPECIAL PERMIT TO HARVEST, BUY, SELL AND RELAY OYSTERS, CLAMS OR MUSSELS FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATERS IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM.

ii. Permit 5b; SPECIAL PERMIT TO HARVEST OYSTERS, CLAMS OR MUSSELS FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATER FOR SALE PURPOSES ONLY IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM.

iii. Permit 5c: SPECIAL JUVENILE PERMIT TO HARVEST AND RELAY OYSTERS, CLAMS OR MUSSELS FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATERS IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM. The Juvenile Permit allows a juvenile member of the immediate family to work in the presence of a parent or guardian who holds a valid Permit 5a issued by the Division of Water Resources.

3. The above permits will show on their face the specific conditions that are deemed necessary for the proper operation of the shellfish relay program. All permittees are also required to comply with all other applicable statutes and regulations. Included with every permit will be charts of the harvest sites showing specific sections within the estuaries that may be harvested on any particular day, as determined by the applicable area Station Commander, New Jersey Marine Police. Violations of these conditions may subject the violator to prosecution under 24:14-3 and may cause the violator's permit to be revoked. Pursuant to the Administrative Procedure Act, such individual may apply to the Division of Water Resources for an administrative hearing regarding the decision to suspend such permit.

(d) Any person applying for permit 5a must have acquired a special relay lease from the department for three one-half acre plots of shellfish cleansing grounds in Great Bay or Little Egg Harbor Bay on which the relay shellfish are to be deposited by the means hereinafter set forth. No person shall hold more than one lease to the above mentioned series of three one-half acre plots in Great Bay or Little Egg Harbor Bay.

1. Applications for leases must be made in person at the Nacote Creek Shellfish Office of the Department. The lease shall be subject to the following additional conditions.

i. This special relay lease shall be issued for only one year and can be reapplied for annually.

ii. The fee for this lease, to be paid at the time of application, shall be \$50.00.

iii. Once the leased lots have been marked by the Division, the lessee shall be solely responsible for the placement and maintenance of the stakes marking same, or their necessary replacement.

iv. One foot by one foot signs having a white background with legible black lettering, giving the participants first initial and last name and special relay permit number, shall be placed and maintained (amidships) on both sides of the participant's harvest boat while participating in any phase of the program.

v. This special relay lot shall be used for relay planting from the specified harvest areas only, and shall be marked by the lessee with its number.

(1) This lease shall not be renewed if the lot was not planted at least $\frac{1}{3}$ of the harvest days during the previous year's program, unless such inactivity was due to legitimate health reasons. The purpose of this special provision is to insure that only active planters are issued leases under this special relaying program.

vi. Any lessee who is convicted of an offense which results in the revocation of a Shellfish Harvesting License (N.J.S.A. 50:2-6; N.J.A.C. 7:25-16) or Special Permit mentioned in subsections (a) and (b) of this section (N.J.A.C. 7:12-2) shall have its lease voided by the Department; provided, however, that upon notice to the Division of Fish, Game and Shellfisheries within a 10 day period the lessee shall be given the opportunity to show why the lease should not be voided. Nothing in this section shall allow the voiding of a lease because of a violation of N.J.S.A. 50:2-1 or 50:2-5.

vii. Lessees vacating a relay lot shall have six months during which to remove any clams planted on it.

(e) Clams taken from the specified Special Restricted or Condemned harvest areas shall be bagged by the participant and such bags shall be identified with the lot number of the permitted lease holder on whose lot the clams are to be planted. Said number shall be at least 10 inches tall and painted on the side of each bag. Unmarked bags will not be accepted for transportation to the lots, but will be seized and their contents returned to condemned waters by the New Jersey Marine Police.

1. At the close of the day's harvest the bags shall be placed on a state designated vessel or in closed trucks (said vessel or trucks to be approved by the applicable area Station Commander, New Jersey Marine Police) for transportation to the relay lots, or in the case of clams carried by truck, to a designated landing.

i. Bagged clams delivered to relay lots by state designated vessel will be off-loaded by industry participants to their own plots.

ii. A fee of \$25.00 for the season is required of all permit holders who load their clams on the State's vessel.

iii. Bagged clams delivered to the designated landing in sealed trucks shall be relayed to the leased plots of the participants by a state designated vessel or vessels (to be approved by the applicable area Station Commander New Jersey Marine Police) under the supervision of the New Jersey Marine Police and/or the Division of Fish, Game and Shellfisheries. Industry participants shall be responsible for providing the necessary labor for off-loading the clams from the trucks to the planting vessel or vessels and off-loading the planting vessel or vessels onto the proper relay lots.

(f) Clams relayed to the leased lots shall remain upon said leased lots until written approval for harvest has been granted by the Department's Division of Water Resources, Shellfish Control Unit.

(g) Only the lessee or the lessee's permitted juvenile son-daughter working with the lessee or a substitute

harvester shall remove clams from the leased lots. A substitute harvester must possess a Letter of Permission from the lessee giving the dates for which he is allowed harvest privileges and the lessee's permit from the Division of Water Resources (Permit 5a).

(h) The department shall establish a schedule of dates when the Special Restricted or Condemned Waters shall be opened to participants in this program for the harvest of clams, and when the state's vessel shall be available to participants to carry clams to Great Bay.

1. The truck or trucks mentioned above shall be private closed trucks or trailers supplied and loaded by participants, locked by supervising personnel of the Department of Environmental Protection and driven in convoy to the designated landing by permitted participants.

2. It is the intention of the Department to operate this program on a weekly basis, every Monday through Friday from sunrise to 1350 hours for a period no longer than 6 months of any year. Dates for the program shall be dependent upon the degree of participation in the program and upon water temperatures over the leased relay lots that will assure adequate purging of contaminants from the shellfish. Program rules are subject to change on the basis of findings that show that continuation may jeopardize the well being of the shellfish resources and/or the health, safety or welfare of the public at large.

(i) The Department may terminate this program at any time for just cause and upon notice to all participants. Just cause shall include, but not be limited to excessive depletion, or threat thereof, of shellfish stocks, lack of shellfish industry participation and excessive numbers of violations of the rules of the relay program. Fewer than 10 participants planting in Great Bay, or fewer than 5 participants planting in Little Egg Harbor Bay for 3 consecutive days shall be considered lack of industry participation.

(j) The participants shall be responsible for the appointment of one of their number to the position of relay coordinator (remuneration for this position, if any, shall be assumed by the participants). The relay coordinator will act as liaison with the applicable area Station Commander, New Jersey Marine Police, the Shellfish Control Unit of the Division of Water Resources and the Shellfish Section of the Division of Fish, Game and Shellfisheries, for scheduling areas for harvest.

(k) Any participant violating these regulations or the terms of the special relay permit issued by the Division of Water Resources may be subject to prosecution under the provisions of N.J.S.A. 24:14-3, taking shellfish from condemned areas in violation of the permit, and may incur the penalty prescribed by the second paragraph of N.J.S.A. 24:14-9.

Take notice that interested persons may present comments concerning this adoption on or before May 30, 1979, to:

Russel A. Cookingham
Director
Division of Fish, Game and Shellfisheries
Box 1809
Trenton, N. J. 08625

The Department of Environmental Protection may thereafter ratify or further amend these amendments without further notice.

An order adopting these amendments was filed on April 19, 1979, as R.1979 d.156 (Exempt, Emergency Rule) to become effective on April 20, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

THE COMMISSIONER

Proposed New Rule on Self-Locking Doors

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of 26:2H-1 and with the approval of the Health Care Administration Board proposes to adopt a new rule, N.J.A.C. 8:31-26.2, concerning self-locking doors in health facilities.

Full text of the new rule follows:

8:31-26.2 In all health care facilities, all exterior doors equipped with self-locking devices shall have a sounding device, such as a bell, buzzer, or chimes, which is in operating condition, affixed to the outside of the door, and audible to a nursing station or other area that is staffed 24 hours a day, seven days a week, for use in the event that a person is unable to enter the building.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

W. J. Morra
Coordinator, Standards
Health Facilities Evaluation
P.O. Box 1540
Trenton, N.J. 08625

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

Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Amendment to Economic Factor in SHARE Manual

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 and with the approval of the Health Care Administration Board proposes to amend N.J.A.C. 8:31A-9.1 and repeal 8:31A-9.2 and 10.5 concerning SHARE manual economic factor.

Copies of the 8 pages of full text of the amendment may be obtained from or made available for review from:

James R. Hub
Director, Health Economics Services
Health-Agriculture Building - Room 600
John Fitch Plaza
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Setting of Quantifiable Benefits By Hospital Rate Setting Commission

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board proposes to adopt a new rule, N.J.A.C. 8:32-1.1, concerning procedure for determining quantifiable economic benefits under the diagnosis related group rate setting program.

Full text of the new rule follows:

CHAPTER 32

DIAGNOSIS RELATED GROUP RATE SETTING

SUBCHAPTER 1. POWERS OF THE HOSPITAL RATE SETTING COMMISSION

8:32-1.1 Quantifiable economic benefits

(a) The Hospital Rate Setting Commission shall consider whether or not any differential in payment rate shall be granted to any payor or any class of payors for quantifiable economic benefits rendered to the institution or to the health care delivery system as a whole. In addition to such other benefits as the Commission may consider, it shall consider the following if found to be quantifiable:

1. Degree of promptness and volume of payments to hospitals so that hospitals are provided with funds for the current financing of their services; and

2. Broad provision of health insurance coverages which are not otherwise affordable or obtainable at premium rates which are not self-supporting.

(b) In determining the quantifiable economic benefits to which consideration shall be given in approving payment rates, the Commission may consider overall financial benefits to society which are provided by programs offered by a payor or class or payors.

(c) The Commission shall solicit comments from the hospitals, hospital payors and the public and may, in accordance with the Administrative Procedure Act (N.J.S.A. 52:143-1 et seq.) conduct public hearings on the matter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1977 to:

James R. Hub
Director, Health Economics Service
Health-Agriculture Bldg., Room 600
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Amendment to Dental Services In Long-Term Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 and with the approval of the Health Care Administration Board proposes to amend N.J.A.C. 8:39-1.22 concerning dental service in long-term care facilities.

Full text of the proposed amendment follows (deletions indicated in brackets [thus] and additions indicated in bold face thus):

8:39-1.22 Dental services

(a) The facility shall make available dental services, including, but not limited to [annual] examinations, oral prophylaxis, and emergency dental care to relieve pain and infection, either directly or through written agreement. Examinations and oral prophylaxis shall be provided according to a schedule established by the patient's dentist.

Interested persons may present statements or arguments relevant to the proposed action on or before May 30, 1979 to:

W. J. Marra
Coordinator, Standards
501 John Fitch Way
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Alcohol Abuse Inpatient Treatment Facility

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 and with the approval of the Health Care Administration Board proposes to adopt new rules, N.J.A.C. 8:42-3.1 et seq., concerning residential and inpatient alcohol abuse treatment facilities.

Full text of the proposal follows:

SUBCHAPTER 3. ALCOHOL ABUSE FACILITIES

8:42-3.1 Alcohol abuse treatment facilities

Residential and inpatient alcohol treatment facilities shall meet the requirements of subchapter 2 of this chapter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

W. J. Marra
Coordinator, Standards
501 John Fitch Way
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Rules for Free Standing Ambulatory Care Alcohol Abuse Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board proposes to adopt new rules, N.J.A.C. 8:43A-1.72 concerning free standing alcohol abuse ambulatory care facilities.

Full text of the proposal follows:

8:43A-1.72 Alcohol abuse treatment facilities

Alcohol abuse treatment facilities shall meet the requirements of sections 1 through 9 and 51 through 65 of this subchapter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

W. J. Morra
Coordinator, Standards
501 John Fitch Way
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Amendment to Public Health Funding And Local Health Board Standards

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of P.L. 1977, c. 332 proposes to amend chapters 48, 49 and 53 of the New Jersey Administrative Code concerning public health funding and minimum standards for local health boards.

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

Repeal chapter 48 and adopt new language as follows:

CHAPTER 48
PUBLIC HEALTH PRIORITY FUNDING —
ADMINISTRATIVE POLICIES
CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. ADMINISTRATIVE POLICIES

8:48-1.1 General policy

8:48-1.2 Determining public health priority funds

SUBCHAPTER 1. ADMINISTRATIVE POLICIES

8:48-1.1 General policy

Administrative policies will be in accordance with guidelines as developed, published, and made available by the State Department of Health.

8:48-1.2 Determining public health priority funds

The official population estimates and equalized valuation statistics for any one year are normally published by the State during the first half of the following calendar year. For budgeting purposes, these statistics and estimates will be used to determine the amount of public health priority funding due each local health agency for the second succeeding State fiscal year.

Repeal chapter 49 (The certified health services have been replaced by Chapter 51, the "Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey".)

Amend chapter 53 as follows:

8:53-1.1 County health department (N.J.S.A. 26:3A2-1 et seq.)

[(a) In any county in which the board of chosen freeholders has established a county health agency, such as a county health coordinator system, or in any county having a board of health and vital statistics, prior to the effective date of this act, there shall be established a county board of health by July 1, 1977.

(b) The county health agency shall be converted into a county health department as of January 1, 1978.

(c) Participation as a member of the county health department shall be effected by resolution of the municipal board of health.

(d) Municipal boards of health participating in any existing county health agency on April 1, 1976, shall be continued as members of the county health department until April 1, 1978. Subsequent to April 1, 1978, such participating municipalities may, by resolution, continue as members of the county health department, or may by resolution, declare its intent to establish its own local health agency or join with one or more municipalities in establishing a local health agency meeting "standards of performance".]

[(e)] Any contract between any county board of health and any board of health other than a participating member, to which it provides services, shall be submitted to the State Commissioner of Health by the county board of health at least 30 days prior to the contract's effective date. The contract will be reviewed by the commissioner to determine compliance with N.J.S.A. 25:3A2-1 et seq. and the recognized public health activities and minimum standards of performance for local boards of health in New Jersey.

8:53-1.3 Contracting health agencies (N.J.S.A. 40:8A-1 et seq.)

[(a)] Any contract between any municipal board of health or any county government and boards of health to which it provides services shall be submitted to the State Commissioner of Health by the provider board of health at least 30 days prior to the contract's effective date. The contract will be reviewed by the commissioner to determine compliance with N.J.S.A. 26:3A-1 et seq. and the recognized public health activities and minimum standards of performance for local boards of health in New Jersey.

[(b) Sample contract form is available from the State Commissioner of Health.]

8:53-1.4 Sample contract forms

Sample contract forms are available from the State Commissioner of Health.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

John H. Harrison, V.M.D.
Director, Health Aid Services
State Department of Health
Trenton, N.J. 08625

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

Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Supplemental Food Program For Women, Infants and Children

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-15 and 36 proposes to adopt a new Chapter 59 of the New Jersey Administrative Code concerning supplemental food program for women, infants and children.

Each year by August 15, the State Health Department shall submit to the Food and Nutrition Services (FNS) U.S. Department of Agriculture a Plan of program operation and administration for approval by the Secretary of Agriculture as a prerequisite to receiving funds. The Plan shall include, among such other information as the Secretary may require:

(A) A description of how the State agency will distribute administrative funds, including start-up funds, to local agencies operating under the program;

(B) A description of the State agency's financial management system;

(C) A description of methods used to determine nutritional risk;

(D) A budget for administrative funds;

(E) The staffing pattern;

(F) Nutrition education goals and action plans, including a description of the methods that will be used to meet the special nutrition education needs of migrants and Indians;

(G) Plans to provide program benefits under this section to eligible migrants and Indians;

(H) A list of all areas and special populations, in priority order based on relative need, within the jurisdiction of the State agency, and the State agency's plans to initiate or expand operations under the program in areas most in need of supplemental foods, including plans to inform nonparticipating local agencies of the availability and benefits of the program and the availability of technical assistance in implementing the program, and a description of how the State agency will take all reasonable actions to identify potential local agencies and encourage such agencies to implement or expand operations under the program within the following year in the neediest one-third of all areas unserved or partially served;

(I) A description of how the State agency's delivery system will enable low-income persons to receive supplemental foods under this program, in accordance with standards developed by the Secretary;

(J) The State agency's plans for informing eligible persons of the program;

(K) A description of how the State agency plans to coordinate operations under the program with special coun-

seling services such as, but not limited to, the expanded food and nutrition education program, family planning, immunization, prenatal care, well-child care, alcohol and drug abuse counseling, child abuse counseling, and with the food stamp program; and

(L) a copy of the procedure manual developed by the State agency for the program.

The New Jersey State Department of Health will conduct a public hearing on May 22, 1979 at the Center for Health Affairs between the hours of 10:00 A.M. to 5:00 P.M. on this matter. A copy of the proposed plan will be provided for review upon request to the State WIC Office, New Jersey State Department of Health, Trenton, New Jersey, 08625. Written comments regarding the Plan will be accepted until May 30, 1979, forwarded to the State WIC Office or given to the hearing officer during the public hearing. Those individuals wishing to make oral comments at the hearing should bring a written statement in addition to notifying the State WIC Program prior to the hearing in order that a scheduled speaking appointment may be arranged. Each speaker will be given approximately 15 minutes to comment on the Plan.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Amendment to Exempt Controlled Dangerous Substances

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. proposes to amend N.J.A.C. 8:65-10.8 concerning preparations exempt from Controlled Dangerous Substances Act.

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

8:65-10.8(b) A complete list of preparations and mixtures are found in Section 1308.24(i) of 21 C.F.R. (as amended by Federal Register Volume 44, Number 51 dated March 14, 1979), and includes "Chloral, when packaged in a sealed, oxygen-free environment, under nitrogen pressure, safeguarded against exposure to air." (38 FR 8255, March 10, 1973, as amended). (Copies of 21 C.F.R. Part 1300 to end [, revised as of April 1, 1977,] may be purchased from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402
Price \$4.25 per copy)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Donald J. Foley
Chief Drug Control
Drugs Devices and Cosmetics
1911 Princeton Ave.
Trenton, N.J. 08625

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

Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Rules on Expiration Dates For Fluid Milk Products

On April 11, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:10-57.23 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning expiration dates for fluid milk products.

Full text of the adoption follows:

8:21-10.12 Expiration dates for fluid milk products

(a) N.J.S.A. 24:10-57.23 gives the State Department of Health the authority to promulgate rules and regulations dealing with the "Dating and Labeling" of dairy products other than those prescribed by 24:10-57.23 (whole white milk).

