

**DELAWARE RIVER BASIN COMMISSION
PUBLIC NOTICE**

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, March 5, 2013 beginning at 1:00 p.m. A business meeting will be held the following day on Wednesday, March 6, 2013 at 12:15 p.m. Both the hearing and business meeting are open to the public and will be held at the Commission's office building located at 25 State Police Drive, West Trenton, New Jersey. For more information visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, at 609 883-9500 extension 203.

**DEPARTMENT OF EDUCATION
PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, March 21, 2013 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Part C of the Individuals with Disabilities Education Improvement Act of 2004
PUBLIC NOTICE**

The Delaware Department of Health and Social Services will submit its annual grant application under Part C of the Individuals with Disabilities Education Improvement Act of 2004. Public Comment is being accepted from February 21 ~ March 21, 2013, and the application will be available until April 21, 2013.

Please contact the Part C Birth to Three office at 302-255-9134 (call collect from Kent and Sussex) to secure a copy of the application. Send your written comments to Part C/Birth to Three, DMS/DHSS, 2nd floor, Main Building, Suite 249, 1901 N. DuPont Hwy, New Castle, DE 19720 or fax to 302-255-4407.

**DIVISION OF DEVELOPMENTAL DISABILITY SERVICES
2102 Autism Service Providers
PUBLIC NOTICE**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 18 of the Delaware Code, Sections 3361(f) and 3570A, Delaware Health and Social Services (DHSS) / Division of Developmental Disabilities Service is proposing regulations to implement SB 22.

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 Kai-Stefan Fountain, Division of Developmental Disabilities, Community Services, 26351 Patriots Way, Suite 101LL, Georgetown, Delaware 19947, Fax: 302-934-6193, E-Mail: kai-stefan.fountain@state.de.us by March 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 MEDICAID AND MEDICAL ASSISTANCE
Increased Primary Care Service Payment
PUBLIC NOTICE**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**), 42 CFR §447.205, 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 Delaware Title XIX Medicaid State Plan regarding *increased Medicaid payments for designated primary care services*.

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 & 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 March 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.

**AUTHORITY ON RADIATION PROTECTION
DIVISION OF PUBLIC HEALTH
4465 Delaware Radiation Control Regulations
PUBLIC NOTICE**

The Authority on Radiation Protection (ARP), with the Office of Radiation Control, Health Systems Protection Section, Division of Public Health, Department of Health and Social Services, will hold a public hearing to discuss the proposed Delaware Radiation Control Regulations. Due to the extensive number of amendments the ARP has concluded that this set of five current regulations should be repealed and replaced in their entirety with the proposed regulations being published.

| Delaware Citation | Title |
|--------------------------|--|
| Part C | Licensing of Radioactive Material |
| Part F | Use of Diagnostic X-Rays in the Healing Arts |
| Part G | Use of Radionuclides in the Healing Arts |
| Part K | Compliance Procedures |
| Part X | Therapeutic Radiation Machines |

The public hearing will be held on March 22, 2013 at 2:30 p.m. in the Third Floor Conference Room, located in the Jesse Cooper Building, 417 Federal Street, Dover, Delaware.

Copies of the proposed regulations are available for review in the March 1, 2013 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Radiation Control at (302) 744-4546.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Deborah Harvey by Monday, April 8, 2013 at:

Deborah Harvey
Division of Public Health
417 Federal Street
Dover, DE 19901
Email: Deborah.Harvey@state.de.us Phone: (302) 744-4913

**DIVISION OF SOCIAL SERVICES
Case Administration Provisions: DSSM 1000 through DSSM 1008
PUBLIC NOTICE**

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 Case Administration, including, *Definitions; Treating Clients with Courtesy;*

Keeping Client Information Confidential; Safeguarding Case Records; Compiling and Saving Case Record Contents; Guaranteeing Civil Rights and Non-Discrimination; Making Civil Rights Complaints; and, Providing Policy Information.

