
DEPARTMENT OF EDUCATION

The State Board of Education will hold its monthly meeting on Thursday, August 16, 2007 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL****DIVISION OF AIR AND WASTE MANAGEMENT****NOTICE OF PUBLIC HEARING****1138 Emission Standards for Hazardous Air Pollutants for Source Categories**

Delaware adopted by reference the federal Maximum Achievable Control Technology (MACT) standard applicable to chromium electroplating and anodizing tanks (40 CFR Part 63 Subpart N) into Regulation No. 1138 (formerly 38) on September 1, 1999. Since this initial adoption, the EPA has revised the federal MACT standard several times. These EPA revisions have changed the federal MACT standard's Title V permit requirement, emission limits, definitions, compliance provisions and performance test requirements.

The purpose of this amendment to Subpart N of Regulation No. 1138 is to be consistent, where appropriate, with federal requirements. One of the federal changes, which the Department proposes to include, will permanently exempt small area sources from Title V permitting requirements. These sources will still be subject to the MACT requirements through their air permits under Regulation 1102.

With this rulemaking, the Department will also amend Subpart N to be consistent with the Delaware Administrative Code format. The Department will also change from our past adoption by reference format and provide the complete regulatory text. This latter change will eliminate the need for the public and regulated community to interpret the adopted federal standards and the changes made when the Department originally adopted these standards into Regulation No. 1138.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Thursday, August 23, 2007 beginning at 6:00PM in the DNREC Auditorium at the Richardson and Robbins Building, 89 Kings Highway, Dover DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Air Quality Management Section, 715 Grantham Lane, New Castle, DE 19720.

Prepared By:

James R. Snead, 302-323-4542, james.snead@state.de.us

June 20, 2007

DIVISION OF FISH AND WILDLIFE**NOTICE OF PUBLIC HEARING****Tidal Finfish Regulation 3521 Weakfish Size Limits; Possession Limits; Seasons**

In accordance with Addendum II to Amendment 4 of the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Weakfish, Delaware is required to lower the recreational possession limit on weakfish from eight (8) per day to six (6) per day by October 29, 2007. Similarly, the commercial hook and line daily harvest limit shall be reduced as well from eight (8) per day to six (6) per day, except on four specific days of the week as indicated by the Department on said person's food fishing equipment permit for hook and line. During the four days of the week so specified, commercial hook and line fishermen are not constrained by daily harvest limits, although minimum size limits still apply. The Atlantic States Marine Fisheries Commission took this action in order to conserve weakfish as an aid to future stock recovery. All major weakfish harvesting states along the Atlantic seaboard are required to take this action.

If commercial fishing removals of weakfish should rise to a pre-determined level consistent with average removals over the last five years, the Commission will give consideration to further restraints on commercial fishing. Similarly if Delaware's or any other state's commercial weakfish landings exceed its five-year mean by

more than 25% in any single year, the Commission will review the findings and take action as it deems appropriate. If the commercial measures in the Weakfish Plan are modified, it would be incumbent upon Delaware to come into compliance with the applicable changes.

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 August 29, 2007. 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 August 31, 2007.

Prepared By:

Roy W. Miller, 302-739-9914
June 28, 2007

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
400 Delaware Gaming Control Board
NOTICE OF PUBLIC HEARING

The Delaware Gaming Control Board, in accordance with 29 **Del.C.** Chapter 101 and 28 **Del.C.** §1503, proposes amendments to section **5.0 Reports After Games** of the **Regulations Governing Bingo**. The proposed amendments clarify a licensee's post-event/post-function reporting requirements. The Board has further proposed amendments to the **Regulations Governing Charitable Gambling Other Than Raffles** in section **6.0 Operation of Games** and section **12.0 Reports After the Function**. The proposed amendments to section 12.0 clarify a licensee's post-event/post-function reporting requirements. The proposed amendments to section 6.0 alter the maximum allowable wagers for various charitable games.

In accordance with 29 **Del.C.** Chapter 101 and 28 **Del.C.** §1504, the Board proposes the establishment of **404 Regulations Governing No Limit Texas Hold'em Poker**. Section **1.0 Reports After the Function** establishes a licensee's post-event/post-function reporting requirements but allows 30 days for submission of reports. Section **2.0 Limitation of Texas Hold'em Tournaments** clarifies the allowable timeframe for holding tournaments. Section **3.0 Re-buys** seeks to reconcile two conflicting statutory provisions declaring re-buys optional.

Minor grammatical, typographic, or stylistic changes may also be included.

A public hearing is scheduled for Thursday, September 6, 2007 at 1:00 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 Tim Oswell 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 Tim Oswell at the above address or by calling (302) 744-4530.

