

**DEPARTMENT OF EDUCATION
PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, January 17, 2013 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF LONG TERM CARE RESIDENTS PROTECTION
PUBLIC NOTICE
3102 Long Term Care Transfer, Discharge and Readmission Procedures**

The Division of Long Term Care Residents Protection (DLTCRP) is proposing a revision to Regulation 3102 - Long Term Care Transfer, Discharge and Readmission Hearing Procedures.

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 Tom Murray, Deputy Director, DHSS/ DLTCRP, 3 Mill Road, Suite 308, Wilmington, DE 19806 or by fax to (302) 577-6661 by Thursday January 31, 2013.

The action concerning the determination of whether to adopt the revision to the 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 LONG TERM CARE RESIDENTS PROTECTION
PUBLIC NOTICE
3105 Criminal History Record Checks and Drug Testing**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 29 of the **Delaware Code**, Section 7971(d) (1), Delaware Health and Social Services (DHSS) / Division of Long Term Care Residents Protection is proposing to amend Regulation 3105 Criminal History Record Checks and Drug Testing.

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 Tom Murray, Deputy Director, DHSS/ DLTCRP, 3 Mill Road, Suite 308, Wilmington, DE 19806 or by fax to (302) 577-6661 by Thursday, January 31, 2013.

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 LONG TERM CARE RESIDENTS PROTECTION
PUBLIC NOTICE
3110 Criminal History Checks And Drug Testing For Home Health Agencies**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 29 of the **Delaware Code**, Section 7971(d)(1), Delaware Health and Social Services (DHSS) / Division of Long Term Care Residents Protection is proposing to amend Regulation 3110 Criminal History Record Checks and Drug Testing for Home Health Agencies.

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 Tom Murray, Deputy Director, DHSS/ DLTCRP, 3 Mill Road, Suite 308, Wilmington, DE 19806 or by fax to (302) 577-6661 by Thursday, January 31, 2013.

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
PUBLIC NOTICE****Child Care Subsidy Program; Providing Child Care for Food Benefit Volunteers**

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 is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, Providing Child Care for Food Benefit Volunteers.

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, 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 January 31, 2013.

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 JUSTICE**VICTIMS' COMPENSATION ASSISTANCE PROGRAM ADVISORY COUNCIL
PUBLIC NOTICE****301 Victims' Compensation Assistance Program Rules and Regulations
Brief Synopsis of the Subject, Substance and Issues**

The Department of Justice Victims Compensation Assistance Program proposes to amend existing Rule 25.0 by deleting "\$8,500" and substituting therefor "\$5,000". This amendment would reduce the ceiling on payment for funeral and burial expenses. The Victims' Act provides at 29 Del.C. §9002(9) that "pecuniary loss" in instances of death of the victim shall include funeral and burial expenses.

The Victims Compensation Advisory Council reviewed existing claims for funeral and burial expenses, national data regarding funeral and burial costs, and the limits placed by other state compensation programs on such awards. The Council concluded that funeral/burial claims at or near the present \$8500 limit seemed excessive in many cases, and constitute a significant drain on limited resources. Further, the Council found that the national average funeral cost is approximately \$5500. Finally, the median ceiling placed on such awards by other state compensation programs is \$5000. New Jersey and Maryland have ceilings of \$5000 for such costs.

Interested persons may submit comments in writing to Lisa Ogden, Director, VCAP, 900 King Street, Suite 4, Wilmington Delaware. The comment period will close on January 31, 2013.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL****DIVISION OF AIR QUALITY
PUBLIC NOTICE****1147 - CO₂ Budget Trading Program**

The proposed amendments require that petroleum refinery units purchase Carbon Dioxide (CO₂) allowances to cover its reported emissions each year that are directly associated with the electricity generated and exported to the electrical grid. Petroleum refinery units participating in the CO₂ Budget Trading Program will be required to report emissions, as required by other Electric Generating Units, and accept enforceable permit conditions.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, January 23, 2013 beginning at 6:00 PM at the Delaware City Library located at 250 Fifth Street, Delaware City, DE. Interested parties may submit comments in writing to: Valerie Gray, DNREC Division of Air Quality, 655 South Bay Road, Suite 5N, Dover, DE 19901.

CALENDAR OF EVENTS/HEARING NOTICES

**DIVISION OF FISH AND WILDLIFE
PUBLIC NOTICE
3214 Horseshoe Crab Annual Harvest Limit**

The purpose of this action is to establish Delaware's annual sex-specific horseshoe crab harvest limits (quota) in accordance with Addendum VII to the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan for Horseshoe Crabs (FMP). This action also provides a mechanism to close the fishery in a manner that minimizes the likelihood of exceeding the annual sex-specific quota allocation(s).