(b) All packages and/or containers of fluid milk products as defined in N.J.S.A. 24:10-57.1, and all types and varieties of cottage and soft cheeses designated by the Department, intended for direct sale to consumers, shall be legibly marked with a "shelf-life expiration date". The "shelf-life expiration date" is the date after which products may not be offered for sale. This date shall be determined and applied on the final consumer package or container by the initial processor or manufacturer except as hereinafter provided. All data and material used by the processor or manufacturer in his determination of this date shall be made available to the Commissioner upon written request within 30 days of receipt of the request. If the data and material submitted does not, in the opinion of the Commissioner, justify the "shelf-life expiration date," the Commissioner shall prohibit the sale of the product until such time as satisfactory data is supplied or until a new "shelf-life expiration date" consistent with the data is applied to the product.

(c) The "shelf-life expiration date" shall appear in conspicuous and easily legible bold-face print or type in distinct contrast to the background color and layout and shall be placed on that part of the container most likely to be displayed, presented, or shown or examined under customary conditions of display for retail sale, and shall not interfere with the legibility of other mandatory labeling requirements of the product. However, cup containers that are labeled with the date on the bottom of the container shall have displayed on the cap or other conspicuous position information indicating the location of the date. The same provision applies for dates molded into plastic containers. Individual portion-pak containers not intended for direct resale to consumers shall be exempted, provided the bulk container in which they are distributed is properly dated. Containers and packages of frozen cream and/or ice cream or ice milk mix not intended for resale to consumers shall also be exempted from the provisions of this regulation.

(d) The containers shall be marked with the legend "not to be sold after," or "sell by," followed by the "shelf-life expiration date." The designation of the month and date of the month after which the product shall not be sold may be numerical, such as "9-15" or "0915" for September 15 or with the use of an abbreviation for the month such as "Sep 15" or "SE 15". All products offered for sale after the "shelf-life expiration date" shall be

deemed to be misbranded and subject to provisions of N.J.S.A. 24:4-12 (embargo) and 24:17-1 (penalties).

(e) In the event the Department determines a processor's or manufacturer's "shelf-life expiration date" for a given product is improper, the Department shall immediately take such samples as are necessary for full and complete recheck of the shelf-life of the product. If the recheck confirms that the shelf-life of the product is improper, the Department shall serve written notice on the processor or manufacturer and the processor or manufacturer immediately upon receipt of such notice shall alter the "shelf-life expiration date" of the product to comply with the Department's tests.

An order adopting these rules was filed and became effective on April 12, 1979 as R.1979 d.143 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Rules on Standards for Ambulatory Or Outpatient Tuberculosis Control

On April 17, 1979, Allen N. Koplin, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:4-70 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:58-1.1 et seq., concerning the standards for ambulatory or outpatient tuberculosis control substantially as proposed in the Notice published January 4, 1979, at 11 N.J.R. 11(b) with only inconsequential structural or language changes in the opinion of the Department of Health.

An order adopting these rules was filed on April 18, 1979 as R.1979 d.149 to become effective on May 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

THE COMMISSIONER

Amendment to Schedule IV of Controlled Dangerous Substances Concerning Pentazocine

On April 9, 1979, Allen N. Koplin, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 8:65-10.4 concerning the placing of pentazocine on Schedule IV of the Controlled Dangerous Substances as proposed in the Notice published March 8, 1979 at 11 N.J.R. 129(b).

An order adopting this amendment was filed on April 18, 1979 as R.1979 d.150.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

THE COMMISSIONER

Rules Concerning Administering Or Dispensing of Narcotic Drugs

On April 17, 1979, Allen N. Koplin, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-15 and in accordance with applicable provisions of the Administrative Procedure Act, adopted rules concerning administering or dispensing of narcotic drugs, N.J.A.C. 8:65 7.7, as proposed in the Notice published March 8, 1979 at 11 N.J.R. 129(a).

An order adopting these rules was filed and became effective on April 18, 1979 as R.1979 d.151.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Amendments on Person Entitled to Fill Prescriptions

On April 17, 1979, Allen N. Koplin, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-15 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-7.6 concerning persons entitled to fill prescriptions as proposed in the Notice published March 8, 1979 at 11 N.J.R. 128(a).

An order adopting these amendments was filed and became effective on April 18, 1979 as R.1979 d.152.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

PUBLIC HEALTH COUNCIL

Rules on Smoking in Certain Public Places

On April 17, 1979, Jane B. Robinson, Chairperson of the New Jersey Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules in Chapter XV of the State Sanitary Code concerning smoking in certain public places substantially as proposed in the Notice published November 9, 1978 at 10 N.J.R. 480(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Public Health Council.

Such rules will be cited as N.J.A.C. 8:15-1.1 et seq.

An order adopting these rules was filed on April 18, 1979 as R.1979 d.153 to become effective on January 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HIGHER EDUCATION

STUDENT ASSISTANCE BOARD

Proposed Amendments to the Garden State Scholarship and Tuition Aid Grant Program

The New Jersey Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-48 and 18A:71-26.8, proposes to amend N.J.A.C. 9:7-2.4 concerning the Garden State Scholarship and Tuition Aid Grant Program.

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

9:7-2.4 Determination of eligibility for and value of student assistance

Students must have demonstrated financial need through submission of a New Jersey Financial Aid Form. The information on the Financial Aid Form will be evaluated by employing the national Uniform Methodology, as represented in the College Scholarship Service system. The evaluation results in an estimate of the family or student's ability to contribute to the cost of education. This estimate is then used to determine eligibility for and value of student assistance. Students may not receive assistance under the programs administered by the Student Assistance Board if they owe a refund on a grant or scholarship previously received from a state or federal program through the institution they are attending or are in default on any student loan made or insured by the federal government at that institution.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979, to:

Eric M. Perkins
Administrative Practice Officer
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

The Student Assistance Board may thereafter adopt rules concerning this subject without further notice.

Lynn Goldthwaite
Chairperson, Student Assistance Board
Department of Higher Education

(e)

HIGHER EDUCATION

EDUCATIONAL OPPORTUNITY FUND

Proposed Amendments to Financial Aid Guidelines and Award Tables

The Board of Directors of the Educational Opportunity Fund in the Department of Higher Education, pursuant to the authority of N.J.S.A. 18A:71 proposes to amend rules concerning the award of grants under the Educational Opportunity Fund Program and to amend the amounts of such grants permitted in award table.

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

9:11-1.4 Dependent/Independent Student

(a) A dependent student is one who:

1. Resides with his or her parent(s) or guardian(s) for more than [two] six consecutive weeks last, this, or next year; or

2. Is dependent upon them for more than [\$600] \$750 in support of any kind including, food, clothing, or shelter last, this, or next year; or

(b) An independent student is one who:

1. Has not lived, and will not live, with parent(s) for more than [two] six consecutive weeks last, this, and next year; and

2. Has not received, and will not receive, financial assistance from parent(s) of more than [\$600] \$750 in support of any kind including food, clothing, and shelter last, this, and next year; and

(c) [In order to document a background of historical poverty an independent student must provide income information about his or her parent(s) or guardian(s) if not at least 23 years of age, unless parent(s) or guardian(s) are deceased. This documentation must be placed in the student's file.] A recipient of Aid for Dependent Children is eligible for consideration as an independent student even if the above tests are not met. The economic background of the student's parent(s) or nearest guardian(s) need not be examined. The benefits provided the student must be considered in the need analysis.

* * * * *

9:11-1.5(c)2. In cases where the independent student's parent(s) or guardian(s) are receiving welfare support, parental income eligibility shall be presumed to have been met; [however where welfare support is in the form of Aid to Working Parents (A.W.P.) or other partial support: the standard eligibility test is required.]

9:11-1.8(c) The E.O.F. Board of Directors shall annually review the state grant amounts of E.O.F. students and make adjustments if necessary. The minimum, standard awards, and [maximum] Hold Harmless maximum range for adjustments to Graduate and Undergraduate E.O.F. grants for each type of institution follows:

	Mini- mum	Stand- ard	Maxi- mum	77-78 Combined Maximum
[Undergraduate 2-Year Public Colleges	\$200	\$ 350	\$ 750	\$ 750
4-Year Public Colleges				
Commuter Student	200	350	750	950
Residential Student	200	500	1,000	1,200
Rutgers, The State University/N.J.I.T.				
Commuter Student	200	350	750	950
Residential Student	200	500	1,000	1,200
Independent Colleges	200	1,000	1,300	2,000
Out-of-State College Renewal Students Only	200		1,000	
Graduate				
4-Year Public Colleges	\$200		\$1,500	
4-Year Independent Colleges	200		2,500	
Rutgers, The State University/N.J.I.T.	200		2,000	
Colleges of Medicine & Dentistry	200		3,000	

**Hold
Harmless
Maximums
for Grand-
fathering**

	Minimum	Standard	
Undergraduate 2-Year Public Colleges	\$200	\$ 350	\$ 750
4-Year Public Colleges			
Commuter	200	350	950
Residential	200	600	1,200
Rutgers, N.J.I.T.			
Commuter	200	350	950
Residential	200	600	1,200
Independent Colleges	200	1,200	2,000
Out-of-State College Renewal Students Only	200	1,000	
Graduate			
4-Year Public Colleges	\$200	\$1,500	
4-Year Independent Colleges	200	2,500	
Rutgers, N.J.I.T.	200	2,500	
C.M.D.N.J./F.D.U.			
Dental School	200	4,000	

9:11-1.8(d) [The standard award, as set forth in subsection (c) of this section, for in-state undergraduate initial students shall be made to all eligible E.O.F. students unless such an award, in combination with a Tuition Aid Grant, is less than the maximum combined total of state award by type of institution available to E.O.F. students in 1977-78. In such cases, the E.O.F. award shall be adjusted until the TAG/EOF combination reaches either the 1977-78 maximum or maximum set forth in subsection (c), whichever is lower. No adjustment under this section shall result in awards exceeding documented financial need as defined in subsection (a) of this section.] The Standard Award, as set forth in this section shall be granted to all eligible E.O.F. students, except renewal students who received an E.O.F. grant before 1978-79.

9:11-1.8(e) [For out-of-state renewal student and graduate students, the awarding of all grants within the above stated minimum and maximum shall be based upon a careful analysis of the student's total financial situation and financial need. The neediest students must be accorded priority.] Those renewal students who received an E.O.F. grant before 1978-79 shall be granted the Standard Award unless such an award, in combination with a Tuition Aid Grant is less than the Hold Harmless Maximum as set forth in this section. In such cases, the Standard Award shall be increased until the TAG/EOF combination reaches the Hold Harmless Maximum.

9:11-1.8(f) The awarding of all grants within the above stated minimum and maximum shall be based upon a careful analysis of the student's total financial situation and financial need. The neediest students must be accorded priority.

9:11-1.9(b)1. Length of eligibility at 4-Year Public Colleges, 4-Year Independent Colleges, Rutgers and N.J.I.T. shall be restricted to one semester beyond the normal number of semesters usually required for a full-time student to complete the degree requirements.

9:11-1.9(b)2. [In no case shall the maximum graduate eligibility exceed the equivalent of nine semesters or four academic years plus one semester.] length of eligibility

(Continued on page 246)

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.

It includes ALL rules adopted from receipt of the last

individual Title updating through April 19, 1979.

Since their last updates, the various 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:

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
AGRICULTURE — TITLE 2			
2:1-2.3	Amend functions of department units	R.1978 d.402	11 N.J.R. 2(b)
2:2	Amend disease control program	R.1978 d.402	11 N.J.R. 2(b)
2:2-2.15(b)	Amendments on limits of indemnities for brucellosis reactors	R.1978 d.302	10 N.J.R. 415(a)
2:3-1.1, 1.2	Amend interstate animal health certificates	R.1978 d.402	11 N.J.R. 2(b)
2:3-2.5	Amend equine infectious anemia tests	R.1979 d.135	11 N.J.R. 222(c)
2:5-2.3—2.6	Importation, movement and transfer of horses	R.1979 d.136	11 N.J.R. 233(a)
2:6-1.4, 1.8	Amend biologics	R.1978 d.402	11 N.J.R. 2(b)
2:6-1.9	Amend biologic product use	R.1978 d.428	11 N.J.R. 3(b)
2:7-1.5, 1.6	Repeal fee structure, service to poultry men	R.1978 d.402	11 N.J.R. 2(b)
2:8	Repeal administrative rules	R.1978 d.402	11 N.J.R. 2(b)
2:18	Repeal movement of plants, plant material	R.1978 d.402	11 N.J.R. 2(b)
2:20-2.1, 4.1	Repeal gooseberry planting prohibition; <i>subcoccinella</i> <i>virginiquialourpunctata</i> quarantine	R.1978 d.402	11 N.J.R. 2(b)
2:31	Repeal milk and cream grading	R.1978 d.402	11 N.J.R. 2(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.317	10 N.J.R. 415(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.367	10 N.J.R. 469(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.395	10 N.J.R. 526(b)
2:53-1.1(b)	Amend minimum milk prices	R.1978 d.418	11 N.J.R. 3(a)
2:53-1.1(b)	Amend announcement of milk prices	R.1979 d.34	11 N.J.R. 58(a)
2:53-1.2, 1.3	Amended schedules of milk prices	R.1978 d.318	10 N.J.R. 414(a)
2:54-1.9	Amend Federal Order No. 2 (March 1, 1979)	R.1979 d.79	11 N.J.R. 162(a)
2:54-2.6	Amendments to Federal Milk Marketing Order 4	R.1978 d.344	10 N.J.R. 468(b)
2:54-3.7	Amendments on suspension of portions of Federal Order 4	R.1978 d.343	10 N.J.R. 468(a)
2:54-3.7	Amendments to milk handling order	R.1978 d.396	10 N.J.R. 526(c)
2:71-1	Amend quality standards, shell eggs	R.1978 d.402	11 N.J.R. 2(b)
2:71-2.28	Amend charges for inspection or grading certification services and written agreements	R.1979 d.58	11 N.J.R. 117(a)
2:71-2	Amend fruits and vegetable standards	R.1978 d.402	11 N.J.R. 2(b)
2:71-4	Repeal poultry standards	R.1978 d.402	11 N.J.R. 2(b)
2:72	Amend license and bonding	R.1978 d.402	11 N.J.R. 2(b)
2:73-1	Repeal state seal: asparagus	R.1978 d.402	11 N.J.R. 2(b)
2:73-4 thru 6	Repeal state seal: white potatoes, poultry, turkeys	R.1978 d.402	11 N.J.R. 2(b)
2:74-1.4, 1.8, 1.13	Amend controlled atmospheric storage	R.1978 d.402	11 N.J.R. 2(b)

(Rules in the Code for Title 2 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 13.)

BANKING — TITLE 3

3:1-9	Amendments to home mortgage disclosure rules	R.1978 d.304	10 N.J.R. 416(b)
3:1-10	Amend restrictions on real property transactions	R.1979 d.55	11 N.J.R. 117(d)
3:6-2.1	Amend approved depositories for investments	R.1979 d.23	11 N.J.R. 58(b)
3:6-3.1	Repeal rule on notice of maturity on business suspensions	R.1978 d.370	10 N.J.R. 469(b)
3:7-4.3	Amendments on maturity for long-term time deposits	R.1978 d.290	10 N.J.R. 370(b)
3:8-3.1	Amend non-federal reserve members' reserves	R.1979 d.44	11 N.J.R. 117(b)
3:18-9	Amend secondary mortgage loan interest rate	R.1978 d.404	11 N.J.R. 4(b)
3:21	Rules on the credit union law	R.1979 d.54	11 N.J.R. 117(c)

(Rules in the Code for Title 3 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 12.)

CIVIL SERVICE — TITLE 4

4:1-8.21	Amendments on make-up examinations	R.1979 d.133	11 N.J.R. 223(b)
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(Rules in the Code for Title 4 include all adoptions prior to November 20, 1978—Transmittal Sheet No. 12.)

COMMUNITY AFFAIRS — TITLE 5

5:3	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:11-1.8	Eviction and relocation	R.1979 d.103	11 N.J.R. 167(a)
5:11-9.7	Amendments on tax abatements on added assessments	R.1978 d.369	10 N.J.R. 472(a)
5:14, 5:16, 5:20	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:25	New Home Warranty and Builder's Registration Act rules	R.1979 d.147	11 N.J.R. 223(c)
5:26	Planned real estate development full disclosure	R.1978 d.403	11 N.J.R. 8(a)
5:30-2.5—2.7	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
2.9—2.19, 3.1			
5:30-3.4—3.8	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
5:30-5.1—5.11,	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
5.13, 6.1—6.4,			
6.8—6.11, 7.1—7.9,			
7.13, 8.1—8.5,			
9.1—9.8,			
10.1—10.11,			
11.1—11.7			
5:30-13.4	Forms of certificate of sale for unpaid municipal liens	R.1979 d.40	11 N.J.R. 117(e)
5:30-13.5	Forms of certificate of search for municipal liens	R.1979 d.41	11 N.J.R. 117(f)
5:36	Amended rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:40, 5:43, 5:44,	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:61			
5:62	Delete rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:70	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)

(Rules in the Code for Title 5 include all adoptions prior to October 1, 1978—Transmittal Sheet No. 11.)

