

# MISCELLANEOUS NOTICES/HEARINGS

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## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 7:00 a.m. to 5:00 p.m., at:

1-800-221-9311 (In New York State)  
(518) 270-2200 (Outside New York State)

or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236

## PUBLIC NOTICE Office of General Services Legal Services

**ATTENTION: OGS Finalizes Third Option for Vendors to List Products**

On October 18, 2006, OGS published updated Guidelines for comment in the *State Register* that would provide a third option for Manufacturers/Formulators to have their cleaning products listed on the New York State OGS Green Cleaning Product List. Public comments were considered in finalizing revisions to this portion of the Guidelines. The third option is now final and requires that a qualified independent organization verifies that the product meets either the Green Seal or Environmental Choice certification standard for that product. A qualified independent organization must be accredited to certify products such as water treatment chemicals, bottled water, drinking water additives, sanitation products or other similar products. The organization's responsibilities include reviewing laboratory testing and other information about the product(s) specified by the appropriate standard and verifying that the product(s) meet(s) the published product standard (GS-37, CCD-146, CCD-148 or GS-41/CCD-104). Please refer to the following website for more information:  
<http://www.ogs.state.ny.us/bldgadmin/environmental/ProductCertifMeetsStdClarif20070327.pdf>

## PUBLIC NOTICE Department of Health Draft for Public Comment

Allocation of Ventilators in an Influenza Pandemic:  
Planning Document  
NYS Workgroup on Ventilator Allocation in  
an Influenza Pandemic  
NYS DOH/ NYS Task Force on Life & the Law

### Executive Summary:

A powerful strain of avian influenza has generated concern about a possible pandemic, though scientists do not know with certainty whether or when a pandemic will occur. However, the better-prepared New York State is, the greater its chances of reducing morbidity, mortality and economic consequences. In a pandemic, many more patients could require the use of mechanical ventilators than can be accommodated with current supplies. A federal ventilator stockpile exists, and New York State plans to buy additional ventilators that would meet the needs of patients in a moderately severe pandemic. In a disaster on the scale of the 1918 influenza pandemic, however, stockpiles would not be sufficient to meet need. Even if the vast number of ventilators needed for a disaster of that scale were purchased, a sufficient number of trained staff would not be available to operate them. If the most severe forecast becomes a reality, New York State and the rest of the country will need to confront the rationing of ventilators.

An ethical framework must guide recommendations for allocating ventilators in a pandemic. Key ethical concepts are the duty to care for patients and the duty to use scarce resources wisely. Maintaining a balance between these two sometimes competing ethical obligations represents the core challenge in designing a just system for allocating ventilators.

The workgroup recommends an ethically and clinically sound system for allocating ventilators in a pandemic, containing the following elements:

- 1) Pre-triage requirements: Facilities must reduce the need for ventilators and expand resources before instituting ventilator triage procedures.
- 2) Patient categories for triage: All patients in acute care facilities will be equally subject to triage guidelines, regardless of their disease category or role in the community.
- 3) Implications of triage for facilities: State-wide consistency will prevent inequities; chronic care facilities will maintain different standards from acute care facilities.
- 4) Clinical evaluation: Clinicians will evaluate patients based on universally applied objective criteria, and offer time-based trials of ventilator support.

- 5) Triage decision-makers: Supervising physicians will take responsibility for triage decisions. Primary care clinicians will care for patients and will not determine ventilator allocation.
- 6) Palliative care: Palliative care will play a crucial role in providing comfort to patients, including those who do not receive ventilator treatment.
- 7) Appeals process: Physicians and patients require a means of requesting review for triage decisions; ethics committee members and others should be prepared to assist in the appeals process.
- 8) Communication about triage: Government and clinicians need to provide clear, accurate and consistent communication about triage guidelines. Data gathering and public comment can help improve the triage system.

The workgroup recommends that these guidelines be reviewed in public settings, including medical centers and community forums, with the explicit goals of encouraging education, comment and revision. After such public review, NYSDOH should incorporate improvements to these recommendations, and issue the revised document as a set of voluntary guidelines for acute care facilities.

NYSDOH is empowered to issue voluntary, non-binding guidelines for health care workers and facilities; such guidelines are readily implemented and would provide hospitals with an ethical and clinical framework for decision-making. The workgroup expects that compliance with voluntary guidelines would be extremely high. The complex legal issues raised by altered standards of care in a public health emergency create vulnerabilities for individual facilities as they draft policies. Facilities have requested detailed procedural advice from the state, and do not seek wide latitude in devising their own policies.

NYSDOH is also empowered to issue binding regulations for hospitals that would apply to standards of care during a pandemic. However, these rationing recommendations remain untested in actual circumstances; issuing them as binding regulations may produce unforeseen consequences. A ventilator allocation system must be designed with sufficient flexibility to adjust to changing clinical information. The static nature of regulation could make it an awkward mode for clinically detailed recommendations.

Among the most challenging legal questions related to the pandemic is the issue of liability protection for clinicians and facilities that adhere to rationing criteria in a public health crisis. Voluntary guidelines issued by NYSDOH for ventilator allocation provide strong evidence for an acceptable standard of care during the dire circumstances of a pandemic. However, there is no guarantee that a court would accept adherence to the guidelines as a defense against liability should lawsuits arise.