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

DIVISION OF PROFESSIONAL REGULATION
500 Board of Podiatry
NOTICE OF PUBLIC HEARING

The Delaware Board of Podiatry, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §506(a)(1), proposes changes to its regulations 7.0, relating to disciplinary hearings, and 9.0, which lists crimes substantially related to the practice of podiatric medicine. Specifically, the changes to regulation **7.0 Disciplinary Proceedings And Hearings** clarify the grounds for discipline found in 24 **Del.C.** §515(a)(5) by providing examples of consumer fraud or deception; the practice of false advertising is explicitly prohibited. The changes to regulation **9.0 Definitions** removes the crime of loitering from the Board's list of crimes substantially related to the practice of

podiatric medicine. Other grammatical, typographic, or stylistic changes are also included.

A public hearing will be held on the proposed changes on Thursday, September 20, 2006 at 5 p.m. in the 2nd floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person on the proposed regulations. Any written comments should be submitted to the Board care of Shauna Slaughter at the above address. The final date to submit written comments shall be at the above scheduled public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Shauna Slaughter at the above address or by at (302) 744-4534.

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

DIVISION OF PROFESSIONAL REGULATION

2500 Board of Pharmacy NOTICE OF PUBLIC HEARING

The Delaware Board of Pharmacy, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §2509, proposes amendments to its regulation 3.0. Specifically, the proposed addition to **3.0 Pharmacy Requirements** would require the pharmacist-in-charge at each pharmacy to develop written policies for situations in which a pharmacist's professional obligation to dispense certain pharmaceuticals may conflict with the pharmacist's personal beliefs, potentially causing the pharmacist to refuse to dispense the pharmaceutical. The Board's proposed regulatory changes do not specify how such situations should be handled. Instead, the proposed changes merely require the pharmacist-in-charge at each pharmacy to develop written policies for such situations.

The Delaware Board of Pharmacy also proposes amendments to its regulation 16.0 and the addition of regulation 17.0. Specifically, the current regulation **16.0 Crimes substantially related to the practice of pharmacy** would be renumbered regulation 17.0, and a new regulation **16.0 Automated Delivery Devices** would be added. The new regulation 16.0 allows for and regulates the use of machines that are able to store and dispense medication to patients. The proposed regulations limit use of such devices to dispensing refills of non-controlled substances/medications. Refills would be completed by pharmacy personnel and placed in the machine for customer pick up. All such devices must be approved by the Board before they may be put into operation.

A public hearing is scheduled for Wednesday, September 19, 2007 at 10:00 a.m. in the second floor Conference Room A 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 Judy Letterman 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 Judy Letterman at the above address or by calling (302) 744-4504.

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

DIVISION OF PROFESSIONAL REGULATION

2930 Council on Real Estate Appraisers NOTICE OF PUBLIC HEARING

The Delaware Council on Real Estate Appraisers, in accordance with 24 **Del.C.** §4006(a)(1), has proposed changes to its rules and regulations affecting Rule 2.0, entitled "Appraiser Licensing and Certification" and Rule 4.0, entitled "General Appraisal Practice." The proposed revisions allow for the segmented approach to adopting changes in the licensure requirements in light of changes made by the Appraisal Qualifications Board, which sets the minimum standards for licensure. The proposed changes also allow for online renewal of licenses and online attestation of completion of the required continuing education, and provide for post-renewal audits for compliance with the continuing education requirements. Finally, the proposed changes revise the number of hours of continuing education required for licensees who obtain a new license during the two-year license renewal period and correct an errors in the regulations.

A public hearing on the revised proposed rules and regulations will be held on Tuesday, September 18, at 1:30 p.m. in Conference Room A, on the second floor 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 Council on Real Estate Appraisers, 861 Silver Lake Blvd., Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward these to the Council at the above address. The final date to receive written comments will be at the public hearing.

DIVISION OF PROFESSIONAL REGULATION

**4400 Delaware Manufactured Home Installation Board
NOTICE OF PUBLIC HEARING**

The Delaware Manufactured Home Installation Board, in accordance with 24 **Del.C.** §4416(b)(1) has proposed revisions to Regulation 5.0 of its rules and regulations. The proposed revisions address the requirements for re-taking the examination once an applicant for licensure as a manufactured home installer has failed the examination at least twice.

A public hearing on the proposed revisions to the rules and regulations will be held on Monday, September 10, 2007, at 9:15 a.m. in Conference Room B, on the second floor 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 Manufactured Home Installation Board, 861 Silver Lake Blvd., Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

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

DIVISION OF PROFESSIONAL REGULATION

**5300 Board of Massage and Bodywork
NOTICE OF PUBLIC HEARING**

The Delaware Board of Massage and Bodywork, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §5306(a)(1), proposes amendments to its regulation 1.0. Specifically, the proposed amendments to **1.0 Definitions and General Definitions** clarify which practices or modalities are included in the definition of either massage or bodywork and, therefore, require licensure to practice.

A public hearing is scheduled for Thursday, September 20, 2007 at 1:30 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 Nancy Fields 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 Nancy Fields at the above address or by calling (302) 744-4537.

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