EDUCATION — TITLE 6

6:2-1	Amend appeals to State Board and filing for stays	R.1979 d.140	11 N.J.R. 223(e)
6:11-4.7	Amend county substitute certificate	R.1979 d.65	11 N.J.R. 120(b)
6:22	Amend school facility planning services	R.1979 d.139	11 N.J.R. 223(d)
6:22A	Repealed (replaced by N.J.A.C. 6:22-3)	R.1979 d.139	11 N.J.R. 223(d)
6:29-4.2	Amend testing for tuberculosis testing	R.1979 d.148	11 N.J.R. 224(a)

(Rules in the Code for Title 6 include all adoptions prior to November 20, 1978—Transmittal Sheet No. 13.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:2	Amend rules of the Bureau of Parks	R.1979 d.18	11 N.J.R. 63(a)
7:6-1.34(c), 1.42(d)	Amendments regarding boating, diving and swimming	R.1978 d.368	10 N.J.R. 480(a)
7:6-6	Rules on watercraft noise control	R.1979 d.12	11 N.J.R. 63(d)
7:6-7	Rules on abandoned vessels	R.1979 d.145	11 N.J.R. 230(d)
7:7D-2	Amend CAFRA rules	R.1979 d.99	11 N.J.R. 173(a)
7:7E	Rules on coastal resource and development policies	R.1978 d.292	10 N.J.R. 384(a)
7:9-13	Amend sewer extension bans	R.1979 d.129	11 N.J.R. 230(a)
7:11-2	Amend rate for Delaware and Raritan Canal water	R.1979 d.32	11 N.J.R. 64(c)
7:11-4.4—4.12	Amend rate for Spruce Run-Round Valley Reservoirs	R.1979 d.31	11 N.J.R. 64(b)
7:11-4.11—4.32, 5.1—5.23	Amend Raritan Basin System water sales	R.1979 d.30	11 N.J.R. 64(a)
7:12-1.3(a)39.iii.	Amendment on condemnation of certain shellfish beds	R.1978 d.327	10 N.J.R. 425(b)
7:12-2.7	Amendments on shellfish harvest permits and relay program	R.1978 d.299	10 N.J.R. 422(a)
7:14-8	Assessment of civil administrative penalties	R.1979 d.111	11 N.J.R. 173(c)
7:21-4	Amend procedures for hearings before the Water Policy and Supply Council	R.1979 d.142	11 N.J.R. 230(c)
7:25-4	Amend non-game and exotic wildlife	R.1979 d.9	11 N.J.R. 63(b)
7:25-7.2	Amend oyster seed beds; 1979 season	R.1979 d.102	11 N.J.R. 173(b)
7:25-11.1(b)	Amend endangered species	R.1979 d.128	11 N.J.R. 229(a)
7:25-12.1	Amendments on sea clams	R.1978 d.416	11 N.J.R. 11(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.298	10 N.J.R. 421(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.326	10 N.J.R. 425(a)
7:25-15.1	Amend relay of hard clams program	R.1979 d.156	11 N.J.R. 230(e)

7:25-16	Defining lines where fishing license is required	R.1978 d.295	10 N.J.R. 384(b)
7:27-9	Amendments on sulfur in fuels	R.1978 d.276	10 N.J.R. 383(c)
7:27-9	Amended effective date for amended rules on sulfur in fuels	R.1978 d.361	10 N.J.R. 479(c)
7:27-9	Amend effective date of sulfur in fuels	R.1979 d.10	11 N.J.R. 63(c)
7:28-21	Rules on analytical X-Ray installations	R.1979 d.64	11 N.J.R. 123(a)
7:29-2	Amend and recodify watercraft noise control	R.1979 d.12	11 N.J.R. 63(d)
7:37	State aid to local environmental agencies	R.1979 d.134	11 N.J.R. 230(b)
7:50	Project review guide; Pinelands Environmental Council	R.1979 d.78	11 N.J.R. 123(b)
Temporary Rule	Rule on preservation of sea clam resources; closing certain waters	R.1978 d.328	10 N.J.R. 428(a)
Temporary Rule	Adopt 1979 Fish Code	R.1978 d.351	10 N.J.R. 479(b)

(Rules in the Code for Title 7 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

HEALTH — TITLE 8

8:15	Repeal no smoking in certain public places	R.1979 d.13	11 N.J.R. 66(c)
8:15	Rules on smoking in certain public places	R.1979 d.153	11 N.J.R. 237(c)
8:21-10.12	Expiration dates for fluid milk products	R.1979 d.143	11 N.J.R. 236(a)
8:31-16.17	Amendments on reports to relate ancillary service charges with hospital case mix	R.1978 d.430	11 N.J.R. 16(d)
8:31-17	Adopt portion of 1979 SHARE guidelines	R.1978 d.374	10 N.J.R. 484(c)
8:31-28	Process and general criteria for certification of need and designation of regional services	R.1978 d.427	11 N.J.R. 16(b)
8:31-30	Uniform Construction Plan Review fees	R.1978 d.429	11 N.J.R. 66(b)
8:31A	Amend SHARE Manual	R.1978 d.399	10 N.J.R. 536(a)
8:31A-9.2	Rule on economic factor	R.1979 d.25	11 N.J.R. 67(a)
8:31A-10.7	Hospital reporting regarding patient case-mix	R.1979 d.26	11 N.J.R. 67(c)
8:33-1.4, 1.6	Amendments on HMO certificate of need	R.1978 d.431	11 N.J.R. 16(e)
8:34-1.27(b)	Amendments to continuing education for nursing home administrator	R.1978 d.423	11 N.J.R. 15(b)
8:39	Amendments to manual of standards for licensure of long-term-care facilities	R.1978 d.340	10 N.J.R. 430(e)
8:42-2	Amendments to standards for licensure of residential and in-patient drug treatment facilities	R.1978 d.373	10 N.J.R. 484(b)
8:43A	Amendments to standards for licensure of ambulatory care facilities	R.1978 d.338	10 N.J.R. 430(c)
8:43A	Amendments on drug abuse treatment services	R.1978 d.375	10 N.J.R. 485(a)
8:43A-1.16(e)	Amend standards for licensure of ambulatory care facilities	R.1979 d.116	11 N.J.R. 180(b)
8:43A-1.48(b)1.	Ratification of emergency adoption	R.1978 d.398	10 N.J.R. 536(d)
8:43A-1.71	Standards for computerized axial tomography	R.1978 d.425	11 N.J.R. 15(d)
8:43B-3.6	Rules on pathological and infectious waste	R.1979 d.61	11 N.J.R. 130(a)
8:43B-6.4(c)	Amendments on medications and treatment prescribed by podiatrists	R.1978 d.337	10 N.J.R. 430(b)
8:43B-7.2(c)10ii	Amend verbal orders accepted by physical therapist	R.1979 d.113	11 N.J.R. 179(b)
8:43B-7.2(d)	Amend authentication and countersigning of physician's order	R.1979 d.115	11 N.J.R. 180(a)
8:43B-7.4(c)	Amend availability of records	R.1979 d.114	11 N.J.R. 179(c)
8:43B-17	Standards for cardiac diagnostic and surgical centers	R.1978 d.424	11 N.J.R. 15(c)
8:43D-2.1	Uniform construction code plan review fees	R.1978 d.429	11 N.J.R. 16(c)
8:44-2	Rules on operation of clinical laboratories	R.1978 d.336	10 N.J.R. 430(a)
8:51-1.2, 1.3	Amendments to minimum standards of performance	R.1978 d.339	10 N.J.R. 430(d)
8:58	Rules on standards for ambulatory or outpatient tuberculosis control	R.1979 d.149	11 N.J.R. 236(b)
8:65-2.4(c)	Amend security of controlled dangerous substances	R.1979 d.72	11 N.J.R. 130(d)
8:65-2.4(g)	Amend distribution of special controlled dangerous substances	R.1979 d.70	11 N.J.R. 130(b)
8:65-2.5(e)	Amend security for special controlled dangerous substances	R.1979 d.73	11 N.J.R. 130(e)
8:65-4	Repeal quotas of controlled dangerous substances	R.1979 d.74	11 N.J.R. 130(f)
8:65-6.16	Amend triplicate order forms for controlled dangerous substances	R.1979 d.75	11 N.J.R. 131(a)
8:65-7.4(c)	Amend prescriptions for controlled dangerous substances	R.1979 d.71	11 N.J.R. 130(c)
8:65-7.6	Amend person entitled to fill prescriptions	R.1979 d.152	11 N.J.R. 237(b)
8:65-7.7	Administering or dispensing of narcotic drugs	R.1979 d.151	11 N.J.R. 237(a)
8:65-7.11	Amend labeling of prescriptions	R.1979 d.76	11 N.J.R. 131(b)
8:65-7.14	Amendments on refilling prescriptions	R.1978 d.391	10 N.J.R. 536(c)
8:65-7.16	Amend labeling of controlled dangerous substances	R.1979 d.77	11 N.J.R. 131(c)
8:65-10.2(b)4.	Control precursors of phencyclidine	R.1978 d.390	10 N.J.R. 536(b)
8:65-10.4	Add pentazocine to Schedule IV of Controlled Dangerous Substances	R.1979 d.150	11 N.J.R. 236(c)
8:65-10.4, 10.5	Difenoxin in combination with atropine sulfate in Schedules IV and V	R.1978 d.426	11 N.J.R. 16(a)
8:70-1.1 et seq.	Rules on drug evaluation and acceptance criteria	R.1978 d.341	10 N.J.R. 430(f)
8:70-1.4(a)	Amendments on drug utilization and acceptance criteria	R.1978 d.422	11 N.J.R. 15(a)
8:71	List of interchangeable drug products	R.1979 d.104	11 N.J.R. 179(a)
Temporary rule	1979 Hospital rate guidelines	R.1978 d.399	10 N.J.R. 536(a)

(Rules in the Code for Title 8 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 10.)

HIGHER EDUCATION — TITLE 9

9:1-1.12, 9.1-6	Amendments on out-of-state institutions desiring to enter New Jersey	R.1978 d.335	10 N.J.R. 431(b)
9:7-2.9	Amend restrictions on student assistance grant amounts	R.1979 d.17	11 N.J.R. 68(b)
9:7-4.3, 4.5(b), 4.6	Amend Garden State Scholarship Program	R.1979 d.101	11 N.J.R. 180(c)
9:9-5.2	Amendments on eligibility for graduate insured loan program	R.1978 d.329	10 N.J.R. 431(a)
9:11-1.5, 1.9	Amend maximum income eligibility for program participants	R.1979 d.59	11 N.J.R. 131(d)
9:15	Graduate medical education program	R.1979 d.1	11 N.J.R. 68(a)

(Rules in the Code for Title 9 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 11.)

HUMAN SERVICES — TITLE 10

10:48-1.1	Administrative appeals procedure	R.1979 d.62	11 N.J.R. 133(a)
10:51-1.9(e), 5.33(c)	Amend pharmacy services	R.1979 d.35	11 N.J.R. 132(b)
10:52-1.2, 1.7	Amend sterilization	R.1979 d.63	11 N.J.R. 133(b)
10:54-1.20	Amend sterilization	R.1979 d.63	11 N.J.R. 133(b)
10:62-1.5, 2.2—2.4, 2.12	Vision Care Manual	R.1979 d.60	11 N.J.R. 132(c)
10:63	Amend skilled nursing and intermediate care facilities	R.1979 d.126	11 N.J.R. 248(b)
10:65	Amend skilled nursing and intermediate care facilities	R.1979 d.126	11 N.J.R. 248(b)
10:66-1.16	Amend sterilization	R.1979 d.63	11 N.J.R. 133(c)
10:81-7.25, 7.26	Amend burial and funeral expenses	R.1979 d.131	11 N.J.R. 249(b)
10:81-7.26	Amend burial and funeral expenses	R.1979 d.130	11 N.J.R. 249(a)
10:81-9.1	Amend glossary of terms and acronyms	R.1979 d.110	11 N.J.R. 196(e)
10:82-3.2(b)	Amend work training expenses in WIN	R.1978 d.438	11 N.J.R. 75(a)
10:82-3.10, 3.12	Amend schedules used in evaluation of LRR's capacity to support	R.1979 d.108	11 N.J.R. 196(c)
10:82-5.3(h)	Amend care of unwed mother in AFDC-N	R.1978 d.438	10 N.J.R. 75(a)
10:82-5.10(d)	Amendments on victims of domestic violence	R.1978 d.415	11 N.J.R. 17(c)
10:83-3.37, 3.40	Amend resources and repayments	R.1979 d.107	11 N.J.R. 196(b)
10:85-1.1, 1.3	Amendments on SSI recipients in immediate need of assistance	R.1978 d.420	11 N.J.R. 17(d)
10:85-2.7, 4.3, 5.3, 5.4, 5.6 & 6.3	Amend reporting criminal offenses, payment of medical bills, medical care and nontransferability of funds	R.1979 d.141	11 N.J.R. 249(c)
10:85-9.3—9.5	Amend schedules used in evaluation of LRR's capacity to support	R.1979 d.109	11 N.J.R. 196(d)
10:87	Amend Food Stamp Manual	R.1979 d.29	11 N.J.R. 76(a)
10:87-7.12(a)3	Amend continuation of benefit during hearing	R.1978 d.439	11 N.J.R. 75(b)
10:87 Appendix D	Amend Food Stamp Manual	R.1978 d.440	11 N.J.R. 75(c)
10:92	Repeal entire chapter	R.1979 d.106	11 N.J.R. 196(a)
10:97	Amend vending facilities of Commission for the Blind and Visually Impaired	R.1979 d.146	11 N.J.R. 249(d)
10:121-4	Release of criminal history record information	R.1979 d.119	11 N.J.R. 248(a)

(Rules in the Code for Title 10 include all adoptions prior to November 20, 1978—Transmittal Sheet No. 11.)

CORRECTIONS — TITLE 10A

(Rules in the Code for Title 10A include all adoptions prior to November 20, 1978—Transmittal Sheet No. 11.)

INSURANCE — TITLE 11

11:3-7.8	Rules on cancellation of automobile insurance coverage	R.1979 d.155	11 N.J.R. 250(a)
11:4-15.2(a)3	Amendments on alcoholism benefits in health insurance contracts	R.1978 d.419	11 N.J.R. 19(a)
11:5-1.27	Amendments on educational requirements for licensure	R.1978 d.271	10 N.J.R. 399(b)
11:5-1.27	Amend education requirements for licensure examination	R.1979 d.52	11 N.J.R. 142(b)
11:11-1.1	Title insurance agents' service fees	R.1978 d.291	10 N.J.R. 399(c)

(Rules in the Code for Title 11 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1978 d.282	10 N.J.R. 400(b)
12:15-1.4	Amended taxable wage base; unemployment compensation law	R.1978 d.281	10 N.J.R. 400(a)
12:15-1.5	Contribution rate of governmental entities and instrumentalities	R.1978 d.305	10 N.J.R. 445(b)
12:100 thru 12:173, 12:180	Delete rules on worker health and safety, seasonal workers and construction safety	R.1978 d.288	10 N.J.R. 400(d)
Temporary rule	Listing of prevailing wage rates for construction workers on public works projects	R.1978 d.377	10 N.J.R. 553(c)

(Rules in the Code for Title 12 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 9.)

LAW AND PUBLIC SAFETY — TITLE 13

13:1C-1.1	Confidentiality of records regarding Casino Control Act	R.1978 d.408	11 N.J.R. 23(a)
13:2	Amend alcoholic beverage	R.1979 d.138	11 N.J.R. 257(c)
13:2-23.31	Amend employment of police officers	R.1979 d.67	11 N.J.R. 146(a)
13:4-12.7, 12.9	Amend time, place and costs of hearing	R.1978 d.436	11 N.J.R. 77(b)
13:10-2.4	Amend filing of reports	R.1979 d.112	11 N.J.R. 203(a)
13:19-10.2, 10.3, 10.4, 10.6	Amend point system and driving during suspension	R.1979 d.84	11 N.J.R. 202(c)
13:20-10.1	Repeal rules on steering and suspension systems	R.1978 d.381	10 N.J.R. 557(b)
13:20-31	Amend alcohol countermeasures	R.1979 d.4	11 N.J.R. 78(b)
13:25-8	Amend motorized bicycles	R.1979 d.3	11 N.J.R. 78(a)
13:26	Transportation of bulk commodities	R.1978 d.278	10 N.J.R. 404(c)
13:30-8.7	Examination of candidates for licenses to practice dentistry	R.1978 d.366	10 N.J.R. 510(d)
13:33-1.24	Amend applications for examination	R.1979 d.66	11 N.J.R. 145(b)
13:33-1.42	Rule on identification tags	R.1979 d.69	11 N.J.R. 146(c)
13:35-3.1	Amendments on Federation licensing examination	R.1978 d.410	11 N.J.R. 23(b)
13:35-3.9	Termination of exemptions of physicians from licensure	R.1978 d.443	11 N.J.R. 77(c)
13:35-6.5	Amend pronouncement of death	R.1979 d.81	11 N.J.R. 202(a)
13:35-6.12	Amendments on release of patient records	R.1978 d.352	10 N.J.R. 510(a)
13:35-6.14	Standards for testing and diagnostic centers	R.1978 d.434	11 N.J.R. 76(b)
13:35-6.16	Uses of amphetamines and sympathomimetic amine drugs	R.1979 d.120	11 N.J.R. 257(b)
13:35-6.17	Prescribing, administering or dispensing amygdalin (laetrile)	R.1979 d.83	11 N.J.R. 202(b)
13:39-6.8	Record of pharmacist filling prescriptions	R.1979 d.68	11 N.J.R. 146(b)
13:42-1.3, 13:42-2, 3, 4, 5	Rules on personal conduct of licensees	R.1979 d.24	11 N.J.R. 78(d)
13:44-1.4, 2.4, 2.5	Repeal certain rules	R.1979 d.98	11 N.J.R. 202(d)
13:44-2.11	Veterinarian advertising and solicitation	R.1978 d.382	10 N.J.R. 558(a)
13:44-2.12	Records retention	R.1978 d.435	11 N.J.R. 77(a)
13:44-2.13	Temporary permit fee	R.1978 d.323	10 N.J.R. 447(a)
13:47A-25	Rules on corporation takeover bid disclosure law	R.1978 d.279	10 N.J.R. 405(a)
13:47B-1.20	Amend the National Bureau of Standards handbook H-44	R.1979 d.11	11 N.J.R. 78(c)
13:70-3.40	Amendments on admission of minors	R.1978 d.353	10 N.J.R. 510(b)
13:70-4.1, 4.2, 4.6, 4.19	Amend licensing requirements	R.1979 d.144	11 N.J.R. 258(a)
13:70-14.17	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)
13:70-15.1, 15.2, 19.34, 19.35, 19.38	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:70-29.53	Amendments on trifecta wagering in harness racing	R.1978 d.270	10 N.J.R. 404(a)
13:71-5.18	Amendments on admission of minors	R.1978 d.353	10 N.J.R. 510(b)
13:71-7.1, 7.5	Amend licensing requirements	R.1979 d.144	11 N.J.R. 258(a)
13:71-9.1	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:71-21.8, 21.9	Amendments on mandating deduction for drivers' fees	R.1978 d.354	10 N.J.R. 510(c)
13:71-23.2	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)

(Rules in the Code for Title 13 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 12.)