Legislation is the only avenue certain to provide robust protection for providers who adhere to the guidelines. Such legislation could offer immunity to health care providers who follow guidelines for ventilator allocation, or alternatively, could guarantee defense and/or indemnification to providers. The combination of voluntary guidelines based on sound ethical and clinical principles, paired with legislation that protects providers who comply with the guidelines, offers the best possible balance of clarity, flexibility, and confidence in designing public health policy for allocating ventilators in a pandemic.

The full text of this document is available on the New York State Department of Health website:

<http://www.health.state.ny.us/diseases/communicable/influenza/pandemic/ventilators/>.

Comments can be submitted to the Department at the following email address: [panflu@health.state.ny.us](mailto:panflu@health.state.ny.us).

Any questions can be directed to Patricia Anders at [pea02@health.state.ny.us](mailto:pea02@health.state.ny.us).

## PUBLIC NOTICE

### Power Authority of the State of New York

Pursuant to the Section 1252 of the Energy Policy Act of 2005 (EPAAct) [16 U.S.C. 2621 (2007)], the Trustees of the Power Authority of the State of New York (Authority) were required to consider adopting a new ratemaking standard for retail customers. The Demand Response and Smart Metering Standard (Standard) centers on the application of time-of-use rate schedules and metering equipment, reflecting any variance during different time periods in the cost of generating and purchasing electricity at the wholesale level. The EPAAct, which modified the Public Utility Regulatory Policies Act of 1978, provided for public comment as part of the consideration of the appropriateness of the new standard for various customer categories.

At their meeting of July 25, 2006, the Authority's Trustees directed that public notice of the Authority's consideration of the Standard be published in the New York *State Register* and that a public hearing be held at which customers and the public could make oral statements and/or submit written comments. A notice of public hearing was published in the Miscellaneous Notices/Hearings section of the *State Register* on November 15, 2006. A public hearing on the proposed standard was held on January 10, 2007, with the public comment period ending on January 24, 2007. Comments were filed by the City of New York's Department of Citywide Administrative Services.

At their meeting of March 27, 2007, the Authority's Trustees adopted the Standard in Section 1252 of EPAAct to the extent that the Authority has already done so and authorized the Authority to continue offering the current selection of programs, pricing alternatives and metering to its retail customers.

For more information regarding this determination, please contact the Authority's Corporate Secretary's Office at by phone (914-390-8036), fax (914-681-6949), e-mail ([secretarys.office@nypa.gov](mailto:secretarys.office@nypa.gov)), or regular mail (123 Main St., 15M, White Plains, NY 10601).

## Department of State

F-2007-0159

Date of Issuance - April 25, 2007

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at 41 State Street in Albany, New York.

In F-2007-0159, Staten Island Terminal, LLC, 447 95th Street, Suite 3A, Brooklyn, NY 11209, is proposing to establish a bulk cement and stone aggregate unloading terminal at a 5.02-acre site located along the Kill Van Kull Channel at 2535-2541 Richmond Terrace, Staten Island, Richmond County. The proposed activity includes construction of a 625-foot by 44-foot unloading platform parallel to the shore which would support a rail mounted mechanical ship unloader and a 554-foot-long enclosed belt conveyor which would run along the length of the platform. The belt conveyor would feed into a second inclined and enclosed belt conveyor leading to shore. The second conveyor belt would be 710 feet long and would be connected to a 21-foot by 381-foot trestle that would be connected to the eastern most corner of the platform. The trestle would be designed to support the movement of a

70-ton crane, a front end loader, or a truck for equipment maintenance or repairs to the unloading platform.

In order to install the proposed structures, and to provide a 38-foot water depth to accommodate the docking and unloading of a 42,000 deadweight ton cargo vessel approximately 608 feet in length, the applicant is proposing to drill, blast and dredge an estimated 40,000 to 44,000 cubic yards of material. The material (mostly rock) would be disposed of at an offshore location. In the event that any allowable contaminant levels are exceeded, the material would be sent to an onshore treatment facility. The dredge area is adjacent to the Federal navigation channel which was recently blasted and dredged to a depth of 50 feet.

The purpose of the proposed activity is allow the unloading and transfer of dry bulk cement from transoceanic ships via a mechanical transport pipeline to an onsite storage facility away from the unloading pier.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activity may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, May 10, 2007.

Comments should be addressed to the Division of Coastal Resources and Waterfront Revitalization, New York State Department of State, 41 State Street, Albany, New York 12231. Telephone (518) 474-6000; Fax (518) 473-2464.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

**PUBLIC NOTICE**

**Western Regional Off-Track Betting Corporation**

The Western Regional Off-Track Betting Corporation is requesting proposals from qualified accounting firms relating to an audit of our 457 deferred compensation plan, meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

*A copy of the proposal questionnaire may be obtained from:* Jacquelyne A. Leach, Comptroller, Western Regional Off-Track Betting Corporation, 8315 Park Rd., Batavia, NY 14020.

All proposals must be submitted no later 30 days from the date of publication in the *New York State Register* by 4:30 p.m.

**SALE OF  
FOREST PRODUCTS  
NOTICE OF SALE**

**Allegany Reforestation Area No. 1  
Contract No. X006534**

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice for the following Sale of Forest Products:

Sealed bids for 148.0 MBF more or less of larch timber located on Allegany Reforestation Area No. 1; Stand 111, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Floor, Albany, New York 12233-5027 until 11:00 a.m., Thursday, May 10, 2007.

*For further information, contact:* David J. Zlomek, Senior Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 9, 5425 County Rte. 48, Belmont, NY 14813-9758, (585) 268-5392

