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INDEPENDENT REGULATORY
REVIEW COMMISSION

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RECEIVED

January 2, 2007

The Honorable Kathleen A. McGinty, Chairperson
Environmental Quality Board
16th Floor Rachel Carson Building
P.O. Box 2063
Harrisburg, PA 17105-2063

**RE: Final Environmental
Quality Board Rulemaking
Mercury Emission Reduction
Requirements for Electric
Generating Units (#7-405)**

Dear Honorable Kathleen A. McGinty:

This is to advise you that our office is not authorized to publish the above referenced final rulemaking as deposited on December 29, 2006.

On November 27, 2006, our office was informed by the Chairman of the Senate Environmental Resources and Energy Committee that the Committee had voted on October 18, 2006 to extend its review of this final rulemaking by 14 days, as prescribed by the Regulatory Review Act.

The General Assembly adjourned *sine die* on November 28, 2006, leaving the Senate Environmental Resources and Energy Committee unable to assert its full 14-day review of the above referenced regulation.

The Department of Environmental Protection is required to resubmit this regulation to the Committee, to the appropriate standing committee in the House of Representatives, and to the Independent Regulatory Review Commission no earlier than January 22, 2007, pursuant to section 5.1 (j.3) of the Regulatory Review Act, as amended December 6, 2002 (P.L. 1227, 1236-37, No. 148), 71 P.S. 745.5a (2006 P.P.). The Committee will have at least 10 days from then to finally consider this final-form regulation.

In light of the additional time for committee review, the Legislative Reference Bureau is not authorized to publish the above referenced final-form regulations until full compliance with the requirements of section 5.1 (j.3) of the Regulatory Review Act are attained.

In addition, versions of page 50 of the official rulemaking documents are inconsistent with respect to the Regulatory Review information.

Sincerely,



Mary Jane Phelps
Director PA Code and Bulletin

MJP/ldb

CC: Alvin C. Bush, Chairman
Independent Regulatory Review Commission

Mary Jo White, Chairman
Senate Environmental Resources and Energy Committee

Robert Zech, Director
Legislative Reference Bureau