PUBLIC UTILITIES—TITLE 14

ENERGY—TITLE 14A

14:1-1.4	Amend Board's address	R.1979 d.118	11 N.J.R. 260(b)
14:3-7.5(c)	Amend utility deposit returns	R.1979 d.117	11 N.J.R. 260(a)
14:17-18.1	Amended definition of classical system	R.1978 d.349	10 N.J.R. 514(a)
14:18-11.7(a), 11.10	Amendments on municipal hearings and procedures for cable television	R.1978 d.262	10 N.J.R. 405(b)
14A:3-1	Rules on energy conservation	R.1978 d.273	10 N.J.R. 405(c)
14A:3-1.4	Variances and exemptions	R.1979 d.28	11 N.J.R. 91(b)
14A:3-2	Amendments on energy conservation	R.1978 d.315	10 N.J.R. 447(b)
14A:4-1	Technical sufficiency for solar heating and cooling systems	R.1978 d.400	10 N.J.R. 563(a)
14A:5-1	Sales tax exemption standards for solar energy systems	R.1978 d.401	10 N.J.R. 563(b)
14A:9	Coastal Energy Impact Program Intrastate allocation process	R.1979 d.80	11 N.J.R. 203(b)
14A:11	Periodic reporting of energy information by suppliers of motor gasoline	R.1979 d.154	11 N.J.R. 260(c)

(Rules in the Code for Title 14 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 10.)

(Rules in the Code for Title 14A include all adoptions prior to July 24, 1978—Transmittal Sheet No. 2.)

STATE — TITLE 15

15:10-4.2	Completion requirements for civilian absentee ballot applications; authorized messengers	R.1979 d.105	11 N.J.R. 203(c)
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(Rules in the Code for Title 15 include all adoptions to September 21, 1977—Transmittal Sheet No. 10.)

PUBLIC ADVOCATE — TITLE 15A

(Rules in the Code for Title 15A include all adoptions prior to March 20, 1978—Transmittal Sheet No. 1.)

TRANSPORTATION — TITLE 16

16:1-2	Amend issuance and sale of DOT public records	R.1978 d.433	11 N.J.R. 93(a)
16:16-4.3	Amend rescission of allocated, unexpended local State aid funds	R.1979 d.122	11 N.J.R. 262(b)
16:17-4.3	Amend rescission of allocated, unexpended local State aid funds	R.1979 d.122	11 N.J.R. 262(b)
16:25-12.1(a)2.	Amend utility relocations and adjustments; reimbursement	R.1979 d.43	11 N.J.R. 148(e)
16:26-1.1(c), 3.4(d), 3.8(b)	Amend traffic signal information and reimbursement highway lighting	R.1979 d.15	11 N.J.R. 94(c)
16:28-1.2(b)	Amendments on speed zones on parts of Route I-80	R.1979 d.53	11 N.J.R. 149(a)
16:28-1.7	Amend speed limits	R.1979 d.36	11 N.J.R. 148(a)
16:28-1.69, 1.71, 1.87	Amend speed limits on parts of Routes 130, I-295, 30 and U.S. 206	R.1979 d.100	11 N.J.R. 207(a)
16:28-1.177	Speed limits on parts of Route U.S. 46	R.1978 d.386	10 N.J.R. 565(d)
16:28-1.180	Speed limits on parts of Route 180	R.1979 d.8	11 N.J.R. 94(b)
16:28-1.181	Amend speed limits	R.1979 d.36	11 N.J.R. 148(a)
16:28-1.182	Speed limits on parts of Route 53	R.1979 d.37	11 N.J.R. 148(b)
16:28-3.59, 3.97,	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-3.103	Restricted parking on Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.108, 3.109	Restricted parking on parts of Routes 28 and 27	R.1979 d.38	11 N.J.R. 148(c)
16:28-3.128	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-3.179 and 3.180	Restricted parking on parts of Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.181	Restricted parking on parts of Route 94	R.1978 d.388	10 N.J.R. 566(b)
16:28-3.182, 3.183	Restricted parking on parts of Routes 33 and 79	R.1978 d.413	11 N.J.R. 40(a)
16:28-3.184	Route U.S. 206 in Hamilton Township, Mercer County	R.1978 d.380	10 N.J.R. 565(a)
16:28-3.185, 3.186	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-6.17, 6.18	No left turns on parts of Routes 71 and 23	R.1979 d.7	11 N.J.R. 94(a)
16:28-6.19	No left turns on parts of Route 35	R.1979 d.39	11 N.J.R. 148(d)
16:28-7.4	Right-hand lane use of parts of Route U.S. 9	R.1979 d.123	11 N.J.R. 262(c)
16:28-12.77	No right turns on red signals on parts of Route 57	R.1978 d.384	10 N.J.R. 565(b)
16:28-15.9, 15.11 to 13	Amendments on no passing zones on parts of Routes U.S. 206, N.J. 94, 23 and 31	R.1978 d.389	10 N.J.R. 566(c)
16:28-15.14 through 15.23	No passing zones on parts of various state highways	R.1978 d.414	11 N.J.R. 40(b)
16:28-16.2 and 16.3	Traffic control and parking on NJDOT property	R.1978 d.385	10 N.J.R. 565(c)
16:51-1.3	Amend exclusions; reduced fare transportation program	R.1979 d.57	11 N.J.R. 149(b)
16:53	Autobus specifications for van-type autobuses	R.1979 d.124	11 N.J.R. 263(a)

(Rules in the Code for Title 16 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 12.)

TREASURY-GENERAL — TITLE 17

17:1-7.3, 8.3	Delete rules on administrative fees	R.1978 d.421	11 N.J.R. 52(a)
17:3-1.4(w)	Amend travel expense under election of a member-trustee	R.1978 d.444	11 N.J.R. 105(c)
17:7-1.4	Amendments on election of a prison officer to Pension Commission	R.1978 d.372	10 N.J.R. 520(a)
17:9-4.3(a)4.	Amend State Health Benefits Program	R.1978 d.441	11 N.J.R. 105(a)
17:9-2.3, 5.3, 5.8, 6.1, 7.4	Amend State Health Benefits Program	R.1978 d.442	11 N.J.R. 105(b)
17:10-1.9, 3.1	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:10-5.12, 5.14	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:12	Amend Purchase Bureau's rules	R.1979 d.132	11 N.J.R. 264(a)
17:16-5.5	Amendments on classification of funds	R.1978 d.376	10 N.J.R. 520(c)
17:16-5.5	Amend rules of classification of funds concerning temporary reserve group	R.1979 d.19	11 N.J.R. 105(e)
17:16-5.5	Amend temporary reserve group; classification of funds	R.1979 d.94	11 N.J.R. 211(d)
17:16-5.5	Amend classification of funds	R.1979 d.19	11 N.J.R. 105(e)
17:16-31.1	Amend definitions: state cash management fund	R.1979 d.96	11 N.J.R. 212(b)

17:16-32.6, 32.7	Amend Common Pension Fund A Rules: date and method of valuation	R.1979 d.20	11 N.J.R. 106(a)
17:16-32.9	Amend admission date; common Pension Fund A	R.1979 d.97	11 N.J.R. 212(c)
17:16-35.6	Amend Common Trust Fund regarding date of valuation	R.1979 d.21	11 N.J.R. 106(b)
17:16-37.1	Amend repurchase agreements; permissible investments	R.1979 d.95	11 N.J.R. 212(a)
17:16-38.6	Amend date of valuation	R.1979 d.22	11 N.J.R. 107(a)
17:18-1.9	Amend form of petition of appeal	R.1978 d.407	11 N.J.R. 51(c)
17:19A	Amend barrier free design, public building	R.1979 d.33	11 N.J.R. 107(b)
17:20	Amend Lottery Commission's rules	R.1979 d.125	11 N.J.R. 263(c)
17:20-7.3 to 7.7	Rules on suspension and revocation of lottery agent's licenses	R.1978 d.383	10 N.J.R. 566(d)
17:21	Amend Lottery Commission's rules	R.1979 d.125	11 N.J.R. 263(c)
17:21-13.1	Amend Pick-It Lottery rules	R.1978 d.348	10 N.J.R. 519(a)
17:21-14	Holiday Sweepstakes Lottery	R.1978 d.417	11 N.J.R. 40(c)

(Rules in the Code for Title 17 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 11.)

TREASURY-TAXATION — TITLE 18

18:5	Amend Cigarette Tax Act	R.1979 d.92	11 N.J.R. 211(b)
18:6	Amend unfair cigarette sales	R.1979 d.86	11 N.J.R. 210(a)
18:7	Amend Corporation Business Tax Act	R.1979 d.45	11 N.J.R. 150(b)
18:8	Amend Financial Business Tax Law	R.1979 d.46	11 N.J.R. 151(a)
18:9-2.2, 2.3, 2.4, 3.5	Amendments on Personal Property Tax	R.1978 d.321	10 N.J.R. 457(c)
18:12	Amend local property tax	R.1979 d.91	11 N.J.R. 211(a)
18:12-6	Amendments on tax abatement on added assessments	R.1978 d.287	10 N.J.R. 407(c)
18:12-7	Amendments on the homestead tax rebate	R.1978 d.411	11 N.J.R. 51(d)
18:12-7.12(b)	Extend filing date for homestead rebate tax claim	R.1978 d.406	11 N.J.R. 51(b)
18:12A-1.6	Amendments on petitions of appeal	R.1978 d.325	10 N.J.R. 457(d)
18:12A-1.6(e), 1.9(h)	Amend county boards of taxation	R.1979 d.14	11 N.J.R. 105(d)
18:15	Amend farmland assessment	R.1979 d.87	11 N.J.R. 210(b)
18:16	Amend realty transfer fee	R.1979 d.93	11 N.J.R. 211(c)
18:17	Amend assessor qualification	R.1979 d.88	11 N.J.R. 210(c)
18:18	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:19	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:20	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:22	Amend public utility corporations	R.1979 d.47	11 N.J.R. 151(b)
18:23	Amend railroad property tax	R.1979 d.48	11 N.J.R. 151(c)
18:23A	Amend tax maps	R.1979 d.49	11 N.J.R. 151(d)
18:24-4.4	Amend sales and use tax	R.1979 d.89	11 N.J.R. 210(d)
18:24-7.8, 7.10	Amend sales and use tax	R.1979 d.90	11 N.J.R. 210(e)
18:24-22.2, 22.3	Amendments on floor covering and Sales and Use Tax	R.1978 d.320	10 N.J.R. 457(b)
18:24-26	Sales and use tax exemption; solar energy devices and systems	R.1978 d.285	10 N.J.R. 407(a)
18:26	Amend transfer inheritance tax	R.1979 d.50	11 N.J.R. 151(e)
18:26-11.8, 11.23	Amendments on transfer inheritance tax	R.1978 d.286	10 N.J.R. 407(b)
18:30	Amend capital gains and other unearned income tax	R.1979 d.51	11 N.J.R. 151(f)
18:35-1.9	Federal securities; taxable status; Gross Income Tax Act	R.1978 d.284	10 N.J.R. 406(f)
18:35-1.10	Withholding; Gross Income Tax	R.1978 d.319	10 N.J.R. 457(a)
18:35-1.11	Time for filing information returns	R.1979 d.56	11 N.J.R. 152(a)

(Rules in the Code for Title 18 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

OTHER AGENCIES — TITLE 19

19:4-6.28	Amendments to official zoning map	R.1978 d.359	10 N.J.R. 522(e)
19:8-1.1, 2.9(b)	Amendments on loitering on the Parkway	R.1978 d.257	10 N.J.R. 408(b)
19:8-1.9(b)12.	Amendments on towing passenger vehicles by campers	R.1978 d.378	10 N.J.R. 568(b)
19:8-3.1	Amendments on tolls and exact change toll lanes	R.1978 d.379	10 N.J.R. 569(a)
19:9-1.9(a)24	Amendments concerning double-saddlemount vehicles	R.1978 d.412	11 N.J.R. 53(b)
19:9-4.2(b)	Amendments to fees for photographs of accident sites on Turnpike	R.1978 d.258	10 N.J.R. 408(c)
19:25-12.1(b)	Amend reporting of "street money"	R.1979 d.121	11 N.J.R. 266(a)
19:41-4.3	Amendments on application procedures (durational residency provisions with regard to employers)	R.1978 d.363	10 N.J.R. 522(c)
19:44-1.1, 4.1, 5.1	Amendments on gaming schools	R.1978 d.364	10 N.J.R. 522(d)
19:46-1.27	Amend aisle space	R.1979 d.82	11 N.J.R. 214(a)
19:47-1.2, 1.4, 1.5	Amendments to rules of game for craps	R.1978 d.346	10 N.J.R. 522(a)
19:47-2.3, 2.5	Amend rules of game relating to blackjack	R.1979 d.2	11 N.J.R. 108(c)
19:48	Rules on exclusion of persons from casinos	R.1978 d.362	10 N.J.R. 522(b)

(Rules in the Code for Title 19 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

(Continued from page 238)

at C.M.D.N.J. and F.D.U. Dental School shall be restricted to one year beyond the normal number of years usually required for a full-time student to complete the degree requirements. In no case shall the maximum graduate eligibility exceed 10 semesters.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Eric M. Perkins
Administrative Practice Officer
N.J. Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

The Board of Directors of the Educational Opportunity Fund may thereafter adopt rules concerning this subject without further notice.

Frederick Wilkes
Director, N.J. Educational
Opportunity Fund
Department of Higher Education

(a)

**HIGHER EDUCATION
STUDENT ASSISTANCE BOARD**

**Notice of Correction Concerning
Formula for Academic Eligibility
For Undergraduate Grants**

Take notice that, in the Notice of Adoption of R.1979 d.101 concerning amendments regarding the State Scholarship Program that was published April 5, 1979, at 11 N.J.R. 180(c), an error appeared in the formula in N.J.A.C. 9:7-4.6, Academic eligibility for undergraduate grants. The top line of that formula should not have been completely underlined.

That correct formula should have read:

$$AI = \frac{\text{Verbal} + \text{Math SAT scores}}{10} + 2 \text{ Converted Rank}$$

This Notice is published as a matter of public information.
Howard H. Kestin
Director
Office of Administrative Law

(b)

**HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

**Proposed Amendments on
Podiatry Specialists**

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:57-1.1 concerning the definition of a podiatry specialist.

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

10:57-1.1 Definitions

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

“Podiatrist” means any person licensed as a podiatrist by the New Jersey State Board of Medical Examiners, or similarly by a comparable agency of the state in which he practices.

“Podiatry services” means those services performed by a licensed podiatrist within the scope of practice as defined by the laws of New Jersey (N.J.S.A. 45:5-7) and which are within the scope of the services covered by the New Jersey Health Services Program.

1. A “specialist” means: is one who is licensed to practice podiatry, in the state in which treatment is rendered, who limits his practice to his specialty and who:

i. Is a diplomate of the appropriate American Podiatry Association recognized board; or

ii. Has been notified of admissibility to examination by the appropriate American Podiatry Association recognized board.

2. Any podiatrist, who meets the above-cited qualifications, and desires specialist reimbursement, must submit written documentation to the Prudential Insurance Company, Medical Administration Division, P.O. Box 1900, Millville, N.J. 08332. This documentation must be as follows:

i. A copy of the specialty certificate/permit issued by the appropriate American Podiatry Association recognized board of the state in which podiatry services are to be rendered; or

ii. A copy of the notification of admissibility to examination by the appropriate American Podiatry Association recognized board.

3. Specialist reimbursement, when appropriate, will be limited to the following specialties:

i. Podiatric surgery;

ii. Podiatric orthopedics.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
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

(c)

**HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

**Proposal to Amend the Medical Supplies and
Equipment Manual**

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to repeal N.J.A.C. 10:59-1.1 et seq., and 10:59-2.1 of the Medical Supplies and Equipment Manual and to replace subchapters

therein with amended rules to be cited as N.J.A.C. 10:59-1.1 et seq., and 10:59-2.1 et seq.

Copies of the full text of 16 pages may be obtained from the Administrative Practice Officer at the address listed below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 30, 1979, to:

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

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 Concerning Social Security Numbers in the General Assistance Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend a portion of the General Assistance Manual concerning a requirement that General Assistance applicants and recipients disclose their Social Security numbers or apply for a number as a condition of eligibility.

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

10:81-3.2(c)4. **Social Security number: The Social Security number of every recipient of General Assistance must be recorded on the application form (Form GA-1) and elsewhere in the record as may be appropriate to the facts of the case. Any person who has a number and whose number is not disclosed and recorded is not eligible for assistance.**

i. When assistance is requested for a person who does not have a Social Security number, the MWD will make referral (using Referral for Services Form PA-14) to the appropriate district office of the Social Security Administration. Form PA-14 shall explain that the purpose of the referral is to make application for a Social Security number. The MWD will grant assistance while issuance of the number is pending if the person is otherwise eligible. Failure to apply for a number or to cooperate with the Social Security Administration in those things necessary for issuance of a number renders the applicant ineligible for assistance.

ii. The MWD will maintain appropriate follow-up of the referral.

[4] 5. Registration and case number: The application shall be immediately registered and a number assigned.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

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

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning The MAA Manual

David Einhorn, Acting Commissioner, Department of Human Services, pursuant to authority of N.J.S.A. 44:7-81 proposes to amend the MAA Manual concerning medical assistance for persons age 65 or over who are not eligible for Medicaid by deleting the present regulations and adopting new ones (N.J.A.C. 10:83-1.1 et seq.).

Copies of the new manual may be obtained from:

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 proposal on or before May 30, 1979 at the above address.

The Division of Public Welfare may, thereafter, adopt rules concerning this subject without further notice.

David Einhorn
Acting Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Establishment of Public Assistance Fiscal Practices

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J.A.C. 10:85-2.4 and 10:85-6.3 in the General Assistance Manual concerning the establishment of the Public Assistance Petty Cash Fund account and lost or stolen checks and disbursements from the Public Assistance Trust Fund account.

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

10:85-2.4 **Fiscal arrangements** [Establishment of public assistance trust fund account]

(a) The governing body of the municipality shall establish a bank account titled "Public Assistance Trust Fund Account", with the municipal treasurer or other designated official as custodian. (See subchapter 6 of this chapter.)

(b) The governing body of the municipality may, at the request of the LAB, establish a Public Assistance Petty Cash Fund Account. Such fund shall be established and operated in accordance with Section 660 of this manual and the subsequent related subsections.

(c) The municipal welfare director will arrange for a duplicate check to be issued within five working days of receipt of notification from the client that his/her assistance check has been lost or stolen, unless extraordinary circumstances are present and a longer period of time is approved by the Division of Public Welfare. The client shall complete an affidavit stating that he/she did not receive or endorse the check. The agency shall file a stop payment order with the bank.

10:85-6.3 Public assistance trust fund account

(a) The law provides that every payment made to a municipality as State aid for [g] General [a] Assistance, including all monies received as a refund or in restitution of any year's assistance expenditures, shall be made payable to the treasurer (but not by name) of the municipality and deposited by him/her in the Public Assistance Trust Fund Account. [All checks drawn on the Public Assistance Trust Fund Account shall be issued by the treasurer or authorized official for payment of general assistance, exclusive of administrative costs.]

