

MISCELLANEOUS NOTICES/HEARINGS

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

or visit our web site at:
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

NOTICE OF PUBLIC HEARING

Department of Environmental Conservation
Notice of Additional Hearings
Extension of Public Comment Period

Notice is hereby given that the New York State Department of Environmental Conservation (Department), will hold additional legislative public hearings on proposed amendments to Part 215, Open Fires, Part 191, Forest Fire Prevention and Part 621, Uniform Procedures, pursuant to Environmental Conservation Law, Sections 1-0101, 3-0301, 19-0105, 19-1103, 190103, 19-0105, 19-0301, 19-0303, 19-0305, 70-0707, 71-2103 and 71-2105. These hearings are in addition to hearings listed in a Notice of Proposed Rulemaking that was published in the May 7, 2008 issue of the *New York State Register*.

Part 215 is being revised to ban most open burning statewide. It is currently only banned in cities, villages and in towns with population greater than 20,000. In addition, the revised rule will limit agricultural burning to naturally grown products such as vines, branches, leaves and stubble. It will also specifically allow such things as fire training, small cooking and camp fires, and ceremonial fires (*e.g.*, proper disposal of U.S. flags by open burning). Finally, the revisions to Parts 215, 191, and 621 will eliminate the need for permits to conduct open burning that is allowed by Part 215.

The Department will provide interpreter services for deaf persons at no charge. Written requests for interpreter services are required and should be submitted by July 21, 2008, to Laura Stevens, NYSDEC, 625 Broadway, Albany, NY 12233-3250, 518-402-8451; e-mail, airregs@gw.dec.state.ny.us. All hearings are held in locations that are reasonably accessible to persons with impaired mobility.

DEC will conduct a public information session for one hour prior to each of the public hearings listed in this Notice. During these sessions, DEC staff will entertain questions from the public concerning the proposed rulemaking. Each public information session will commence at 4:00 p.m. and end at 5:00 p.m. These sessions are intended to be informal and will not be part of the official hearing record. Any comments that the public wishes to be included in the record should be submitted during the official public hearing, or by email at the address listed below.

Monday, August 4, 2008, Public Hearing: 5:00 p.m. - 8:00 p.m.;
Information Session: 4:00 p.m. - 5:00 p.m.

Herkimer County Community College, Robert McLaughlin College Center, Hummel Corporate Center, 100 Reservoir Road, Herkimer, NY 13350

Tuesday, August 5, 2008, Public Hearing: 5:00 p.m. - 8:00 p.m.;
Information Session: 4:00 p.m. - 5:00 p.m.

SUNY Canton, Richard W. Miller Campus Center, Kingston Theater and Lobby, Canton, NY 13927

Wednesday, August 6, 2008, Public Hearing: 5:00 p.m. - 8:00 p.m.;
Information Session: 4:00 p.m. - 5:00 p.m.

Jamestown Community College, Training Center, Room 117, 10785 Bennett Road (Route 60), Dunkirk, NY 14048

Thursday, August 7, 2008, Public Hearing: 5:00 p.m. - 8:00 p.m.;
Information Session: 4:00 p.m. - 5:00 p.m.

Allegany County Office Building, Legislative Board Chambers, 7 Court Street, Belmont, NY 14813

Pursuant to Part 617 of the implementing regulations for the State Environmental Quality Review Act, the Department has prepared a Negative Declaration stating that the proposed actions will not have a significant adverse effect on the environment.

The Department invites all persons, organizations, corporations, and government agencies that may be affected by the proposed revisions to attend the hearings. At each hearing, persons who wish to make a statement will be invited to speak. It is requested that oral statements also be submitted in writing. The Department will give equal weight to written and oral statements, and since a cumulative record will be compiled it is not necessary for interested parties to attend each hearing. Information may be obtained from Robert Stanton, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany, NY 12233-3254, telephone, 518 402-8403; email: 215fires@gw.dec.state.ny.us. Written statements may be submitted until 5:00 p.m., August 14, 2008.

