

DEPARTMENT OF AGRICULTURE
ANIMAL HEALTH AND FOOD PRODUCTS INSPECTION
NOTICE OF PUBLIC COMMENT PERIOD

301 Food Products Inspection

The Delaware Department of Agriculture Poultry and Animal Health and Food Products Inspection Section ("the Department") is proposing to amend its existing regulations concerning the inspection of meat, poultry, and egg products and for the humane slaughter of livestock so that they are equal to existing federal statutes and regulations that deal with these subject matters. By doing so the Department will bring its regulations current with modifications to 9 CFR Parts 300 through 500 since the Department last promulgated its regulations for food safety in April of 2002. The Department also proposes to incorporate by reference the U.S. Department of Agriculture's regulations dealing with the inspection of eggs and egg products and for the voluntary inspection of eggs.

Comments by the public concerning these proposed regulations should be submitted in writing to Assistant State Veterinarian, Caroline Hughes, D.V.M., whose address with the Department is 2320 South Dupont Highway, Dover, Delaware 19901. Written comments must be received by Dr. Hughes on or before May 1, 2008 to be considered prior to the adoption of these proposed regulations.

Copies of the relevant portions of the Code of Federal Regulations that are to become enforceable in this state at the conclusion of the administrative procedures process may be obtained by contacting the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402-9328. For more information, contact Dr. Hughes by calling (302) 698-4561.

ANIMAL HEALTH AND FOOD PRODUCTS INSPECTION
NOTICE OF PUBLIC COMMENT PERIOD

304 Exotic Animal Regulations

The Delaware Department of Agriculture proposes these regulations in accordance with the General Assembly's mandate to enforce Chapter 72 of Title 3 of the **Delaware Code** and to specify the means by which citizens of the State of Delaware may obtain a permit from the Delaware Department of Agriculture to possess, sell, or exhibit, exotic animals within the state. **It should be noted here that these regulations do not supersede Delaware Code Title 7 Chapter 6 regarding Endangered Species.**

The Delaware Department of Agriculture solicits written comments from the public concerning these proposed regulations. Any such comments should be submitted to the State Veterinarian, Sara Busch, DVM, at Delaware Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901 on or before May 1, 2008. Copies of the proposed regulations are available on request.

HARNESS RACING COMMISSION
NOTICE OF PUBLIC HEARING

501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change its Rule 10 by the addition of a proposed Rule 10.2.8.3. The Commission will hold a public hearing on the proposed rule changes on May 13, 2008. Written comments should be sent to Hugh J. Gallagher, Administrator of Harness Racing, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901. Written comments will be accepted for thirty (30) days from the date of publication in the *Register of Regulations* on April 1, 2008.

The proposed changes are for the purpose of updating Rule 10 to reflect current policies, practices and procedures. Copies are published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml A copy is also available for inspection at the Racing Commission office.

THOROUGHBRED RACING COMMISSION
NOTICE OF PUBLIC HEARING

1001 Thoroughbred Racing Rules and Regulations

The Delaware Thoroughbred Racing Commission in accordance with 3 **Del.C.** §10103(c) has proposed changes to its rules and regulations. The proposal amends Section 13 of the rules and regulations to address Claiming Races by amending existing Rule 13.1.1, 13.1.2, and 13.6.1.

A public hearing will be held on April 30, 2008 at 10:00 a.m. in the second floor conference room of the Horsemen's Office at Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware where members of the public can offer comments. Anyone wishing to receive a copy of the proposed regulations may obtain a copy from the Delaware Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware. Copies are also published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml. Persons wishing to submit written comments may forward these to the attention of John F. Wayne, Executive Director, at the above address. The final date to receive written comments will be at the public hearing.

DEPARTMENT OF EDUCATION

The State Board of Education will hold its monthly meeting on Thursday, April 17, 2008 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
NOTICE OF PUBLIC COMMENT PERIOD

Medicaid for Workers with Disabilities

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan and the Division of Social Services Manual (DSSM) related to the implementation of the Medicaid Buy-In program for the working disabled.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Planning and Policy Development Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to 302-255-4425 by April 30, 2008.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DIVISION OF SOCIAL SERVICES
NOTICE OF PUBLIC COMMENT PERIOD
Child Care Subsidy Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and

Social Services (DHSS) / Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy and Program Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by April 30, 2008.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF INSURANCE

NOTICE OF PUBLIC COMMENT PERIOD

302 Captive Insurance Financial Regulation [Formerly Regulation 51]

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of intent to adopt proposed Department of Insurance Regulation 302 relating to financial and reporting requirements of captive insurance companies. The docket number for this proposed amendment is 681.