10:85-6.3(a)4. Disbursements from account: Disbursements may be made from the Public Assistance Trust Fund Account only for payment of public assistance costs, exclusive of administrative costs. Disbursements will be made on the authority of the municipal treasurer or other authorized official.

i. Types of disbursements authorized: Disbursements from this account are limited to:

- (1) Direct payment to eligible clients;
- (2) Direct payment to vendors for goods and/or services provided to or on behalf of eligible clients which are made after specific authorization by the municipal welfare director; and
- (3) Payment to establish or replenish the Public Assistance Petty Cash Fund Account.

Notice: Disbursements from this account to another municipal account are prohibited without the written approval of the Director, Division of Public Welfare.

ii. Promptness of payment: Those municipalities which issue checks in direct payment of assistance to eligible persons shall arrange their fiscal procedures so as to result in the delivery of all initial and regular checks on the first day of each period of eligibility and delivery of replacement checks which are issued in accordance with Section 233 within the time period required in that section.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

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

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Rules on Release of Criminal History Record Information

On March 19, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-12, 30:4C-26(a), 9:3-47(b), 9:3-48(a)(2), (b) and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the release of criminal history record information substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 543(a) 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:

SUBCHAPTER 4. RELEASE OF CRIMINAL HISTORY RECORD INFORMATION

10:121-4.1 Release of State and Federal criminal history record information in cases of prospective adoptive and prospective foster parents.

In all cases which the Division of Youth and Family Services has a responsibility for investigating the circumstances of any person for consideration as a prospective foster parent or adoptive parent, the Division of Youth and Family Services may request and shall receive from the New Jersey State Police the appropriate State and Federal criminal history record information pertaining to such individuals.

10:121-4.2 Release of State and Federal criminal history record information in cases of suspected child abuse and neglect.

The Division of Youth and Family Services, in its investigation of child abuse or neglect referrals, may request and shall receive from the New Jersey State Police the appropriate State and Federal criminal history record information pertaining to individuals who are the subjects of such investigations in order to assist the Division in providing the courts with sufficient information in determining these matters.

An order adopting these rules was filed and became effective on March 19, 1979 as R.1979 d.119.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Repeal and Addition of Rules On Skilled Nursing Facility Services And Intermediate Care Facilities

On March 26, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, delete the current text of

chapters 63 and 65 in Title 10 of the New Jersey Administrative Code and adopted new text, to be cited as N.J.A.C. 10:63-1.1 et seq., concerning skilled nursing facility services and intermediate care facilities substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 190(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these changes was filed and became effective on March 29, 1979 as R.1979 d.126.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Payments for Burial and Funeral Expenses

On March 26, 1979, 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. 10:81-7.26 concerning payments for burial and funeral expenses as proposed in the Notice published November 9, 1978 at 10 N.J.R. 487(c).

An order adopting these amendments was filed on March 29, 1979, as R.1979 d.130 to become effective on June 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Burial And Funeral Expenses

On March 26, 1979, 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. 10:81-7.25 and 10:81-7.26 concerning burial and funeral expenses as proposed in the Notice published February 8, 1979 at 11 N.J.R. 70(a).

An order adopting these amendments was filed on March 29, 1979, as R.1979 d.131 to become effective on June 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Reporting of Criminal Offenses, Payment of Medical Bills, Medical Care And Nontransferability of Funds

On April 4, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:3-111 and in

accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-2.7, 10:85-4.3, 10:85-5.3, 10:85-5.4, 10:85-5.6 and 10:85-6.3 concerning the reporting of criminal offenses, payment of medical bills, medical care and nontransferability of funds substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 488(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed on April 9, 1979 as R.1979 d.141 to become effective on May 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Emergency Amendments Concerning Vending Facilities of the Commission For the Blind and Visually Impaired

On April 10, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:6-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 10:97-1.1 et seq. concerning the administration of vending facilities owned/operated by the New Jersey Commission for the Blind and Visually Impaired.

The amendments only reflect inconsequential structural or language changes from the current rules in N.J.A.C. 10:97-1.1 et seq. The Commission is redesignating the primary authority and sole State licensing agency to administer the New Jersey vending facilities program in public buildings pursuant to the Randolph-Sheppard Act, 20 U.S.C. 107, as amended by the Randolph-Sheppard Act Amendment of 1974, Title II of P.L. 93-516.

Copies of the full text of the 13 pages of these amended rules may be obtained from or made available for review by contacting:

New Jersey Commission for the Blind
and Visually Impaired
1100 Raymond Boulevard
Newark, New Jersey 07102

An order adopting these amendments was filed and became effective on April 17, 1979 as R.1979 d.146 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(e)

INSURANCE

THE COMMISSIONER

Proposed Amendments Concerning Cancellation and Nonrenewal Of Fire and Casualty Coverage

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:29c-1, 2, 3 and 4 proposes to amend N.J.A.C. 11:1-5.5 concerning notice requirements

of fire and casualty coverage to add new subsections (b)3 and (c) providing for short notice cancellations. This proposal shall also serve as annual recertification to the Legislature or the entire rule.

Full text of the new subsections follow:

11:1-5.5(b)3. Provisions in New Jersey FAIR Plan policies for five day notice to the insured and ten days notice to the mortgagee with respect to any of the following properties or in any of the following circumstances:

i. Buildings which are unoccupied and accessible to unauthorized persons.

ii. Buildings which have been subject to damage by a peril insured against and the damage is not repaired or remedied within a reasonable time after the damage occurred.

iii. Buildings which are in danger of collapse because of serious structural conditions.

iv. The insured has been indicted for or convicted of arson or burning with intent to defraud, or there is evidence of incendiarism or attempt thereof by the insured or representative of the insured, absent a clear showing of special mitigating circumstances in an unusual case.

v. Buildings which have an exceptional degree of hazard, such as fire ruins or dilapidated condition, not contemplated by the applicable rating plans, as approved by the Commissioner.

vi. Buildings which have any of the following conditions existing:

1. Repeated failure to furnish heat, water, sewer or public lighting;

2. Failure to correct conditions dangerous to life, health or safety;

3. Failure to maintain the building in accordance with applicable law;

4. Failure to pay property taxes for two years.

vii. Buildings with at least sixty-five (65) percent of the rental units in the building unoccupied and at least twenty-five (25) percent of said unoccupied units are left unprotected against trespass. A rental unit will be deemed to be unprotected against trespass when an entrance door to such unit or an exterior door to a hall, stairway, or other common passage leading to such unit is missing, unlocked, not capable of being locked, or otherwise unsecured, or when a door or window in such unit which is accessible to entry has not been replaced or boarded up within 2 days after the insured has been notified to replace or board up the door or window.

viii. Buildings from which fixed and salvageable items have been or are being removed and the insured can give no reasonable explanation for such removal.

ix. Buildings which have been condemned.

x. When there is reasonable knowledge and belief that the property is endangered and is not reasonably protected from possible arson for profit.

11:1-5.5(c) FAIR Plan short notice cancellation procedures are as follows:

i. When a notice of cancellation is served by mail, three days from the date of mailing shall be added to the otherwise applicable notice period.

ii. The Association shall submit to the Commissioner, no later than three days after the last day of each month, a listing of all short-notice cancellations issued during that month.

iii. The Association shall notify the insured of any cancellation in a writing setting forth the reason or reasons for cancellation and the effective date. The writing shall advise the insured of a right to appeal the cancellation to the Association, and, if the appeal is denied, to the Department of Insurance within 30 days of such denial.

The Association's review of the appeal shall be made no later than five days following receipt of the insured's request for appeal.

iv. If an appeal results in a reversal of cancellation, the policy shall be reinstated with no lapse of coverage. The insured shall not be liable for premium for the period of time between the effective date of cancellation and the date the cancellation is reversed.

A public hearing will be held May 30, 1979 at 10:00 A.M. at the Department of Insurance, 201 East State Street, Trenton, New Jersey 08625.

Interested persons may also present statements or arguments in writing relevant to the proposals on or before May 30, 1979 to Naomi LaBastille, Special Assistant to the Commissioner, and send them to the above address.

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

James J. Sheeran
Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Rules Concerning Cancellation of Automobile Insurance Coverages

On April 18, 1979, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 1C-6(e), 29C-6 et seq. and 39:6A-1 through 6B-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted N.J.A.C. 11:3-7.8 concerning the effective date of cancellation for non-payment of premium of automobile insurance coverage substantially as proposed in the notice published March 8, 1979 at 11 N.J.R. 142(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:

11:3-7.8 Cancellation of automobile coverages for non-payment of premium

(a) This rule applies to all automobile policies delivered or issued for delivery in this State, insuring a single individual or husband and wife resident of the same household, as named insured, and under which the insured vehicles therein designated are of the following types only:

1. A motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers, nor rented to others; or

2. Any other four-wheel motor vehicle with a load capacity of 1,500 pounds or less which is not customarily used in the occupation, profession or business of insured, other than farming or ranching, provided, however, that this rule shall not apply to any policy insuring more than 4 automobiles, or to any policy covering garage, automobile sales agency, repair shop, service station or public parking place operation hazards.

(b) The effective date of the cancellation of a policy for nonpayment of premium shall be not earlier than 10 days prior to the last full day for which premium received by the company prior to the date of preparation of the cancellation notice, would pay for coverage on a pro rata basis. In calculating the effective date of the

cancellation as provided in this section, the premium applicable to the coverages provided by the policy and the premium received by the company at or prior to the time cancellation notice was prepared shall be the premium used for the calculation and determination of such effective date.

(c) Cancellation for non-payment of premium does not include cancellation at the request of a premium finance company or of a producer of record under N.J.A.C. 11:1-3.1.

(d) No cancellation notice shall be mailed prior to 30 days in advance of its stated effective date.

(e) This rule shall not apply to deposits accompanying New Jersey Automobile Insurance Plan applications which are insufficient under Plan rules or those of any succeeding residual market availability plan.

(f) This rule shall be effective for all cancellation notices sent on policies issued or renewed with an effective date on and after 120 days from the date of adoption of this rule.

An order adopting these rules was filed on April 19, 1979 as R.1979 d.155 to become effective on August 17, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

LABOR AND INDUSTRY

THE COMMISSIONER

DIVISION OF WORKPLACE STANDARDS

Proposed Amendments Concerning Boiler and Pressure Vessel Construction and Inspection

The Board of Boiler, Pressure Vessel and Refrigeration Rules, by John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:1-47 and 34:1A-3(e), proposes to adopt amendments to a portion of the rules concerning boiler and pressure vessel construction and inspection.

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

12:90-3.8 National Board Inspection Code

The National Board Inspection Code, published by and available from the National Board of Boiler and Pressure Vessel Inspectors, Uniformity Plaza, 1055 Crupper Avenue, Columbus, Ohio 43229, has been adopted by the Board of Boiler, Pressure Vessel and Refrigeration Rules. Specific attention is called to the Recommended Rules for repairs to boilers and pressure vessels, [1970] 1977 Edition wherein the Board omitted and denied adoption of Paragraphs R-301.3 on page 39 and B-8 on page 56 in Chapter III of the referenced edition. [Which should be made in accordance with Chapters IV and VI as applicable. Inspectors who have been issued a certificate of competency by the Mechanical Inspection Bureau should also be guided by Chapters III, V and VII.]

12:90-3.9 (b) Hot water heating boilers shall receive a certificate inspection annually as prescribed by N.J.S.A. 34:7-14a., as completely internal and external as construction and operation permits.

1. At the discretion of the inspector, a complete open internal inspection shall be made.

2. Hot water supply boilers shall receive a certificate inspection annually as prescribed by N.J.S.A. 34:7-14a.,

as completely internal and external as construction and operation permits.

3. Every five years, or more often at the discretion of the inspector, a complete open internal inspection shall be made.

4. Low pressure steam boilers shall receive a certificate inspection annually as prescribed by N.J.S.A. 34:7-14a., as completely internal and external as construction and operation permits.

5. Every two years, or more often at the discretion of the inspector, a complete open internal inspection shall be made.

(c) Nuclear reactor pressure vessels and steam generators shall be inspected as required by Section XI of the ASME Boiler and Pressure Vessel Code adopted by the New Jersey Board of Boiler, Pressure Vessel and Refrigeration rules.

1. Such compliance shall be deemed to satisfy the requirements of N.J.S.A. 34:7-14 et seq. Certificate reports shall be made annually as provided by that statutory section.

[b] (d) In addition to the annual internal and external inspection, there may be an external inspection, if found necessary, which shall be made as nearly as may be at the expiration of six months from each annual inspection.

[c] (e) Inspections may be made more frequently if conditions warrant.

APPENDIX H

DEFINITION OF INSPECTOR

The Inspector referenced in Title 34, Section 7, Article 2 of the Statutes, governing boilers and pressure vessels, or referenced in any rule, regulation or procedure promulgated under the authority of that Title shall not be in the employ of any manufacturer, contractor, assembler or other firm or person constructing, repairing or altering any vessel referenced in Title 34.

The Board wishes to stipulate that this definition affects all inspectors while engaged in the certification of construction, repair, assembly or alteration activities and does not intend to conflict with the pressure vessel reinspection authority accorded certified User-Inspectors referenced in Section 7:14b of the Statute.

A public hearing respecting this proposal will be held on June 12, 1979, at 10:00 A.M. at the State Museum Auditorium, 205 West State Street, Trenton, New Jersey.

Interested persons may submit data, views or arguments in writing relevant to the proposal on or before June 12, 1979, to:

William J. Clark, Assistant Commissioner
Labor Relations and Workplace Standards
Department of Labor and Industry
P. O. Box 2191
Trenton, New Jersey 08625

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

(b)

LAW AND PUBLIC SAFETY

POLICE TRAINING COMMISSION

Proposed Amendment Concerning Firearms Instructors

The New Jersey Police Training Commission in the

Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-71, proposes to amend N.J.A.C. 13:1-4.6 of the Commission's rules.

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

13:1-4.6 Additional certification requirements for firearms instructors

(a) In addition to the requirements set forth in N.J.A.C. 13:1-4.1, [and] 13:1-4.2, [above], and 13:1-4.4, an individual seeking certification to instruct in the subject of firearms must possess additional qualifications. The individual must successfully complete a commission-recognized firearms instructor course. Under the immediate supervision of a school's range master, the individual must successfully demonstrate that he or she can:

1. Identify the principal parts of the weapons used in the training program;
2. Demonstrate familiarity with the proper and safe handling of weapons;
3. Demonstrate familiarity with the established range safety rules; and
4. Be able to fire safely and score no less than 90 in the commission-required firearms course.

(b) In order to receive recertification, police instructors used for firearms training must successfully demonstrate paragraphs 1 through 4 of subsection (a) of this section annually under the immediate supervision of a range master.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 31, 1979, to:

Executive Secretary Leo Cullo
Police Training Commission
1180 Raymond Blvd.
Newark, New Jersey 07102

The Police Training Commission may thereafter adopt the above amendment substantially as proposed without further notice.

John J. Degnan
Attorney General of New Jersey
Chairman, Police Training Commission

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amendments Concerning Proof of Identity and Date of Birth

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-10, 39:3-11.1, 39:3-13 and 39:3-13.1 proposes to amend N.J.A.C. 13:21-8.2 concerning proof of identity and date of birth.

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

13:21-8.2 Age requirements; proof of identity and date of birth

(a) All applicants must have reached the age of 17 years, except applicants making application under the provisions of N.J.S.A. 39:3-11.1 and 39:3-13.1.

(b) All applicants will be required to furnish proof of identity and date of birth. Proof of identity and date of birth may be established in the following manner:

1. Submission of the original or certified copy of a birth certificate showing the name and date of birth of the applicant and bearing the registrar's signature and seal of office.

2. Submission of one or more of the following documents when the original or certified copy of a birth certificate is unavailable or when the applicant is not a citizen of the United States:

- i. Government identification card issued to persons serving in the military services;
- ii. Military discharge papers;
- iii. Alien registration card issued by the United States Department of Immigration and Naturalization;
- iv. Passport issued by a foreign country with form I-94 attached;
- v. Citizenship papers;
- vi. Valid driver license issued by another state or country bearing the applicant's signature;
- vii. Court order or judgment authorizing legal name change;
- viii. Baptismal certificate;
- ix. Birth record contained in family bible.

3. A photostatic copy of a document will not be accepted as proof of identity and date of birth unless the signature and seal of the official in custody of the original document appears on the copy.

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 30, 1979 to:

John A. Waddington, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

John A. Waddington
Director, Division of Motor Vehicles
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPTOMETRISTS

Proposed Rule on Preceptorship Program

Stanley J. Oleniacz, President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:12-1 et seq., proposes to adopt rules concerning a Preceptorship Program.

Full text of the rule is as follows:

13:38-2.12 Preceptorship Program

(a) An active registered New Jersey Optometrist may act as a Preceptor to supervise a fourth year student, as Preceptee, of an accredited Optometry School or College in that Optometrist's office under the conditions set forth herein:

1. The clinical training, when performed in the Preceptor's office shall be classified as a Preceptorship Program.
2. The school or college shall submit to the New Jersey State Board of Optometrists a detailed description of its Preceptorship Program, indicating procedures for monitoring such operational programs, procedures for selection

of Preceptors and Preceptees, the number of weeks during which such programs will be in effect, and other pertinent information for the Board's approval.

3. The school or college shall provide the Board with the name and address of the Preceptor under whose supervision the Preceptee shall work, the name and address of the Preceptee, and the dates of the Preceptorship.

4. The school or college shall select the Preceptors and shall submit those names to the New Jersey State Board of Optometrists. The Board shall issue a Certificate of Preceptorship which shall be valid for no longer than one (1) year from date of issuance and which shall be displayed conspicuously on the office premises of the Preceptor. It shall be the responsibility of the Preceptor to inform his/her patients of the Preceptee's status prior to the submission of the patient to the examination by the Preceptee.

5. All tests referred to in N.J.A.C. 13:38-2.1 pursuant to N.J.S.A. 45:12-11(u) may be performed by the Preceptee; provided however that during the performance of any such tests, the Preceptor shall be on the premises and immediately available for supervision at all times. All Preceptee evaluations of the patient shall be reviewed by the Preceptor prior to final determination of the case before the patient leaves the premises. A Preceptor shall at all times be responsible for the effective supervision and direction of the Preceptee.

6. The Preceptor-Preceptee ratio shall be one to one and the Optometry School or College shall appoint Preceptees to Preceptors whose offices can accommodate this type of program.

7. Under no circumstances shall the Preceptee be paid for this experience.

8. Failure of the Preceptee or Preceptor to follow the terms and conditions of this Rule shall constitute a violation of N.J.S.A. 45:1-14 et seq.