Addendum VII to the FMP instituted an Adaptive Resource Management (ARM) framework for establishing annual horseshoe crab sex-specific quotas in the Delaware Bay Region. The ARM Framework transparently incorporates the views of stakeholders along with predictive modeling to assess the potential consequences of multiple, alternative management actions in the Delaware Bay Region. The annual specification process determines the following year's (t + 1) harvest using horseshoe crab data from the previous year (t - 1) and shorebird data from the current year (t). State-by-state allocations within the region are apportioned based on Addendum VI quotas; the proportion of state landings of Delaware Bay origin; and, harvest caps for Maryland and Virginia (to protect horseshoe crabs of non- Delaware Bay-origin). Harvest caps in Maryland and Virginia can only be exceeded through a 2:1 (M:F) female offset when a female harvest moratorium is specified. Should data be unavailable to populate the ARM model, quotas may be set at the Addendum VI levels or the previous year's ARM framework.

This action would also establish measures for closing the horseshoe crab fishery. Presently, the Department lacks the ability to close the horseshoe crab fishery until landings reach the exact annual harvest limit. This method of closing the fishery fails to adequately consider the timeliness of harvest reporting and delinquent reporting. This has resulted in quota overages in some years. Overages pose a potential risk to horseshoe crab and shorebird resources. Further, overages must be deducted from the following year's quota and, therefore, may disadvantage harvesters or segments of the fishery the following year. Using the most recent landings data upon reaching 95% of the annual sex-specific quota will minimize the risk of exceeding allocations.

The hearing record on the proposed changes to the 3214 Horseshoe Crab Annual Harvest Limit regulation will be open January 1, 2013. Individuals may submit written comments regarding the proposed changes via e-mail to Lisa.Vest@state.de.us or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendment will be held on January 23, 2013 beginning at 6 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

**DIVISION OF FISH AND WILDLIFE
PUBLIC NOTICE
3900 Wildlife**

The changes to regulation 3900 Wildlife will be presented in a series of public hearings February 6, 2013 beginning at 6:00 p.m. in the DNREC Auditorium, 89 Kings Highway, Dover, Delaware. The hearing record for the proposed regulatory changes will remain open until 4:30 p.m. February 21, 2013. The hearing order is as follows:

- 3900.2 – Method of Take
- 3900.5 – Wild Turkeys
- 3900.10 – Nuisance Game Animals
- 3900.14 – Falconry
- 3900.16 – Endangered Species

**DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF STATE POLICE
2400 BOARD OF EXAMINERS OF CONSTABLES
PUBLIC NOTICE**

Notice is hereby given that the Board of Examiners of Constables, in accordance with 10 Del.C. Ch. 27 proposes to amend Rule 5.0 - Firearms Policy. This amendment clarifies the requirements for a constable to carry

a weapon while on duty. If you wish to view this amendment, contact Ms. Peggy Anderson at 302-672-5304. Any persons wishing to present views may submit them in writing, by March 1, 2013, to Delaware State Police, Professional Licensing, P.O. Box 430, Dover, DE 19903. The Board will hold a special meeting on February 14, 2013, Room 105, Tatnall Building, 150 William Penn Street, Dover, Delaware.

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
101 Regulations Governing Bingo**

A. Type of Regulatory Action Required

Amendment to Existing Regulations

B. Synopsis of Subject Matter of the regulation

The Delaware Board of Charitable Gaming will seek public comments on the issue of whether a certain amendment to its current rules should be adopted.

The proposed amendment is to Rule 4.11 in 10 **DE Admin. Code** 101. The amendment would provide that when there are multiple winners in a game, the organization may in its own house rules determine how one winner will be declared.

Persons wishing to present their views regarding this matter may do so by appearing at a public hearing on Thursday, February 7, 2013 at the meeting of the Delaware Board of Charitable Gaming, 861 Silver Lake Boulevard, Cannon Building, Suite 203, Dover, DE 19904. Persons may also submit written comments by the close of business on or before February 22, 2013 at the same address. A copy of these regulations is available from the above address or may be viewed at the Division of Professional Regulation business office at the same address.

C. Summary of Proposal

The amendment would change the current rule, which provides that when there are multiple winners, the prize should be divided as evenly as possible. When the prize is not a monetary prize, but rather a pocketbook, basket, or other type of non-monetary prize, dividing the prize is not practical. The Board therefore wishes to allow the organization holding the event to determine in its own house rules, how one winner will be declared. For example, an organization may call an extra number, or have some other method of determining a single winner.

The other players qualifying to win may be given a chance to win a prize at a subsequent drawing during the event, provided the value of that prize appears in the application for the event and is counted toward the maximum permissible prize.

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

The Delaware Board of Podiatry in accordance with 24 **Del.C.** §506(a)(1) has proposed amendments to Rules 5.0 and 6.0. The proposed revisions to the rules are an attempt to clarify the timing of when the Podiatric Medical Licensing Exam for States (PM Lexis) exam needs to be satisfactorily completed for licensure in the State of Delaware. The proposed revisions also clarify that licensees must complete their continuing education credits for licensure renewal on or before June 30 of even numbered years.

A public hearing will be held on February 14, 2013, at 5:15 p.m. in the second floor conference room B 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 Meaghan Jerman, Administrative Assistant for the Delaware Board of Podiatry, 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 fifteen (15) days after the public hearing.