The deadline for submitting written statements regarding the proposed amendments, which was July 10, 2008, has been extended due to the additional hearings. Written statements must be submitted no later than 5:00 p.m., August 14, 2008.

The proposed regulation may be obtained from any of the following Department offices:

REGION 1, NYSDEC - Region 1 Headquarters, SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790-3409, Attention: Ajay Shah

REGION 2, 1 Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Attention: Sam Lieblich

REGION 3, 21 South Putt Corners Road, New Paltz, NY 12561, Attention: Ken Grzyb

REGION 4, 1130 North Westcott Rd., Schenectady, NY 12306, Attention: Don Spencer

REGION 5, 232 Golf Course Road, P.O. Box 220, Warrensburg, NY 12885, Attention: James Coutant

REGION 6, Watertown State Office Bldg., 317 Washington St., Watertown, NY 13601, Attention: Thomas Morgan

REGION 7, 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Reginald Parker

REGION 8, 6274 East Avon-Lima Road, Avon, NY 14414, Attention: Thomas Marriott

REGION 9, 270 Michigan Ave., Buffalo, NY 14203, Attention: Larry Sitzman

**NOTICE OF
PUBLIC HEARING**
Superintendent of Insurance and
Attorney General

Pursuant to Sections 201 and 301 and Articles 21 and 24 of the Insurance Law, the Superintendent of Insurance and the Attorney General will conduct Public Hearings in New York City, Albany, and Buffalo to obtain the views of interested persons about the proposed addition of a new regulation to the Insurance Department's regulations (Title 11 of the New York Code of Rules and Regulations) regarding permissible forms of insurance producer compensation and disclosure by insurance producers of all forms of compensation.

In 2004, the Attorney General and the Superintendent conducted investigations of a number of insurance brokers and insurers to determine whether certain types of producer compensation led to deceptive business practices by brokers and insurers. The investigations also focused on whether there was adequate disclosure of compensation to clients. The Attorney General and the Superintendent found that at many companies, payment of contingent compensation led insurance producers to steer their clients to insurers paying the producers the most compensation. The Attorney General and the Superintendent also found that the then current level of disclosure did not properly inform clients of the compensation to be received.

As a result, the Attorney General and the Superintendent entered into a number of agreements and stipulations that prohibited the receipt of contingent commissions by certain insurance brokers; prohibited the payment of contingent compensation by certain insurers for certain lines of insurance; provided a mechanism for expansion of the prohibition of contingent compensation to additional lines of insurance; and required substantial improvements in the disclosure of producer compensation provided to certain producers' clients. The agreements, however, did not include all the producers and insurers doing business in New York.

The Superintendent of Insurance is empowered under the Insurance Law to prescribe regulations interpreting the provisions of the Insurance Law. Insurance Law Section 2101(k) defines "insurance producer" to mean an insurance agent, insurance broker, reinsurance intermediary,

excess lines broker, or any other person required to be licensed under the laws of this State to sell, solicit or negotiate insurance.

The proposed regulation will address the issue of "producer compensation" for the market as a whole. For purposes of the proposed regulation, "compensation" shall mean anything of value, including money, credits, loans, interest on premium, forgiveness of principal or interest, vacations, prizes, gifts or the payment of employee salaries or expenses, whether paid as commission or otherwise, but shall not include benefits provided to an insurance agent from an insurer as part of the insurer's employee benefit plan where benefits are similarly provided to non-agent employees.

The Superintendent and the Attorney General seek the views of interested parties on whether insurance producers in this State should be required to make full disclosure to the insured, and obtain its consent, in writing of any compensation from an insurer or other entity relating to the issuance, renewal or servicing of the insured's insurance policy or annuity contract.

The Superintendent and the Attorney General also seek views about contingent commissions, and whether such compensation creates an irreconcilable conflict of interest for producers.

Independent insurance producers (as opposed to captive agents who write business exclusively for a single insurer) generally receive two types of compensation. The first is a flat percentage commission based on premium volume paid at the time of sale. There may be different flat rates paid for new and renewal business.