This Rule shall expire 5 years after the date of its adoption.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Jan Flanagan, Secretary
New Jersey State Board of Optometrists
1100 Raymond Boulevard, Room 502
Newark, New Jersey 07102
Telephone: (201) 648-2012

The New Jersey State Board of Optometrists may thereafter adopt the above amendment as proposed without further notice.

Stanley J. Oleniacz
President, Board of Optometrists
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PHARMACY

Proposed Amendment Concerning Practical Experience

Edward Tarloski, R.P., President of the Board of Pharmacy in the Division of Consumer Affairs in the De-

partment of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:14-1 et seq., proposes to adopt a new regulation concerning the practical experience requirement for licensure and to delete certain portions of the existing regulation with regard hereto.

Full text of the revisions follows (additions indicated in bold face thus; deletions indicated in brackets [thus]):

13:39-4.4 Practical experience

[(a) The minimum accredited practical experience requirement shall be the equivalent of 1,500 hours as follows:

1. Five hundred hours for completion of an accredited pharmacy college clinical pharmacy program of no less than 12 weeks under the supervision of a registered pharmacist; and

2. One thousand hours for completion of a structured postgraduate internship of no less than 24 weeks supervised by a certified preceptor;

3. In lieu of paragraph 1 of this subsection, an applicant graduated with a degree in pharmacy recognized by the board from a college without an accredited clinical pharmacy program may obtain 500 hours for completion of a structured postgraduate internship of no less than 12 weeks supervised by a certified preceptor.

(b) Each week of practical experience, creditable under N.J.A.C. 13:39-4.4(a)2 and 3 shall consist of no less than 35 hours and no more than 45 hours of actual service per week.

(c) An accredited pharmacy college clinical pharmacy program shall include no less than 24 hours of actual clinical service per week and no less than six hours per week of coursework, lectures, seminars or other academic instruction and guidance directly related to the development and improvement of practical skills, methods and procedures.

(d) It shall be the responsibility of both the pharmacy college and the student pharmacy intern to keep accurate records of the time spent and credit earned toward the requirement of N.J.A.C. 13:39-4.4(a)1. The board shall provide appropriate forms to be submitted to the board for approval of clinical pharmacy program credit.

(e) It shall be the responsibility of both the pharmacy intern preceptor and the pharmacy intern to keep accurate records of the time spent by the pharmacy intern for credit toward the requirements of N.J.A.C. 13:39-4.4(a)2 and 3. The board shall provide appropriate forms to be submitted to the board for approval of postgraduate practical experience.]

(a) The minimum accredited practical experience requirement shall be the equivalent of 1,000 hours as follows:

1. One thousand hours for completion of a structured internship conducted after graduation from an accredited college of pharmacy, and consisting of no less than 24 weeks supervised by a certified preceptor. Each week of practical experience shall consist of no less than 35 hours and no more than 45 hours of actual service per week.

2. In lieu of paragraph 1 of this subsection, an applicant may obtain up to 1,000 hours by completion of a structured, controlled, college-credited externship and clinical pharmacy clerkship program of an accredited college of Pharmacy. Such programs must be approved by the Board.

3. In cases of a controlled, college-credited externship and clinical pharmacy clerkship program of an accredited college of pharmacy, where less than 1,000 hours are accepted and approved by the Board, the balance of hours to make a total of 1,000 must be gained through completion of a structured internship, conducted after graduation

from an accredited college of Pharmacy, supervised by a certified preceptor with each week of practical experience consisting of no less than 35 and no more than 45 hours of actual service per week.

(b) A Board approved College of Pharmacy Externship Program shall provide that no less than 75% of the hours credited toward the practical experience requirement of the Board be gained in settings in which there is direct involvement with consumers or patients, registered pharmacists, and other licensed health care practitioners such as physicians, dentists and nurses. No less than 50% of the hours credited toward the practical experience requirement of the Board shall be acquired in an approved training pharmacy under the supervision of a certified preceptor. Not more than 40 hours of Board accredited practical experience shall be acquired per week.

(c) It shall be the responsibility of both the preceptor and the pharmacy intern to keep accurate records of the time spent by the pharmacy intern for credit toward the requirements of N.J.A.C. 13:39-4.4(a)1. The Board shall provide appropriate forms to be submitted to the Board for approval of postgraduate practical experience.

(d) It shall be the responsibility of the pharmacy college to certify that the requirements of N.J.A.C. 13:39-4.4(a)2 have been met. The Board shall provide appropriate forms for such certification.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 31, 1979 to:

Jay Church, Secretary
New Jersey State Board of Pharmacy
1100 Raymond Boulevard, Room 325
Newark, New Jersey 07102
Tel. No. (202) 648-2433

The New Jersey State Board of Pharmacy may thereafter adopt the above amendment as proposed without further notice.

Edward Tarloski, President
Board of Pharmacy
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

OFFICE OF CONSUMER PROTECTION

Proposed Regulations Concerning Automotive Sales Practices

John J. Degnan, Attorney General of New Jersey, pursuant to the authority of N.J.S.A. 56:8-1 et seq., proposes to adopt new regulations concerning automotive sales practices.

Full text of the proposal follows:

13:45A-6.1 Definitions

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

"Automotive dealer" means any person as defined by N.J.S.A. 56:8-1(d) who in the ordinary course of business is engaged in the sale of new motor vehicles at retail or who in the course of any 12 month period offers more than 3 new motor vehicles for sale, lease, or rental, or

who is engaged in the brokerage of new motor vehicles whether for sale, lease, or rental.

"Documentary service fee" means any monies or other thing of value which an automotive dealer accepts from a consumer in exchange for the performance of certain documentary services which include, but are not limited to, the preparation and processing of documents in connection with the transfer of license plates, registration, or title, and the preparation and processing of other documents relating to the sale of a motor vehicle to said consumer.

"Pre-delivery service fee" means any monies or other thing of value which an automotive dealer accepts from a consumer in exchange for the performance of pre-delivery services upon a new motor vehicle, and includes, but is not limited to, items which are often described or labeled as dealer preparation, vehicle preparation, pre-delivery service, handling and delivery, or any other term of similar import.

"Sales documents" means any document which an automotive dealer utilizes to evidence an order for, deposit towards, or contract for the purchase of a new motor vehicle by a consumer, and includes, but is not limited to, retail orders, sales invoices, sales contracts, retail installment contracts, and other documents of similar import.

13:45A-6.2 Unlawful practices

(a) Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., the following practices involving the sale of new motor vehicles by automotive dealers shall be unlawful thereunder:

1. With respect to pre-delivery service fees:

i. Accepting, charging, or obtaining from a consumer monies, or any other thing of value, in exchange for the performance of any pre-delivery service for which the automotive dealer receives payment, credit, or other value from any person or entity other than a retail purchaser of the motor vehicle;

ii. Accepting, charging, or obtaining from a consumer monies, or any other thing of value, in exchange for the performance of any pre-delivery service without first itemizing the actual pre-delivery service which is being performed and setting forth in writing on a sales document the price for each specific pre-delivery service;

iii. Failing to conspicuously place upon the front of any sales document which contains a pre-delivery service fee, in ten-point bold face type, the following statement:

You have a right to a written itemized price for each specific pre-delivery service which is to be performed.

The automotive dealer may not charge for pre-delivery services for which the automotive dealer receives payment, credit, or other value from any person or entity other than the retail purchaser of a motor vehicle;

2. With respect to documentary service fees:

i. Accepting, charging, or obtaining from a consumer monies, or any other thing of value, in exchange for the performance of any documentary service without first itemizing the actual documentary service which is being performed and setting forth in writing on a sales document the price for each specific documentary service; or

ii. Representing to a consumer that a government entity requires the automotive dealer to perform any documentary service;

iii. Failing to conspicuously place upon the front of any sales document which contains a documentary service fee, in ten-point bold face type, the following statement:

You have a right to a written itemized price for each specific documentary service which is to be performed.

The within regulation shall lapse 5 years from the effective date hereof unless the Attorney General readopts the same.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 31, 1979 to:

Adam K. Levin, Director
New Jersey Division of Consumer Affairs
1100 Raymond Boulevard - Room 504
Newark, New Jersey 07102

The Attorney General may thereafter adopt rules concerning this subject without further notice.

John J. Degnan
Attorney General
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Amendments Concerning The Repair of Automotives

John J. Degnan, Attorney General of New Jersey, pursuant to the authority of N.J.S.A. 56:8-1 et seq., proposes to amend N.J.A.C. 13:45A-7.2 concerning the repair of automobiles.

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

13:45A-7.2(a) Without limiting the prosecution of any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., the following acts or omissions shall be deceptive practices in the conduct of the business of an automotive repair dealer, whether such act or omission is done by an automotive repair dealer or by any mechanic, employee, partner, officer or member of the automotive repair dealer:

2. Commencing work for compensation without [specific written authorization from the customer which states the nature of the repair requested or problem presented and the odometer reading of the vehicle, signed by the customer, if the customer physically presents his motor vehicle to the automotive repair dealer during normal working hours.] securing one of the following:

i. Specific written authorization from the customer, signed by the customer, which states the nature of the repair requested or problem presented and the odometer reading of the vehicle; or

ii. If the customer's vehicle is presented to the automotive repair dealer during other than normal working hours or by one other than the customer, oral authorization from the customer to proceed with the requested repair or problem presented, evidenced by a notation on the repair order and/or invoice of the repairs requested or problem presented, date, time, name of person granting such authorization, and the telephone number, if any, at which said person was contacted.

[3. If the customer physically presents his motor vehicle to the automotive repair dealer during normal working hours, failure to provide the customer, before commencing work for compensation, with one of the following:

i. A written estimated price to complete the repair, quoted in terms of a not-to-exceed figure; or

ii. A written estimated price quoted as a detailed breakdown of parts and labor necessary to complete the

repair. The dealer has the right to furnish such estimate within a reasonable period of time and to charge the customer for the cost of the diagnosis, agreed to in advance by the customer, provided, however, that no cost of diagnosis which would have been incurred in accomplishing the repair shall be billed to the customer twice if he elects to have the dealer make the repair; or

iii. A written estimated price to complete a specific repair; for example, "valve job"; or

iv. Waiver of any written estimate, evidenced in writing, signed by the customer.]

3. Commencing work for compensation without either:

i. One of the following:

(1) Providing the customer with a written estimated price to complete the repair, quoted in terms of a not-to-exceed figure; or

(2) Providing the customer with a written estimated price quoted as a detailed breakdown of parts and labor necessary to complete the repair. If the dealer makes a diagnostic examination, the dealer has the right to furnish such estimate within a reasonable period of time thereafter, and to charge the customer for the cost of diagnosis. Such diagnostic charge must be agreed to in advance by the customer. No cost of diagnosis which would have been incurred in accomplishing the repair shall be billed twice if the customer elects to have the dealer make the repair; or

(3) Providing the customer with a written estimated price to complete a specific repair, for example, "valve job"; or

(4) Obtaining from the customer oral approval of an estimated price of repairs, evidenced by a notation on the repair order or invoice of the estimated price of repairs, date, time, name of person approving such estimate, and the telephone number, if any, at which such person was contacted, if the customer waives his right to a written estimate in writing, signed by the customer; or

ii. If the customer's vehicle is presented to the automotive repair dealer during other than normal working hours or by one other than the customer, obtaining from the customer oral approval of an estimated price of repairs, evidenced by a notation on the repair order or invoice of the estimated price of repairs, date, time, name of person approving such estimate, and the telephone number, if any, at which such person was contacted.

6. Charging the customer for work done or parts supplied in excess of any estimated price given, without the oral or written consent of the customer, which shall be obtained after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. If such consent is oral, the dealer shall make a notation on the repair order and on the invoice of the date, time, name of person authorizing the additional repairs and the telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost. The dealer shall obtain the consent of any customer [who has not waived his right to a written estimate,] before any additional work not estimated is done or parts not estimated are supplied.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 31, 1979, to:

Patricia Royer, Executive Director
New Jersey Office of Consumer Protection
1100 Raymond Boulevard - Room 405
Newark, New Jersey 07102

The Attorney General may thereafter adopt rules con-

cerning this subject without further notice.

John J. Degnan
Attorney General of New Jersey
Chairman, Police Training Commission

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

OFFICE OF WEIGHTS AND MEASURES

Proposed New Rule Concerning the Advertising of Lumber and Building Materials

William J. Wolfe, Sr., State Superintendent of the Office of Weights and Measures, in the Division of Consumer Affairs, Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:4-31 proposes to adopt certain new definitions in addition to those already found in N.J.A.C. 13:47C-1.1 and to adopt a new section to be cited as N.J.A.C. 13:47C-3.4 concerning the advertisement of lumber, paneling and building materials and a new section to be cited as N.J.A.C. 13:47C-3.5 "Penalties" which relates to the entire Subchapter 3 "Nonfoodstuffs".

The purpose of the proposed regulation is to bring the advertising of lumber and lumber products and other building materials included within the Act, into conformance with industry standards that now govern other trade practices adhered to by the lumber industry. The advertising, sale, distribution, and delivery of all types of building materials are now or will be identifiable by standard designations set forth by the product standards promulgated through the National Bureau of Standards or the Recommended Trade Practices issued by the Federal Trade Commission with regard to paneling. The Office of Weights and Measures has received many complaints from consumers regarding advertising containing insufficient data or deceptive wording that prevents intelligent comparison shopping for these products.

This regulation will expire on June 1, 1984 unless extended by the Superintendent.

Full text of the proposal follows:

N.J.A.C. 13:47C-1.1 "Words and phrases defined" is amended to add the following new definitions:

"Advertising media or means" means any attempt directly or indirectly by publication, dissemination, solicitation, endorsement or circulation or in any other way to induce directly or indirectly any person to enter or not enter into any obligation or acquire any title or interest in any building materials as defined by this regulation.

"Building materials" means lumber, wood, and wood product materials used in connection with the construction, fabrication, and erection of residential, utility or business premises.

"Consumer" means any person who purchases building materials for incorporation into any type of structure.

"Dealers" means any person who is regularly engaged in the business of selling or selling and delivering building materials to consumers in this State and who maintains unloading or loading, storage, transportation, communication, sales, services or other facilities therefore, with an office accessible to the public with a competent person on duty, commensurate with the nature and other requirements of the business or an "unequipped dealer"

which is any person who is regularly engaged in the business of selling building materials at retail in this State to consumers in this State who does not maintain loading, unloading or storage facilities.

"Grade" and "species" means those grades and species for building materials that are authorized by N.J.S.A. 51:4-27.

"Lumber" means the wood obtained from the felling, trimming and working up of all kinds and types of trees for use as a structural material.

"Offer for sale" or "expose for sale" shall be construed to include the use of any advertising media or means.

"Paneling" is defined as all products, whether of domestic or foreign origin, which are suitable for use as interior decorative wall panels.

"Persons" means and includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

13:47C-3.4 Advertising of building materials and paneling

(a) This section is adopted pursuant to the specific authority of N.J.S.A. 51:4-31 and is intended to implement and supplement the provisions of Title 51 Article 3 entitled Lumber and Lumber Products.

(b) No dealer, equipped or unequipped, shall offer, expose for sale or both offer and expose for sale, by the use of any advertising media or means, any building materials, to consumers in the State of New Jersey, unless the grade and species of each such building material is clearly contained in said advertising. All prefix and/or suffix adjectives shall be limited to a statement of both the grade and species in accordance with the applicable commercial standards of the United States Department of Commerce, the grading rules of approved grade rules writing agency, or other industry standards as are accepted by the Superintendent.

(c) No dealer, equipped or unequipped, shall offer, expose for sale or both offer and expose for sale, by the use of any advertising media or means, any paneling, to consumers in the State of New Jersey, unless said advertising is in compliance, in all respects, with the United States Federal Trade Commission "Guides For The Decorative Paneling Industry", promulgated December 15, 1971 and effective December 15, 1972, and all supplements and amendments thereto that may be adopted by the Federal Trade Commission or by the Superintendent.

13:47C-3.5 Penalties

(a) Any violation of or noncompliance with the provisions of subchapter 3, Nonfoodstuffs, with the exception of 13:47C-3.4 (Advertising of Building Materials and Paneling), shall subject the violator to a penalty of not less than \$100.00 as authorized by N.J.S.A. 51:1-89.

1. Each package in violation shall be deemed a separate violation as required by N.J.S.A. 51:1-100.

(b) Any violation or noncompliance with provisions of N.J.A.C. 13:47C-3.4 (Advertising of building materials and paneling) shall subject the violator to a penalty of not less than \$50.00 nor more than \$100.00 for the first offense, not less than \$100.00 nor more than \$250.00 for the second offense and not less than \$250.00 nor more than \$500.00 for each subsequent offense, as authorized by N.J.S.A. 51:4-38.

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 31, 1979 to:

James R. Bird, Deputy State Supt.
The New Jersey State Office of Weights & Measures
187 W. Hanover St., Trenton, N.J. 08625

The Office of Weights and Measures may thereafter adopt rules concerning this subject without further notice.
William J. Wolfe, Sr.
Superintendent, Office of Weights and Measures
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed New Rules Concerning Charitable Fund Raising Act of 1971

John J. Degnan, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 45:17A-15, proposes to adopt new rules to be cited as N.J.A.C. 13:48-1.1 et seq. concerning administration, enforcement and interpretation of the Charitable Fund Raising Act of 1971, N.J.S.A. 45:17A-1 et seq.

The regulations charge the Charities Registration and Investigation Section of the Division of Consumer Affairs with the implementation and enforcement of the Act, and delegate certain duties under the Act to the supervisor of the Section. The regulations provide for the prescription of forms and collection of information for public review by the Section, and allow for the Section to determine whether a given organization is subject to or exempt from the requirements of the Act. The regulations also interpret N.J.S.A. 45:17A-10 with regard to the fifteen percent limitation on compensation paid to a professional fund raiser or professional solicitor, and set forth initial approval and disapproval procedures. For the purposes of the Act the term "expenses incurred" is defined to include all expenses related to the solicitation.

Subchapter 6 sets forth procedures and criteria for determining whether paid personnel are bona fide employees or professional fund raisers within the meaning of N.J.S.A. 45:17A-3(c). Certain findings, specifically, compensation on a percentage basis, limitation of employment to a single appeal, or risk of loss, are deemed to create a rebuttable presumption that the relationship is not one of bona fide employment.

Subchapter 7 provides for the submission of producers' contracts and for a determination as to whether such persons are acting as professional fund raisers. The subchapter also requires the filing of certain documents relative to shows or events run for charitable purposes.