The purpose of the proposed amendment to regulation 302 is to update the existing regulation with respect to statutory law. The text of the proposed amendment is reproduced in the April 2008 edition of the *Delaware Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:30 p.m., Monday May 5, 2008, and should be addressed to Mitchell G. Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.2021 or email to mitch.crane@state.de.us.

DEPARTMENT OF LABOR

DIVISION OF INDUSTRIAL AFFAIRS

OFFICE OF WORKERS' COMPENSATION

NOTICE OF PUBLIC HEARING

The Secretary of Labor in accordance with 19 **Del.C.** §§2322B and §2322F(j) has proposed rules and regulations relating to workers' compensation. These proposals set forth health care payment system with coordinated instructions and guidelines developed by the Health Care Advisory Panel to assist in the health care treatment in workers' compensation ("Practice Guidelines") and also set forth the utilization review program developed by the Health Care Advisory Panel and associated utilization request form to assist in the health care treatment in workers' compensation ("Utilization Review" and "Utilization Review Form").

A public hearing will be held before the Health Care Advisory Panel ("Panel") at 4:00 p.m. on May 12, 2008, in the Department of Labor Fox Valley Annex, 4425 N. Market Street, Wilmington, Delaware 19802 where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from John Kirk, Administrator, Workers' Compensation, Division of Industrial Affairs, Department of Labor, P.O. Box 9828, 4425 N. Market Street, Wilmington, Delaware 19809-0828. Persons wishing to submit written comments may forward these to the Panel at the above address. The final date to receive written comments will be at the public hearing.

The Panel will consider making a recommendation to the Secretary at the regularly scheduled meeting following the public hearing.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD

3507 Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas, and 3758 Possession of V-notched Lobsters Prohibited

Title of the Regulations:

Tidal Finfish Regulation and Shellfish Regulation

Brief Synopsis of the Subject, Substance and Issues:

The commercial black sea bass fishery in Delaware is managed by an individual quota system (ITQ) that is distributed to those fishermen meeting specific qualifying criteria for participation in either the fish pot or commercial hook and line fisheries. The current regulations do not allow the transfer of quota between individuals. However, declining quotas due to slower than anticipated stock recovery rates and a lack of participation by some individuals that are assigned quotas has created a situation where it would be advantageous to the fishermen to transfer quota in order to fully utilize Delaware's annual commercial black sea bass quota. This amendment to the regulation would permit eligible participants in the commercial sea bass fishery to make a one-time per season transfer of their quota, either in part or in total, to another eligible participant in either the commercial sea bass pot fishery or the commercial sea bass hook and line fishery respectively on forms to be supplied by the Department.

The purpose of the proposed lobster regulatory change is to bring Delaware in to compliance with Addendum XI to Amendment 3 of the Atlantic States Marine Fisheries Commission lobster management plan for federal waters off Delaware in what is known as Lobster Conservation Management Area 5. Delaware is required to re-define marking requirements for female lobsters. The mark used, called a V-notch, is presently defined in Delaware regulations as a straight-sided triangular cut without setal hairs at least ¼ inch in depth in the right of center tail flipper. The proposed change will re-define a V-notch as being at least 1/8 inch deep with or without setal hairs.

Notice of Public Comment:

Individuals may address questions to the Fisheries Section, Division of Fish and Wildlife, (302) 739 3441. A public hearing on these proposed regulations will be held in the Department of Natural Resources and Environmental Control Auditorium, at 89 Kings Highway, Dover, DE at 7:00 PM on April 24, 2008. Individuals may present their opinion and evidence either at the hearing or in writing to Lisa Vest, Hearing Officer, Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, DE 19901 or via e-mail to Lisa.Vest@state.de.us. The hearing record will remain open for written or e-mail comments until 4:30 PM April 30, 2008.

Prepared By:

Richard Cole, 302-739-4782, February 19, 2008

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION 300 Board of Architecture

NOTICE OF PUBLIC COMMENT PERIOD

The Delaware Board of Architects in accordance with 24 Del.C. §306(a)(1) has proposed changes to its rules and regulations. The proposal amends multiple sections of the rules and regulations to address notice requirements for out of state architects intending to offer services or participate in a design competition in Delaware, conforming Architect Registration Examination timing and retake requirements to the rules of the National Conference of Architectural Registration Board, Continuing Education (CE) requirements for previously licensed architects, increasing the biennial CE requirement from 16 to 24 unit hours, and signature and seal requirements for technical submissions. The proposed changes to the rules and regulations also contain provisions

for online renewal and attestation of having fulfilled CE requirements.

Members of the public can offer comments on the proposed changes by submitting their comments in writing to the Board of Architects, Attn: Margaret Foreit, 861 Silver Lake Boulevard, Suite 203, Dover, Delaware 19904. The final date to receive written comments will be April 30, 2008. Anyone wishing to receive a copy of the proposed regulations may obtain a copy from the Board of Architects at the above address. The Board will consider promulgating the proposed regulation at its regularly scheduled meeting following the written comment period.

