

2731



PENNSYLVANIA GAMING CONTROL BOARD
PO Box 69060
HARRISBURG, PENNSYLVANIA
17106-9060

MARY DIGIACOMO COLINS
CHAIRMAN

April 22, 2009

(717) 346-8300
FAX: (717) 346-8350

Kim Kaufman
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: Regulation Number 125-92

Dear Mr. Kaufman:

On March 25, 2009, the Board received the Independent Regulatory Review Commission's (Commission) order disapproving Regulation #125-92 (IRRC #2731). Under § 7 of the Regulatory Review Act, the Board may elect to proceed with the adoption of the final-form regulation without revisions, revise or modify the final-form regulation to respond to the objections raised by the Commission, or withdraw the final-form regulation.

Because all of the operating licensed facilities have reached the maximum level for the designated smoking areas permitted under the Clean Indoor Air Act of 2008 and because of the objections raised in the Commission's March 19, 2009 disapproval order, the Board voted on April 22, 2009, to withdraw this final-form rulemaking.

Sincerely,

A handwritten signature in cursive script that reads "Mary DiGiacomo Colins".

Mary DiGiacomo Colins
Chairman

cc: Standing Committees

RE:

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 125-92

DATE: 4-22-09

SUBJECT: Subpart C: Chapter 441a; Subpart E: Chapter 467a

AGENCY: Pennsylvania Gaming Control Board (PGCB)

TYPE OF REGULATION

- Proposed Regulation
- Final-Form Regulation (**Letter to Withdraw Regulation**)
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
1. <u>4/22/09</u>	<u>Elizabeth Tranch</u> Senator Jane M. Earll	Senate Community, Economic & Recreational Development
2. <u>4/22/09</u>	<u>W. Mackenzie</u> Senator Wayne D. Fontana	Senate Community, Economic & Recreational Development
3. <u>4/22/09</u>	<u>Delore J Swalt</u> Representative Dante Santoni, Jr.	House Gaming Oversight
4. <u>4/22/09</u>	<u>Heather Epler</u> Representative Curt Schroder	House Gaming Oversight
5. <u>4/22/09</u>	<u>Cheryl Yoder</u>	Independent Regulatory Review Commission
6.		Legislative Reference Bureau

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4/22/09