Subchapter 8 specifies requirements for annual financial reports filed pursuant to the Act. These regulations provide for an accrual accounting method, define independence, and set forth information to be included.

Subchapter 9 deals with solicitation conduct. These regulations require certain disclosures to be made where advertising in publications is involved, prohibit misleading names, misrepresentation and intimidation, and regulate repeat solicitations and telephone solicitation.

Subchapter 10 interprets the exemption in N.J.S.A. 45:17A-5(b)(3) for solicitations on behalf of named persons and provides for comity exemptions to foreign organizations exempt in the state of incorporation.

Subchapter 11 provides for reciprocal agreements with other jurisdictions for the use of standardized reporting forms, prohibits misuse of the fact of registration, and contains a severability provision.

Copies of the 28 pages of the proposal may be obtained by contacting the person indicated below. Interested per-

sons may present statements or arguments in writing relevant to the proposed rules on or before May 30, 1979 to:

Frank N. Swenson, Supervisor
Charities Registration Section
1100 Raymond Boulevard
Newark, New Jersey 07102
Telephone: (201) 648-4002

The Attorney General of New Jersey may thereafter adopt these rules substantially as proposed without further notice.

John J. Degnan
Attorney General
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Rules on Uses of Amphetamines And Sympathomimetic Amine Drugs

On February 14, 1979, Edwin H. Albano, President of the State 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 new rules, to be cited as N.J.A.C. 13:35-6.16, concerning the uses of amphetamines and sympathomimetic amine drugs as proposed in the Notice published October 5, 1978 at 10 N.J.R. 446(a).

An order adopting these rules was filed and became effective on March 21, 1979 as R.1979 d.120.

Howard H. Kestin
Director
Office of Administrative Law

(c)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Amendments to Division's Rules

On April 4, 1979, Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:2-1.1 et seq. concerning the Division of Alcoholic Beverage Control's rules substantially as proposed in the Notice published March 8, 1979, at 11 N.J.R. 143(a) 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 amendments was filed on April 4, 1979, as R.1979 d.138 to become effective on May 1, 1979, with the exception of N.J.A.C. 13:2-24.6, which will become effective on April 12, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(a)

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Amendments on Licensing Requirements

On April 2, 1979, John J. Reilly, Executive Director of the New Jersey 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. 13:70-4.1, 13:70-4.2, 13:70-4.6, 13:70-4.19, 13:71-7.1 and 13:71-7.5 concerning licensing requirements as proposed in the Notice published January 4, 1979 at 11 N.J.R. 21(b).

An order adopting these amendments was filed and became effective on April 12, 1979 as R.1979 d.144.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENERGY

BOARD OF PUBLIC UTILITIES

Proposed Amendments Concerning Amount Of Interest to be Paid By a Utility on Customer Deposits

The Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12, proposes to amend N.J.A.C. 14:3-7.5(c) concerning the amount of interest to be paid by a utility on customer deposits held by it.

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

14:3-7.5(c) Simple interest at the rate of at least [six] **nine** per cent per annum shall be paid by the utility on all deposits held by it, provided the deposit has remained with the utility for at least three months.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Board of Public Utilities
Attention: Eugene J. Byrne, Esq.
1100 Raymond Boulevard
Newark, N.J. 07102

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

President, Board of Public Utilities
George H. Barbour
Department of Energy

(c)

ENERGY

THE COMMISSIONER

Proposed New Rules Concerning Reporting of Energy Information by Suppliers of Heating Oil

Joel R. Jacobson, Commissioner of the Department of

Energy, pursuant to authority of N.J.S.A. 52:27F-18 proposes to adopt new rules to be cited as N.J.A.C. 14A:11-2.1 et seq. concerning the periodic reporting of energy information by suppliers of home heating oil.

This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. 007-79-05.

Full text of the proposal follows:

SUBCHAPTER 2. SUPPLIERS OF HOME HEATING OIL

14A:11-2.1 Scope

Unless otherwise provided by statute or rule, the following rules shall govern the periodic reporting of energy information by persons who supply home heating oil to retail fuel merchants.

14A:11-2.2 Definitions

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

"Department" means the New Jersey Department of Energy.

"Retail fuel merchant" means any person who engages in the business of selling home heating oil directly to the end users of such home heating oil.

"Supplier of home heating oil" means any refiner, importer, marketer, jobber, distributor, terminal operator, firm, corporation, wholesaler, broker, cooperative or other person who supplies, sells, consigns, transfers or otherwise furnishes home heating oil to a retail fuel merchant.

14A:11-2.3 Reporting

Beginning June 27, 1979, and on each Wednesday thereafter, each supplier of No. 2 home heating oil shall submit to the Department the New Jersey posted reseller tank car price for No. 2 home heating oil for each class of customer in the previous calendar week. This information should be sent to:

New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102
Attention: Assistant Commissioner Steven J. Picco

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 8, 1979 to:

Steven J. Picco
Assistant Commissioner
Department of Energy
101 Commerce Street
Newark, New Jersey 07102

The Department of Energy may thereafter adopt rules substantially as proposed concerning this subject without further notice.

Joel R. Jacobson
Commissioner
Department of Energy

(d)

ENERGY

THE COMMISSIONER

Notice Concerning Proposed Refund Procedures For Customers of Gulf Oil Corporation

Please be advised that the U.S. Department of Energy (U.S. DOE) has issued a Proposed Decision and Order

containing special procedures and standards that it has tentatively formulated in order to distribute to qualified persons the sum of \$42,240,000. This amount will be tendered to U.S. DOE by the Gulf Oil Corporation to be refunded to customers of Gulf pursuant to a consent order entered into by Gulf and the U.S. DOE's Office of Special Counsel (OSC) on July 26, 1978.

In the Consent Order, the OSC and Gulf reached an agreement to settle a compliance proceeding that had been instituted against Gulf in April, 1977 by the issuance of a Notice of Proposed Disallowance (NOPD). The Federal Energy Administration (FEA), the U.S. DOE's predecessor, alleged in the NOPD that Gulf had overstated its costs with respect to inter affiliate imported crude oil transactions by \$79.6 million for the period of October 1973 through May 1975. The U.S. DOE subsequently reduced the amount of disallowance by \$5.7 million on the basis of corrections to information that had been reported to the DOE and adjustments to maximum and representative prices for crude oil that had been transferred by Gulf. In the Consent Order the OSC and Gulf agreed to settle the disallowance claim and also any overrecoveries that Gulf had made in connection with its purchases of Indonesian Katapa crude oil through a foreign affiliate during the period between August 1973 and January 1976. The Consent Order also referred to overrecoveries alleged in a Notice of Probable Violation issued to Gulf on May 8, 1974.

Gulf is a major integrated petroleum firm engaged in the production, transportation, refining and marketing of crude oil and an extensive schedule of petroleum products. It is one of the largest petroleum firms in the United States, and the purchasers of its products number in the millions. Because of the nature of the particular pricing practices alleged in the NOPD, which concern a fundamental element in a refiner's calculation of maximum permissible prices, each purchaser of Gulf products marketed throughout the United States was potentially affected.

The Proposed Decision and Order describes the classes of purchasers who may be entitled to refunds if the proposed procedures are adopted by the U.S. DOE. Under the Proposed Decision and Order, the refund amount will be apportioned purely on a volumetric basis without regard to the level of distribution at which the purchase was made. If the total amount claimed under this distribution mechanism exceeds the total refund amount less administrative expenses, claims will be reduced proportionally.

In order to qualify for a refund, a claimant will have to prove that he purchased Gulf petroleum products that were subject to FEA price regulation during the period covered by the Consent Order. A consumer will generally be able to establish a claim by making that minimum showing.

It should be pointed out that until final procedures are adopted, no claims for refunds can be accepted. Refund applications therefore should not be filed at this time. Appropriate public notice will be given when the processing of claims is begun, and ample time will be provided for the filing of claims.

For further information see the notice at 44 Federal Register 16475 (March 19, 1979).

If you believe that you will qualify for a refund, please contact in writing:

New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102
Attention: Steven J. Picco, Assistant Commissioner

This Notice is published as a matter of public information.
Howard H. Kestin
Director
Office of Administrative Law

(a)

ENERGY

THE COMMISSIONER

Notice Concerning the Schools, Hospitals, Local Government and Public Care Buildings Grants Program

Please be advised that on May 30, 1979 at 10:00 A.M. the Office of Conservation, New Jersey Department of Energy (NJDOE) will hold a briefing for professional engineers, architects and other interested parties on the Department's program to implement the Schools, Hospitals, Local Government and Public Care Buildings Grants Program, enacted as part of the National Energy Conservation Policy Act. The meeting will be held at the State Museum Auditorium, West State Street, Trenton, New Jersey.

This program is divided into two major phases which comprise four activities. The first activity of Phase 1, the preliminary energy audit (PEA), will be a data gathering activity to determine basic information about the number of buildings in each category, number of square feet, primary fuel sources, etc. The second activity, the energy audit (EA), consists of an onsite visit to confirm and expand the information gathered in the PEA, and provide further information to establish a "building profile". The energy audit examines items such as hours of operation, uses of various areas of the building, past energy use patterns and costs, and types of windows. This information will be used to indicate possible areas for more efficient operation of the building (improve operations and maintenance procedures) and may suggest areas which may benefit from the installation of energy conservation devices.

The first activity of Phase 2 is the technical assistance (TA) audit. This audit consists of a detailed engineering analysis performed by a registered professional, and includes data on specific cost payback period, and projected energy savings resulting from the purchase and installation of various energy saving devices or systems such as storm windows, insulation, solar energy systems and automatic setback devices.

The TA is the last activity for which local government and public care buildings are eligible.

The final activity, the energy conservation project (ECP) provides for the purchase and installation of energy measures in schools and hospitals recommended as a result of the TA audit.

The authorized funding for this program provides a total of \$900 million nationally for schools and hospitals, and \$65 million for local government and public care buildings. The State of New Jersey will receive a portion of these funds based on population and climatic data.

In Phase 1, the Department of Energy (DOE) will make grants available to each State to conduct a state-wide program of PEAs and EAs in all four categories of eligible buildings. In both phases the State will be responsible for the overall planning and administration of the grants.

In Phase 2, grants will be awarded to eligible institutions in accordance with state-wide plans developed by the

NJDOE and approved by USDOE. Grant applications will be submitted annually to USDOE through the New Jersey Department of Energy's Office of Conservation which will approve and prioritize the applications for funding and forward them on to the USDOE for final approval and grant award.

For further information contact:

Duane Gautier
Project Coordinator
Schools, Hospitals, Local Government
and Public Care Buildings Grants Program
New Jersey Department of Energy
Office of Conservation
101 Commerce Street
Newark, New Jersey 07102
(201) 648-3900

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENERGY

BOARD OF PUBLIC UTILITIES

Amendments Concerning Return of Deposits

On March 13, 1979, the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J. S.A. 48:2-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 14:3-7.5(c) concerning the return of deposits.

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

14:3-7.5(c) Simple interest at the rate of at least [four] six per cent per annum [must] shall be paid by the utility on all deposits held by it, provided the deposit has remained with the utility for at least [six] three months.

An order adopting these amendments was filed and became effective on March 16, 1979 as R.1979 d.117 (Ex-empt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENERGY

BOARD OF PUBLIC UTILITIES

Amendments Concerning Board's Address

On March 13, 1979, the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J. S.A. 48:2-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 14:1-1.4 which updated the Board's address.

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

14:1-1.4 Offices

[(a)] The statutory office of the Board and the office of the Secretary of the Board are located at [28 West State Street in Trenton] 1100 Raymond Boulevard, Newark, New Jersey 07102.

[(b)] Other offices are located at 101 Commerce Street in Newark, New Jersey.]

An order adopting these amendments was filed and became effective on March 16, 1979 as R.1979 d.118 (Ex-empt, Procedure Rule).

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENERGY

THE COMMISSIONER

Emergency Rules on Periodic Reporting of Energy Information By Suppliers of Motor Gasoline

On April 17, 1979, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-18 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning periodic reporting of energy information by suppliers of motor gasoline.

Full text of the adoption follows:

CHAPTER 11 PERIODIC REPORTING BY ENERGY INDUSTRIES OF ENERGY INFORMATION

SUBCHAPTER 1. SUPPLIERS OF MOTOR GASOLINE

14A:11-1.1 Scope

Unless otherwise provided by statute or rule, the following rules shall govern the periodic reporting of energy information by persons who supply motor gasoline to retail dealers.

14A:11-1.2 Definitions

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

"Department" means the New Jersey Department of Energy.

"Retail dealer" means any person who engages in the business of selling motor gasoline from a fixed location such as a service station, filling station, store, or garage directly to the operator of a motor vehicle by dispensing such motor gasoline into the service tank of the motor vehicle.

"Supplier of motor gasoline" means any refiner, importer, marketer, jobber, distributor, terminal operator, firm, corporation, wholesaler, broker, cooperative or other person who supplies, sells, consigns, transfers or otherwise furnishes motor gasoline to a retail dealer.

14A:11-1.3 Reporting

(a) Each supplier of motor gasoline shall promptly submit to the Department the New Jersey posted dealer tank wagon price on May 15, 1973 for its regular, unleaded regular, premium, and unleaded premium grades of motor gasoline for each class of customer.

(b) Beginning May 9, 1979, and on each Wednesday thereafter, each supplier of motor gasoline shall submit to the Department the New Jersey posted dealer tank wagon price for its regular, unleaded regular, premium, and unleaded premium grades of motor gasoline for each class of customer in the previous calendar week.

(c) The above information should be sent to:
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102
Attention: Assistant Commissioner Steven J. Picco

An order adopting these rules was filed and became effective on April 19, 1979 as R.1979 d.154 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

TRANSPORTATION THE COMMISSIONER

Proposed Amendments Concerning Relocation Assistance

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-72 through 27:7-88, proposes to amend certain rules concerning relocation assistance.

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

16:6-1.1(a)3. [Business discontinuance] Fixed payment allowances in lieu of moving reimbursement;

16:6-2.7(a)1. Displaced owners who qualify for replacement housing supplements, but do not plan to purchase a new home may qualify for a rental supplement payment, [except the payment cannot exceed the amount they would have received as a purchase payment.] not to exceed \$4,000.00.

16:6-2.9(c) Appeals must be commenced within [one year after having been required to relocate.] 90 days subsequent to filing of claim or the State acts on a final claim, whichever is later.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Charles L. Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(b)

TRANSPORTATION THE COMMISSIONER

Proposed Rules on Lane Use On Parts of Route U.S. 9 In Middlesex County

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-88, proposes to adopt new rules concerning lane use on parts of Route U.S. 9 in Middlesex County.

Full text of the proposal follows:

16:28-7.5 Curb lane; Route U.S. 9 in Middlesex County

(a) Pursuant to authority granted under N.J.S.A. 39:4-88, the northbound shoulder (right-hand lane or curb lane) of Route U.S. 9 may be used by Busses from Route 34 to Ernston Road, Township of Old Bridge, County of Middlesex.

(b) This regulation is not intended to preclude normal use of the shoulder by other vehicles. "Normal use" is defined as emergency stopping or driving on the shoulder for short distances to enter driveways or intersecting roadways.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Charles L. Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(c)

TRANSPORTATION THE COMMISSIONER

Proposed Rules on Substantial Completion-Completion

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-34, proposes to adopt new rules concerning substantial completion-completion.

Full text of the proposal follows:

SUBCHAPTER 3. SUBSTANTIAL COMPLETION

FOREWORD

The following definition of "substantial completion" is adopted pursuant to N.J.S.A. 27:7-34. This definition will be incorporated into contracts on Department of Transportation construction projects in substantially the same form as herein presented. Modifications will be made hereto when the particular circumstances of a given contract require that the definition be tailored to its special requirements. The performance of the successful bidder on a contract shall be controlled by the definition of "substantial completion" contained in his contract.

16:33-3.1 Definition of substantial completion
"Substantial completion", as used herein, shall refer to the point at which the performance of all work under the contract, except landscaping items, final clean-up and repair of work performed but not acceptable to the Engineer, has been completed; provided the Engineer has determined, in his sole discretion, that, 1) the project is safe and convenient for use by the public, and, 2) failure to complete the work and repairs excepted above will not result in the deterioration of other completed work; and, provided further, that the value of landscape work remaining to be performed, repairs and clean-up, is less than 2% of the total adjusted contract price.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Charles Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

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

Russell H. Mullen
Assistant Commissioner
Department of Transportation

(a)

TRANSPORTATION

BUREAU OF CONTRACT ADMINISTRATION

Proposed Amendments Concerning Classification of Prospective Bidders

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-35.1 et seq., proposes to amend N.J.A.C. 16:65-1.2(n) concerning Classification of Prospective Bidders.

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

16:65-1.2(n) In order that the Commissioner of Transportation may have the necessary information to pass upon the ability of a bidder to satisfactorily complete a project, each bidder must submit with his bid on each proposal a revised financial statement, a statement that the affirmative action program for equal employment opportunity specified in (2)F is being continued by bidder and will be in use for the duration of the project being bid upon [, a plan and equipment statement] and other pertinent data under oath in response to a questionnaire provided by the Commissioner. Revised statements submitted with bids received between the 1st and 15th of the month, by contractors holding classifications up to and including Class "I" (\$1,000,001 to \$2,000,000) must be as of the close of business at the end of the second month preceeding that during which bids are being received. Revised statements submitted with bids received between the 16th and the end of the month by contractors holding classifications up to and including Class "I" (\$1,000,001 to \$2,000,000). must be as of the close of business at the end of the month immediately preceding that during which bids are being received. In the instance of contractors holding Class "J" through "R" classifications, the submission of an affidavit that

there has been no material change in financial condition since the date of submission for classification will be permitted if the proper affidavits are completed and accompanied by the Status of Contracts on Hand as of the date of the financial information specified in the Notice to Contractors. A waiver of this requirement for a specific project may be granted by the Commissioner when it is in the public interest.

Interested persons may, in writing, present relevant statements or arguments to the proposed action on or before May 30, 1979 to Mr. Charles Meyers, Administrative Practice Officer, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The New Jersey Department of Transportation may thereafter adopt these regulations substantially as proposed without further notice.

Russell H. Mullen
Assistant Commissioner, Highways
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Amendments Concerning Rescission Of Allocated but Unexpended Local State Aid Funds

On March 22, 1979, Russell H. Mullen, Assistant Commissioner of Transportation, pursuant to authority of N.J. S.A. 27:15-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:16-4.3 and 16:17-4.3 concerning the rescission of allocated but unexpended local State aid funds as proposed in the Notice published February 8, 1979 at 11 N.J.R. 92(a).