The second is a contingent commission, which may be paid in addition to flat percentage commissions, and which typically is based on profit, volume, retention, and/or business growth. Contingent commissions are not payable on a per risk basis, but are allocated based on the performance of the entire portfolio of business placed with a particular insurer. The contingent commission schedule is known to producers at the beginning of a given period of time (usually one year), but contingent commissions actually earned are calculated some period after business is placed and loss experience is observed.

Some insurers also pay supplemental commissions. Supplemental commissions are similar to contingent commissions in that an incentive structure based on profit, volume, retention, and/or business growth is generally put in place at the beginning of a given year. But under a supplemental system, rather than paying additional cash commissions at the end of the year, the incentive structure is used to reset the flat percentage commission for the following year.

According to critics, contingent commissions create a conflict of interest for ostensibly independent producers. Contingent commissions are paid to such producers based on the volume and profitability of business that they refer to insurers. The size and structure of the contingent commissions that insurers offer to intermediaries therefore can vary significantly and can lead to abuses such as improper "steering" of clients to insurers that allegedly fail to provide coverage as beneficial as that offered by competitors.

Defenders of contingent commissions argue that competition in the marketplace can adequately address any conflicts. They also point out that the conflicts of interest created by contingent commissions are also inherent in the payment of supplemental and flat percentage commissions.

The Attorney General and the Superintendent are interested in learning to what extent contingent, supplemental and flat percentage commissions are currently leading to steering or other deceptive or anti-competitive practices in the marketplace, and to understand what mechanisms are most effective to curb such practices.

In particular, oral and written testimony should address topics pertaining to the form and disclosure of producer compensation (including contingent commissions) such as: whether disclosure of compensation is necessary; whether disclosure requirements should

apply to all agents and brokers; whether disclosure should be required when the amount of producer compensation cannot be ascertained at the outset of the customer/producer relationship; whether there are certain categories of transactions that should be exempted from some or all disclosure requirements; whether certain types of compensation should be permissible and whether steering associated with contingent commissions should be considered an unfair act or practice within the meaning of Article 24 of the Insurance Law.

The public hearings are scheduled as follows:

- DATE: July 14, 2008
- LOCATION: Buffalo & Erie County Public Library
One Lafayette Square
Buffalo, NY 14203
- TIME: 10:00 AM
- DATE: July 23, 2008
- LOCATION: Chancellor's Hall
State Education Building
89 Washington Ave
Albany, NY 12234
- TIME: 10:00 AM
- DATE: July 25, 2008
- LOCATION: New York University
Eisner & Lubin Auditorium, 4th Floor
Helen and Martin Kimmel Center for University Life
60 Washington Square South
New York, NY 10012
- TIME: 10:00 AM

The hearings are open to the public. Interested parties may testify at these hearings, or submit written comments to be included in the hearing record. Any person wishing to testify should contact the Insurance Department's Public Affairs Bureau at (212) 480-5262. Oral testimony will be allowed for up to 5 minutes.

Written comments for the hearing record may be submitted to Broker Compensation Hearings, Public Affairs Bureau, New York State Insurance Department, 25 Beaver Street, New York, NY 10004, or e-mailed to PublicHearingsComments@ins.state.ny.us with the subject line "BROKER COMPENSATION HEARINGS." Comments will be accepted by the Department for up to 15 business days after the public hearing.

For additional information about this hearing, please contact Ellen Buxbaum, Associate Counsel - Special Investigations at (212) 480-6254 or by e-mail at EBuxbaum@ins.state.ny.us.

PUBLIC NOTICE
Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for July 2008 will be conducted on July 15 commencing at 9:30 a.m. and July 16 at 9:30 a.m. This meeting will be conducted at New York Network, Suite 146, South Concourse, Empire State Plaza, Albany, NY. Directions and parking information available at (www.nyn.suny.edu).