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

CALENDAR OF EVENTS/HEARING NOTICES

**DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
1900 Board of Nursing**

The Delaware Board of Nursing, pursuant to 24 **Del.C.** §1904(c), proposes to revise regulations 14.2.1.5 and 14.2.1.6. The proposed revisions to these regulations allow a nurse changing her primary state of residence from one Compact state to another to continue to practice under her home state license for 90 days. This is an increase in time from the prior regulation, which only allowed a nurse to work under her home state license for 30 days before requiring a new home state license. This change was prompted by the same change made in the Nurse Licensure Compact Administrators' Model Rules and Regulations.

The Board will hold a public hearing on the proposed regulation change on February 13, 2013 at 09:00 AM, Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until February 28, 2013.

**DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
2500 Board of Pharmacy**

The Delaware Board of Pharmacy, pursuant to 24 **Del.C.** §2506(a)(1), proposes to revise its rules and regulations. The proposed addition to the rules require pharmacists to take, as part of their biennial renewal required continued education, at least two hours in the area of medication safety/errors. The proposed addition also adds to the list of crimes deemed substantially related to the practice of pharmacy a list of sexual offenses not previously included in the list of substantially related crimes.

The Board will hold a public hearing on the proposed rule change on January 16, 2013 at 10:00 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Catherine Simon, Administrator of the Delaware Board of Pharmacy, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until February 11, 2013.

**PUBLIC SERVICE COMMISSION
PUBLIC NOTICE
3007 Electric Service Reliability and Quality Standards**

By Order No. 8270 dated December 18, 2012, the Delaware Public Service Commission (the "Commission") approved reopening PSC Regulation Docket No. 50 to consider a proposed revision to Section 1.9. of the Rules Governing Electric Service Reliability and Quality Standards (the "Rules") for electric distribution companies subject to its jurisdiction. Currently, that section provides that the Rules shall be effective through 2012 and may be reviewed, revised, or extended as necessary to ensure the maintenance of electric reliability and quality service in Delaware. The Commission seeks to modify Section 1.9 of the Rules to extend the application of the Rules beyond the end of 2012.

The Commission encourages the public to submit written comments on or before January 4, 2013, but the last date to submit written comments will be on February 22, 2013. If you wish to file any written comments, please submit an original and ten copies of such written comments to the Commission at the following address:

Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware, 19904
Attn: Regulation Docket No. 50

The Commission will conduct a public hearing on the proposed revision and resulting new Rules on February 7, 2013, beginning at 1:00 P.M. at the Commission's office at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware.

You may review PSC Order No. 8270 and the proposed revised Rules in the February 2012 issue of the Delaware Register of Regulations or on the PSC's Internet website located at <http://dep.sc.delaware.gov/default.shtml>. If you wish to obtain copies of the Order and proposed revised Rules, please contact the Commission at (302) 736-7500. If you would like to review documents at the Commission's offices, please contact Monica Hall at monica.hall@state.de.us to arrange a time for your review.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. This form may be found at <http://smu.portal.delaware.gov/cgi-bin/mail.php?foia-request&subj=DOS>. There is also a link to the Freedom of Information Act Request Form on the Commission's website at <http://dep.sc.delaware.gov/default.shtml>. The Commission will respond to your request in accordance with the Delaware Freedom of Information Act, 29 **Del.C.** ch. 100.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means. If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone).

EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
PUBLIC NOTICE
Environmentally Preferred Purchasing Policy

In accordance with procedures set forth in 29 **Del.C.** ch. 11, Subch. III and 29 **Del.C.**, ch. 101, the Director of the Office of Management and Budget is proposing to adopt a regulation setting forth the State of Delaware Environmentally Preferred Purchasing Policy.

On April 1, 2012 (Volume 15, Issue 10), OMB published in the Delaware *Register of Regulations* its notice of proposed regulations, pursuant to 29 **Del.C.** §10115. It was requested that written materials and suggestions from the public concerning the proposed regulations be delivered to OMB by May 1, 2012, or be presented at a public hearing on May 2, 2012, after which time OMB would review information, factual evidence and public comment to the proposed regulations. Considerable public comment was received by individuals representing the following groups:

- Chemical Industry Council of Delaware
- American Chemistry Council
- Diamond Pest Control
- Delaware Pest Control Association
- Consumer Specialty Products Association
- IVM Partners
- Royal Pest Solutions

The comments that were received have been considered and resulted in substantive changes to the form and content of the initially proposed regulation. In accordance with 29 **Del.C.** §10118(c), the amended regulation is hereby proposed as a newly proposed regulation.

The Director of the Office of Management and Budget, or an employee of the Office of Management and Budget designated by the Director, will hold a public hearing at which members of the public may present comments on the proposed regulation on February 5, 2013 at 11:00 a.m. at the Office of Management and Budget, Haslet Building, room 219, 122 William Penn St., Dover, DE 19901. Additionally, members of the public may present written comments on the proposed regulation by submitting such written comments to Mr. Robert Scoglietti, Delaware Office of Management and Budget, 122 William Penn Street, Dover, DE, 19901. Written comments must be received on or before February 4, 2013. Members of the public may receive a copy of the proposed regulation at no charge by United States Mail by writing Mr. Robert Scoglietti at the address of the Delaware Office of Management and Budget set forth above.