An order adopting these amendments was filed and became effective on March 23, 1979 as R.1979 d.122.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TRANSPORTATION

THE COMMISSIONER

Rules on Use of Right-Hand Lane on Parts of Route U.S. 9

On March 23, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-88 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning the use of the right-hand lane on parts of Route U.S. 9.

Full text of the adoption follows:

16:28-7.4 Right-hand lane use of parts of Route U.S. 9

Pursuant to authority granted under the provisions of N.J.S.A. 39:4-88, the right-hand lane (curb lane) of Route

U.S. 9 for a distance of 500 feet south of the southerly curb line of Ernston Road in the Township of Old Bridge, County of Middlesex, shall be reserved exclusively for the use of busses.

An order adopting these rules was filed and became effective on March 23, 1979 as R.1979 d.123 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

TRANSPORTATION

THE COMMISSIONER

Rules on Autobus Specifications For Van-Type Autobuses

On March 19, 1979, Robert Keith, Assistant Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5, 27:1A-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:53-1.1 et seq., concerning autobus specifications for van-type autobuses as proposed initially by the Department of Energy on December 7, 1978, at 10 N.J.R. 558(b).

Take notice that the jurisdiction of the subject matter of these rules were recently transferred to the Department of Transportation from the Department of Energy via Executive Order. Therefore, the rules now will be cited as N.J.A.C. 16:53-1.1 et seq. rather than N.J.A.C. 14:11-9.1 et seq. as was indicated in the Notice of Proposal.

An order adopting these rules was filed and became effective on March 23, 1979 as R.1979 d.124.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TREASURY

DIVISION OF TAXATION

Proposed Amendment Concerning County Boards of Taxation

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to the authority of N.J.S.A. 54:3-14 proposes to adopt rules concerning County Boards of Taxation.

Full text of the amendment follows (additions indicated in bold face thus):

18:12A-1.14 Revaluations; reassessments

(a) Regarding voluntary revaluation, when a taxing district proposes to revalue real property in said district voluntarily, it must notify the Board of such intent and must obtain approval of the revaluation contract from the Director, Division of Taxation, as prescribed by law (N.J.S.A. 54:1-35.35 et seq. and N.J.A.C. 18:12-4.1 et seq.).

(b) Regarding revaluation ordered by county board of taxation, when a Board determines the need to order a taxing district to revalue its real property, it shall sub-

mit the proposed order to the Director, Division of Taxation, for his approval, outlining the reasons that warrant such action. Upon approval of such order, the Board shall take appropriate action to implement same.

(c) Regarding reassessment, when an assessor proposes to revise the assessment list, he shall submit the reassessment plan to the Board setting forth the method to be used, the date of completion and the year in which such reassessment shall take effect. The Board shall advise the assessor of its approval or disapproval of such reassessment proposal within 30 days from the date submitted. In case of disapproval, the reason, therefore, shall be made known to the assessor. The Board shall notify the Director, Division of Taxation, of the assessor's reassessment plan.

(d) The Board shall require a written monthly progress report from the assessor of each taxing district undergoing a revaluation under subsections (a) and (b) hereof or reassessment under subsection (c) hereof.

(e) The Board shall require that the assessor of a taxing district shall actively participate in any such revaluation program and shall be familiar with all facets of such program.

(g) Where a contract for a revaluation under subsections of N.J.S.A. 54:3-22(f) shall be applicable with respect to the year in which the program becomes effective.

(g) Where a contract for a revaluation under paragraph (a) or (b) of this section has been entered into by a municipality with an appraisal company, the Director, Division of Taxation before approving or disapproving said contract, shall forward a copy thereof to the appropriate County Board of Taxation for its review and comment. The Board shall, within two weeks from a date specified in a notice to it, submit its comment to the Director. In the event that the Board fails to respond to said request within the prescribed period, the Director shall assume that the Board has no comment to make and the Director shall proceed with his review and shall indicate his approval or disapproval of the contract, as provided by law.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

J. Henry Ditmars
Superintendent
Local Property & Public Utility Branch
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(c)

TREASURY

LOTTERY COMMISSION

Amendments to Various Commission Rules

On March 28, 1979, Gloria A. Decker, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 et seq. and in accordance with applicable provisions of the Ad-

ministrative Procedure Act, adopted emergency amendments to various rules of the Lottery Commission.

The adoption concerns the deletion of one paragraph in the Foreword to Chapter 20 of Title 17 of the New Jersey Administrative Code concerning the names of prior Commission members; and amendments to N.J.A.C. 17:20-1.3, 17:20-1.4, 17:20-2.1, 17:20-5.8, 17:20-5.9, 17:20-5.10, 17:20-6.1, 17:20-7.1, 17:20-7.7, 17:20-10.1, 17:20-10.5, 17:21-1.3, 17:21-1.4, 17:21-2.1, 17:21-2.3, 17:21-3.1, 17:21-5.2 through 17:21-5.6, 17:21-5.9, 17:21-6.7 and 17:21-6.8.

Copies of the 8 pages of the summary of these amendments may be obtained from or made available for review by contacting:

State Lottery Commission
Taxation Building
West State and Willow Streets
Trenton, New Jersey 08625

An order adopting these amendments was filed and became effective on March 28, 1979, as R.1979 d.125 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Amendments to Purchase Bureau's Rules

On March 12, 1979, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:34-13 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to subchapters 1 through 6 of Chapter 12 in Title 17 of the New Jersey Administrative Code concerning the Purchase Bureau's rules substantially as proposed in the Notice published February 8, 1979, at 11 N.J.R. 95(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of the Treasury.

An order adopting these amendments was filed and became effective on March 30, 1979 as R.1979 d.132.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TREASURY

DIVISION OF TAXATION

Amendments Concerning the Motor Fuels Tax Act

On April 3, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:39-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in Chapters 18, 19 and 20 in Title 18 of the New Jersey Administrative

Code concerning the Motor Fuels Tax Act as proposed in the Notice published March 8, 1979 at 11 N.J.R. 149(d).

An order adopting these amendments was filed and became effective on April 4, 1979 as R.1979 d.137.

Howard H. Kestin
Director
Office of Administrative Law

(Other Agencies)

(c)

ECONOMIC DEVELOPMENT AUTHORITY

Proposed Rules on Targeting Authority Assistance

The Economic Development Authority in the Department of Labor and Industry, pursuant to authority of N.J.S.A. 34:1B-5 proposes to adopt new rules, N.J.A.C. 19:30-4.1 et seq. concerning targeting of authority assistance.

Full text of the proposed rule follows:

SUBCHAPTER 4. TARGETING OF AUTHORITY ASSISTANCE

19:30-4.1 Assistance to be provided for projects in economically distressed localities

New Jersey Economic Development Authority financial assistance for projects as defined in N.J.S.A. 34:1B-3 shall be available only to projects located in economically distressed municipalities.

19:30-4.2 Executive Director to establish list of economically distressed municipalities

(a) The Executive Director shall from time to time, but at least once each year, establish a list of economically distressed municipalities where Authority financial assistance will be available. In establishing such a list, the Executive Director shall include municipalities which meet the following criteria:

1. Municipalities qualified for State aid under the provisions of L. 1978, c. 14.

2. Municipalities designated as potentially eligible for the Urban Development Action Grant Program, 42 U.S.C. Sec. 5318 et seq.

3. Municipalities which meet three of the four following standards:

i. Unemployment rate above the State average;

ii. Per capita income lower than the State average;

iii. Ratables per capita less than the State average;

iv. A total number of unemployed persons of 1,000 or more.

19:30-4.3 Projects to be considered under special circumstances

Notwithstanding the provisions of section 1 of this subchapter, the Authority will review applications for assistance and will consider providing financial assistance for projects which will have a beneficial impact on municipalities threatened with or suffering from a substantial natural or economic disaster; or projects located in a designated urban renewal area; or projects which will employ a significant number of disadvantaged persons, as determined by a contract with a CETA prime sponsor or equivalent local manpower program.

19:30-4.4 Projects exempted

(a) Notwithstanding the provisions of section 1 of this subchapter:

1. The following projects shall be eligible for Authority financial assistance regardless of location:

- i. Commercial fishing projects;
- ii. Motion picture production and allied services;
- iii. Research and development laboratories;
- iv. Facilities described in Section 103(c)(4) and (5) of the Internal Revenue Code (6 U.S.C. 103(c)(4) and (5)); which include (1) airports, docks, wharves, mass commuting facilities, parking facilities, storage or training facilities directly related to any of the foregoing available to the general public; (2) convention or trade show facilities; and (3) industrial pollution control projects;
- v. Proprietary nursing homes and other licensed health care facilities.

2. The following projects shall be eligible for Authority financial assistance regardless of location, provided that an applicant is not acquiring, constructing or equipping the project for speculative purposes:

- i. Manufacturing and industrial projects;
- ii. Wholesale trade projects;
- iii. Motor freight transportation and warehousing;
- iv. Office buildings which have a minimum of 20,000 square feet of net useable space.

(b) A project will be deemed to be acquired, constructed or equipped for speculative purposes if the applicant does not have written commitments, satisfactory to the Authority, for the purchase or rental of a minimum of 40% of the net useable space prior to official action by the Authority.

(c) Projects eligible for financial assistance under this section must also meet other applicable standards and policies.

19:30-4.5 Effective date

The provisions of this subchapter shall apply to all projects for which financial assistance initially has been authorized by a resolution of the members of the Authority on or after July 1, 1979.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Robert S. Powell, Jr.
Executive Director
New Jersey Economic Development Authority
P.O. Box 1446
Trenton, N.J. 08625

The Economic Development Authority may thereafter adopt rules concerning this subject without further notice.

Robert S. Powell, Jr.
Executive Director
Economic Development Authority

(a)

CASINO CONTROL COMMISSION

Proposed Rules Concerning Casino Service Industry Licenses

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules concerning casino service industry licenses.

Full text of the proposal follows:

19:43-1.14 Casino service industry licenses

(a) No casino service industry license shall issue unless the individual qualifications of each of the following persons shall have first been established in accordance with all provisions, including those cited, of the Act and of the regulations of the Commission.

1. In the case of casino service industry licenses issued in accordance with sections 92a and b of the Act:

- i. The enterprise;
- ii. If the enterprise is, or if it is to become a subsidiary; each holding company and each intermediary company which the Commission deems necessary in order to further the purposes of the Act;
- iii. Each owner of the enterprise who directly or indirectly holds any beneficial interest or ownership in excess of 5% of the enterprise;
- iv. Each owner of a holding company or intermediary company who the Commission deems necessary in order to further the purposes of the Act;
- v. Each director of the enterprise except that a director who, in the opinion of the Commission is not significantly involved in or connected with the management or ownership of the enterprise shall not be required to qualify;
- vi. Each officer of the enterprise who is significantly involved in or has authority over the conduct of business directly related to casino or gaming activity and each officer whom the Commission may consider appropriate for qualification in order to insure the good character, honesty and integrity of the enterprise.

vii. Each officer of a holding company or intermediary company whom the Commission may consider appropriate for qualification in order to insure the good character, honesty and integrity of the enterprise;

viii. The management employee supervising the regional or local office which employs the sales representative who will solicit business or deal directly with a casino licensee.

ix. Each employee who will act as a sales representative or otherwise regularly engage in the solicitation of business from casino licensees;

x. Any other person whom the Commission may consider appropriate for approval or qualification.

2. In the case of casino service industry licenses issued in accordance with sections 92c and d of the Act:

- i. The enterprise;
- ii. If the enterprise is, or if it is to become a subsidiary; each holding company and each intermediary company which the Commission deems necessary to qualify or approve in order to further the purposes of the Act;
- iii. Each owner of the enterprise who directly or indirectly holds any beneficial interest or ownership in excess of 5%;
- iv. Each owner of a holding company or intermediary company who the Commission deems necessary to qualify or approve in order to further the purposes of the Act;
- v. Each director of the enterprise except that a director who, in the opinion of the Commission, is not significantly involved in or connected with the management or ownership of the enterprise shall not be required to qualify;
- vi. Each officer of the enterprise significantly involved in the conduct of business with a casino licensee and each officer whom the Commission may consider appropriate for qualification in order to insure the good character, honesty and integrity of the enterprise;
- vii. Each officer of a holding company or intermediary company whom the Commission may consider appropriate for qualification in order to insure the good character, honesty and integrity of the enterprise;

viii. The management employee supervising the regional or local office which employs the sales representative soliciting business or dealing directly with a casino licensee;

ix. Each employee who will act as a sales representative or otherwise regularly engage in the solicitation of business from casino licensees;

x. Any other person whom the Chairman may consider appropriate for approval or qualification.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1979 to:

Joseph P. Lordi, Chairman
Casino Control Commission
379 West State St.
Trenton, N.J. 08625

The New Jersey Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Amendments Concerning the Reporting Of "Street Money"

On March 15, 1979, the New Jersey Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:25-12.1(b) concerning the reporting of "street money" as proposed in the Notice published February 8, 1979 at 11 N.J.R. 107(c).

An order adopting these amendments was filed and became effective on March 22, 1979 as R.1979 d.121.

Howard H. Kestin
Director
Office of Administrative Law

(b)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Schedule of Charges At Newark International Airport

On March 8, 1979, the Port Authority of New York and New Jersey adopted revisions to the schedule of charges at Newark International Airport.

Full text of the adoption follows:

Resolved, that the Schedule of Charges for the use of the Public Landing Area, Public Passenger Ramp Area, Public Cargo Ramp and Apron Area and Public Aircraft Parking and Storage Areas at Newark Airport adopted by the Committee by resolution of October 5, 1959 (appearing at page 45 et seq. of the Committee Minutes of that

date and further amended) be and the same hereby is amended, effective April 1, 1979, by adding a new Section VI.A. to read as follows:

VI.A. Maximum Charges - North Passenger Terminal
Charges set forth in Sections V and VI shall be limited to a combined maximum charge of \$500 per day for each operator.

An order adopting these revisions was filed on March 29, 1979 as R.1979 d.127 (Exempt, Exempt Agency).

Howard H. Kestin
Director
Office of Administrative Law

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

INFORMATION AND SERVICE REFERRAL

FOR DEAF

Deaf citizens of New Jersey can now call New Jersey Division of the Deaf in the Department of Labor and Industry over a new toll-free line recently installed in the Division's office in the Labor and Industry Building in Trenton, Governor Byrne announced today.

"I am most pleased to announce this approach to continuing development of services to the more than 446,508 hearing-impaired citizens of New Jersey," the Governor said.

The Governor signed the bill in July, 1977 which instituted the New Jersey Division of the Deaf, the first of its kind in the country. The bill had been sponsored in the Legislature by Senator Anthony Scardino (D-Bergen).

The new toll-free line is to be used to provide information and referral services through the Division of the Deaf, as well as to assist individuals from the Division concerning advocacy matters which involve deaf and hard of hearing citizens.

The telephone number is 800-792-8339 and calls can be made on either Telecommunication Devices for the Deaf (TDD's) or through direct or interpreted voice calls.

TDD's are special equipment that enable deaf persons to use regular telephone lines for communicative purposes, however, instead of speaking and listening, one writes and reads via the auxiliary equipment.

"I am proud to have the Division of the Deaf as an integral part of my Department and look forward to working closely with Betty Broecker, who has been appointed as the director of this agency," Labor and Industry Commissioner John J. Horn said.

In addition to the toll-free line to serve the public, this Division has recently held their first "Town Meeting" at Mercer County Community College where deaf and hearing-impaired persons attended to express the needs that they have in relation to education, employment and daily living.

Also, the Division has established an Interpreter Referral Service whereby professional interpreters are coordinated by the Division for use in both the public and private

(Continued on page 268)

The New Jersey Administrative Code

**OFFICIAL COMPILATION OF
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OF THE STATE OF NEW JERSEY**

**PUBLICATION of the first five volumes of
the New Jersey Administrative Code was
in 1972, to bring together for the first time
all rules and regulations of the State of
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The NEW JERSEY REGISTER, the State's monthly publication of all new rules and proposed rules, is available at \$15 ANNUALLY to supplement the Administrative Code prior to publication of current rules in the Code. Like the Code, it is published by the Division of Administrative Procedure.

OFFICIAL ORDER FORM

ADMINISTRATIVE CODE TITLES

Titles available in the New Jersey Administrative Code cover all Departments of the State, with Treasury split into two Titles for its general and taxation rules.

Eight Departmental Titles involve such a number of rules as to require two or more volumes, with price based on a per-volume, rather than Title, basis as indicated below:

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4 CODE TITLES UPDATED

Mailing was completed last month for the November 20, 1978 update for four Titles of the New Jersey Administrative Code.

Titles included were: 4—Civil Service, 6—Education, 10—Human Services and 10A—Corrections.

If subscribers have not yet received the November 20, 1978 update, they should contact the Division of Administrative Procedure, 10 North Stockton Street, Trenton, New Jersey 08608, or phone (609) 292-6060.

BOUND VOLUMES AVAILABLE FOR 1978 REGISTER

Orders are being accepted for immediate shipment of the annual bound volume for the 1978 issues of the New Jersey Register which includes an index of all rules adopted during the year and of all rules proposed but not yet adopted at year end.

Price is \$14 per copy, payable in advance with shipment postpaid. Similar bound volumes are available for 1972, 1974, 1975, 1976 and 1977.

Checks should be made payable and sent to: Division of Administrative Procedure, 10 North Stockton Street, Trenton, New Jersey 08608.

NOTICE OF PRICE INCREASE

The following prices are effective immediately for new sales and for subscriptions expiring June 30, 1979 for subscription services:

New Jersey Register	\$ 15.00
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Sets	
Original purchase without update service ...	\$325.00
Original purchase with update service	400.00
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Update service	15.00

This is the first increase in prices since 1975. Every effort has been made to keep the cost of this service as low as possible and the Division will continue to do so. We thank you for your understanding and continuing patronage.

(Continued from page 266)

sector in the delivery of essential services to the hearing impaired.

Within the Department of Labor and Industry, the Division of the Deaf operates together with the Division of Employment Services, the Division of Vocational Rehabilitation Services and the State CETA Administration Unit out of the Office of Human Resources which is headed by Assistant Commissioner Joan H. Wiskowski.

This facilitates close working relationships among these Divisions and the coordination of employment and training efforts to assist business and industry and the residents of this state.

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PUBLIC INTEREST NEWS

Next Rules Filing DEADLINE

May 17