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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

November 14, 2005

Honorable Dennis J. Yablonsky, Secretary
Department of Community and Economic Development
Commonwealth Keystone Building
4th Floor
Harrisburg, PA 17120

Re: Regulation #4-80 (IRRC #2504)
Department of Community and Economic Development
Community Development Grant Program

Dear Secretary Yablonsky: *Dennis*

In our review of this regulation, we noted a provision that could be modified by tolling the review period. We discussed this provision with your staff on November 9, 2005.

1. The last two sentences of Section 141.305(a) state, "The Department will review this monetary limitation on an annual basis and if necessary revise it. Future adjustments will be issued by the Department as a notice in the *Pennsylvania Bulletin* and codified in this chapter." Under the Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities Act (35 P.S. § 1764), the Department is directed to propose regulations to govern the allocation of funds to eligible entities. The Commonwealth Documents Law makes no provision for amending a regulation through a notice in the *Pennsylvania Bulletin*. Therefore, the last sentence of Subsection (a) should be deleted or amended to state that future adjustments will be made through the rulemaking process.

If you choose to toll the review period, your agency must deliver written notice to both the Standing Committees and the Commission on the same day. The written notice must be delivered before either Committee takes action on the regulation, or before the end of the Committees' review period on November 30, 2005, whichever occurs first.

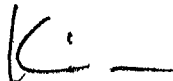
As required by Section 307.5 of our regulations, written notice must include:

1. A citation to the section(s) the Department is considering revising,
2. A description of the revisions the agency is considering, and
3. An explanation of how the revisions will satisfy the concerns listed above.

If your written notice includes revisions that are beyond the scope of our recommendations, the Commission may object to tolling the review period. We are required to notify you and the Committees within two business days after receipt of your tolling notice if we object. If the Commission objects to your tolling notice, the review period will not be tolled and your regulation will be considered by the Commission at our public meeting on December 1, 2005. If the Commission does not object, the review period is tolled for up to 30 days beginning with receipt of your letter and ending on the day you resubmit the regulation.

Please call me at 783-5506 if you have any questions.

Sincerely,



Kim Kaufman
Executive Director

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Enclosure

cc: Honorable Terry L. Punt, Chairman, Senate Community and Economic Development Committee
Honorable Gerald J. LaValle, Minority Chairman, Senate Community and Economic Development Committee
Honorable George C. Hasay, Majority Chairman, House Commerce Committee
Honorable Joseph F. Markosek, Democratic Chairman, House Commerce Committee
Robert A. Mulle, Esq., Office of Attorney General
David J. DeVries, Esq., Office of General Counsel
Jill B. Busch, Esq., Department of Community and Economic Development