DIVISION OF PROFESSIONAL REGULATION
500 Board of Podiatry

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD

The Board of Podiatry ("Board") was established to protect the public from unsafe practices and from occupational practices, which tend to reduce competition or fix the price of services rendered by the professions under its purview. The Board was further established to maintain minimum standards of practitioner competency and delivery of services to the public. The Board is authorized by 24 **Del.C.** §506(a)(1) to make, adopt, amend, and repeal regulations as necessary to effectuate those objectives.

Pursuant to 24 **Del.C.** §3706(a)(1), the Board has proposed amendments to its regulation section 5.0. Specifically, the proposed changes to section **5.0 Licenses (In-Training, Lapse/Renewal, Inactive)** create a mandatory audit of all late-renewed licensees to verify compliance with the continuing education requirement. Other grammatical, typographic, or stylistic changes are also included.

A public hearing is scheduled for Thursday, July 17, 2008 at 5:00 p.m. in the second floor Conference Room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Board care of Margaret Foreit at the above address. The final date to submit written comments shall be at the public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Margaret Foreit at the above address or by calling (302) 744-4500.

The Board will consider promulgating the proposed regulations immediately following the public hearing.

DIVISION OF PROFESSIONAL REGULATION
2925 Real Estate Commission Education Committee

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD

PLEASE TAKE NOTICE, pursuant to 29 **Del.C.** Chapter 101 and 24 **Del.C.** Sections 2905(a)(1) and 2911(b), the Delaware Real Estate Commission proposes to revise its Guidelines for Fulfilling the Delaware Real Estate Education Requirements. First, Rule 6.1.1.7 will be added to provide that courses addressing the use of technology in delivering real estate services may be considered eligible for continuing education credits. Rule 6.3 will be added to provide that continuing education programs must be a minimum of one hour and delivered in one hour increments. Finally, Rule 8.2 will be amended to state that a student who arrives at a continuing education program after the instruction begins shall not receive continuing education credit.

A public hearing will be held on May 8, 2008 at 9:15 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Real Estate Commission, 861 Silver Lake Boulevard, Dover, Delaware 11904. Persons wishing to submit written comments may forward these to the Commission at the above address. The final date to receive written comments will be at the public hearing.

The Commission will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

HUMAN RELATIONS COMMISSION
Equal Accommodations and Fair Housing
NOTICE OF PUBLIC HEARING AND COMMENT PERIOD

The State Human Relations Commission, in accordance with 29 **Del.C.** Chapter 101 and 6 **Del.C.** §§4506 and 4616, proposes amendments to the Equal Accommodations Regulations and Fair Housing Regulations. The changes are required to clarify hearing procedures and to comply with changes to "The Delaware Equal Accommodations Law" and "The Delaware Fair Housing Act", 6 **Del.C.** Chapters 45 and 46 and 31 **Del.C.** Chapter 30 and 31, and other items.

A public hearing is scheduled for Thursday, May 8, 2008 at 7:00 p.m. in the second floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904, where members of the public may offer comments. The Commission will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Commission care of Sheryl A. Paquette, Division of Human Relations, 861 Silver Lake Blvd., Suite 205, Dover, DE 19904. The final date to submit written comments shall be at the public hearing. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from Sheryl A. Paquette, Division of Human Relations, 861 Silver Lake Blvd., Suite 205, Dover, DE 19904, (302) 739-4567.

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION SOLUTIONS
NOTICE OF PUBLIC COMMENT PERIOD

Revisions to the Delaware Manual on Uniform Traffic Control Devices, Parts 1, 7, 8 and 9

Under Title 17 of the **Delaware Code**, Sections 134 and 141, as well as 21 **Delaware Code** Chapter 41, the Delaware Department of Transportation (DelDOT), is seeking to adopt a Delaware version of the Federal Manual on Uniform Traffic Control Devices (MUTCD). The Department has now drafted changes to Parts 1, 7, 8, and 9 of the Federal MUTCD. Other portions of the MUTCD have already been drafted and adopted.

Public Comment Period

The Department will take written comments on the draft changes to the Delaware MUTCD from April 1, 2008 through April 30, 2008.

Copies of the Draft Delaware MUTCD can be obtained by reviewing or downloading a PDF copy at the following web address: <http://regulations.delaware.gov/register/april2008/proposed/MUTCD.pdf>.

Questions or comments regarding this document should be directed to:

Donald Weber, P.E.

Assistant Director of Transportation Engineering

Division of Transportation Solutions

Delaware Department of Transportation

169 Brick Store Landing Road

Smyrna, DE 19977

(302) 659-2002 (telephone)

(302) 653-2859 (fax)

don.weber@state.de.us