For further information, contact: Office of Commission Operations, Department of Civil Service, Alfred E. Smith State Office Bldg., Albany, NY 12239, (518) 473-6598

REVISED NOTICE
PUBLIC NOTICE
City of New York
Office of Labor Relations

The City of New York Office of Labor Relations (OLR) is seeking proposals from qualified vendors to provide international core investment management services for the International Equity Investment Fund of the City of New York Deferred Compensation Plan. The Request for Proposals will be available beginning on Monday, June 23, 2008. Responses are due no later than 4:30 p.m. Eastern Time on Monday, August 04, 2008. To obtain a copy of the RFP, please visit the Plan's web site at: <http://nyc.gov/html/olr/html/requests/rfp.shtml>

If you have any questions, please submit them by fax to Georgette Gestely, Director, at (212) 306-7376.

PUBLIC NOTICE
Nassau County Village Officials Association
Solid Waste Committee
Request for Proposals for Municipal Solid Waste Disposal Services on Behalf of the Villages of: East Rockaway, Freeport, Garden City, Lynbrook, Malverne, Rockville Centre, Valley Stream

The Nassau County Village Officials Association – Solid Waste Committee (NCVOA-SWC) is seeking Proposals from private or public sector entities to provide Disposal Services by means of providing one or more Transfer Stations, or a Designated Disposal Facility. Proposals are due at 99 Church Street in Malverne, New York by 3:00PM on July 18, 2008. The successful Proposer(s) shall commence services on August 20, 2009. Contractors may propose to use publicly owned Transfer Stations within the Villages as part of their Disposal Services.

The RFP may be obtained by contacting: Joseph J. Hennessy, Trustee, Incorporated Village of Malverne, 99 Church St., Malverne, NY 11565, (516) 599-1200, e-mail: temmel@malvernevillage.org

PUBLIC NOTICE
Department of State
F-2007-1155

Date of Issuance - July 2, 2008

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 One Commerce Plaza, 99 Washington Avenue in Albany, New York.

In F-2007-1155, Entergy Nuclear Fitzpatrick LLC is proposing renewal of the operating license issued by the U.S. Nuclear Regulatory Commission for the James A. Fitzpatrick Nuclear Power Plant in Scriba, NY for an additional twenty years beyond the current expiration date of October 17, 2014.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities 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, July 15, 2008.

Comments should be addressed to the Division of Coastal Resources and Waterfront Revitalization, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 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

Department of State

F-2008-0276; F-2008-0277; F-2008-0278

Date of Issuance - July 2, 2008

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 One Commerce Plaza, 99 Washington Avenue in Albany, New York.

In F-2008-0276, The City of Rochester, has applied to the U.S. Army Corps of Engineers, Buffalo District, for a permit to perform dredging of the Genesee River at the City owned Port Terminal Facilities. The proposed dredging at this location will remove approximately 5,280 cubic yards of river sediments to a depth of 230' by the U.S. Army Corps of Engineers' (USACE) dredge contractor, with disposal at the USACE open water disposal site within Lake Ontario (IGLD 85). The USACE will conduct the dredging on behalf of the City of Rochester as part of the USACE 2008 Spring / Summer Genesee River Federal Navigation Project. The stated purpose of this proposed project is to "provide for the maintenance and operation of a public facility" and is "anticipated to be an ongoing port maintenance function." This project is located at the City owned facility known as the Port Terminal Building Facility, Genesee River, City of Rochester, Monroe County, New York.

In F-2008-0277, The City of Rochester, has applied to the U.S. Army Corps of Engineers, Buffalo District, for a permit to perform dredging of the Genesee River at the City owned marina's northern docking area. The proposed dredging at this location will remove approximately 3,120 cubic yards of river sediments to depths ranging between of 237' to 240' by the U.S. Army Corps of Engineers' (USACE) dredge contractor, with disposal at the USACE open water disposal site within Lake Ontario (IGLD 85). The USACE will conduct the dredging on behalf of the City of Rochester as part of the USACE 2008 Spring / Summer Genesee River Federal Navigation Project. The stated purpose of this proposed project is to " assure boat access and mooring along the west bank of the Genesee River adjacent to public facilities which were developed to support public transportation, promote tourism and enhance recreational opportunities along the Great Lakes and its waterways". This project is located at the City owned facility known as the River Street Marina/North Docks, Genesee River, City of Rochester, Monroe County, New York.

In F-2008-0278, The City of Rochester, has applied to the U.S. Army Corps of Engineers, Buffalo District, for a permit to perform dredging

of the Genesee River at the City owned marina's southern docking area. The proposed dredging at this location will remove approximately 6,500 cubic yards of river sediments to depths ranging between of 234' to 236' by the U.S. Army Corps of Engineers' (USACE) dredge contractor, with disposal at the USACE open water disposal site within Lake Ontario (IGLD 85). The USACE will conduct the dredging on behalf of the City of Rochester as part of the USACE 2008 Spring / Summer Genesee River Federal Navigation Project. The stated purpose of this proposed project is to "assure boat access and mooring along the west bank of the Genesee River adjacent to public facilities which were developed to support public transportation, promote tourism and enhance recreational opportunities along the Great Lakes and its waterways". This project is located at the City owned facility known as the River Street Marina/South Docks, Genesee River, City of Rochester, Monroe County, New York.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities 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, July 17, 2008.

Comments should be addressed to the Division of Coastal Resources and Waterfront Revitalization, Department of State, One Commerce Plaza, 99 Washington Avenue, 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

Department of State

The document included as an Appendix in this issue of the *State Register* is a summary of revisions proposed for the Community Services Block Grant Management Plan Federal Fiscal Years 2008 - 2009 being presented for public comment. A complete document including these proposed changes will be available for review on the Department of State website at <http://www.dos.state.ny.us/dcs/managementplan2008-09.htm>.

When reviewing the proposed Management Plan Amendment Federal Fiscal Years 2008 - 2009, please note that [bracketed] text is text that is proposed to be deleted, and underlined text is text that is proposed to be inserted.

Comments will be accepted for a 30 day period ending on July 21, 2008. All comments must be submitted in writing and addressed to:

NYS Department of State
Division of Community Services
Attn: Management Plan Comments
99 Washington Ave., Suite 640
Albany, NY 12231
Or by e-mail: Debra.Relyea@dos.state.ny.us

PUBLIC NOTICE

Town of Williamson

The Town of Williamson is soliciting proposals from Financial organizations to act as trustee to their Deferred Compensation Plan meeting the requirement of Section 457 of the Internal Revenue Code and the "Rules and Regulations" [Parts 9000 to 9006 of Subtitle II of Title 9 NYCRR ("Subtitle II")] promulgated by the New York State Deferred Compensation Board pursuant to the authority granted by the State Finance Law, Article 2, Section 5.

A copy of the proposal questionnaire may be obtained from: Town of Williamson, Marlene A. Gulick, Town Clerk, 6380 Rte. 21, Suite II, Williamson, NY 14589, (315) 589-8100

All proposals must be submitted not later than 30 days from the date of publication in the New York State Register.

**SALE OF
FOREST PRODUCTS
NOTICE OF SALE
Allegany Reforestation Area No. 1
Contract No. X006957**

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

Sealed bids for 54 cords more or less and 324.7 MBF more or less of red pine, white pine, and scotch pine timber located on Allegany Reforestation Area No. 1; Stand 120, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, July 17, 2008.

For further information, contact: David 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

**SALE OF
FOREST PRODUCTS
NOTICE OF SALE
Cayuga Reforestation Area No. 1
Contract No. X006964**

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

Sealed bids for 167.6 MBF more or less of sawtimber; 120 cords more or less mixed pulpwood/firewood located on Cayuga Reforestation Area No. 1, Stand(s) A-13, 22 and B-1, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, July 17, 2008.

For further information, contact: Mark Zupal, Forester 1, Department of Environmental Conservation, Division of Lands and Forests, Region 7, 1285 Fisher Ave., Cortland, NY 13045-1090, (607) 753-3095