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 March 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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

3511 Summer Flounder Size Limits; Possession Limits REGISTER NOTICE #2013 - 02

This action is to consider amending the summer flounder (*Paralichthys dentatus*) regulation, with possible changes to the season and minimum size limit.

Summer flounder are managed cooperatively by the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAFMC) and the National Marine Fisheries Service through Amendment 13 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan and its subsequent addenda. The ASMFC and MAFMC approved a coastwide recreational summer flounder harvest limit for 2013 resulting in recreational summer flounder allocation of 78,512 fish to Delaware. Although this is a reduction from the 2012 allocation (87,536 fish), the 2013 quota represents a 104% increase relative to Delaware's 2012 recreational harvest (38,470 fish). As such, Delaware may liberalize its management measures for the 2013 summer flounder fishery, provided the management measures are approved by the ASMFC's Summer Flounder, Scup and Black Sea Bass Management Board following established criteria.

Four options were developed and subsequently approved by the ASMFC's Summer Flounder, Black Sea Bass and Scup Technical Committee at their January 22, 2013 meeting (Table). These options will serve as the basis for the proposed regulatory change.

The hearing record on the proposed changes to §3511 Summer Flounder Size Limits; Possession Limits will be open March 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 March 21, 2013 beginning at 6:30 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DIVISION OF FISH AND WILDLIFE

REGISTER NOTICE #2012 - 24 3545 Invasive Finfish

This action proposes the addition of a new section in the Tidal Finfish regulations (7 Del.C. §3500) to include definitions and measures to control the proliferation of invasive finfish in Delaware's tidal waters (§3545 Invasive Finfish). Snakehead fish, blue catfish, flathead catfish, walking catfish and grass carp are invasive finfish species likely to cause environmental and economic harm. This action proposes to: formally designate these fish as invasive finfish species; prohibit the stocking, possession, purchase, transport or sale of live invasive finfish; and specify fishing equipment and methods to take invasive finfish species.

Based on the best available biological information, the US Fish & Wildlife Service (USFWS) added the entire Channidae (snakehead) and Clariidae (walking catfish) families to the list of injurious fish, mollusks and crustaceans covered under the Lacey Act. Northern snakehead, native to Asia, are present in Delaware's tidal and non-tidal waters. The USFWS agreed that snakehead fishes threaten ecological harmony, present major risks to

ecosystems and aquatic communities and could eliminate some threatened and endangered species that are restricted in distribution. There are no known records of walking catfish in Delaware. This family of fishes is native to Asia. Walking catfish have the ability to rapidly reproduce and spread, including overland and their potential to outcompete native fishes and their potential to impact aquaculture make them a threat to Delaware's environment and economy.

Blue catfish (*Ictalurus furcatus*) and flathead catfish (*Pylodictis olivaris*) are native to the Mississippi River drainage. Flathead catfish have already been reported in Delaware's tidal waters and blue catfish have been found in adjoining states with shared waters. Both species function as top-level predators with broad diets, attain large sizes and are salinity tolerant. The introduction of these species in nearby states contributed to the extirpation of native ictalurid species such as white catfish and bullheads through competition and predation.

Grass carp (*Ctenopharyngodon idella*), a native to Asia, feed on submerged aquatic vegetation. When adequately controlled, through barriers and sterility, this species can be an effective tool at controlling nuisance aquatic vegetation. Uncontrolled, the species can denude large expanses of beneficial submerged aquatic vegetation. Submerged aquatic vegetation is valuable spawning, nursery and foraging habitat for native centrarchids and other aquatic species. The removal of submerged aquatic vegetation often leads to increased phytoplankton and diminished water quality.

Snakehead fish, blue catfish, flathead catfish, walking catfish and grass carp are invasive finfish species whose introduction or proliferation are likely to cause economic and/or environmental harm to Delaware's tidal waters. The proposed action will assist in preventing the introduction or proliferation of these invasive fishes in Delaware.

The hearing record on the proposed inclusion of a §3545 Invasive Finfish regulation will be open March 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 March 21, 2013 beginning at 6 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DIVISION OF PARKS PUBLIC NOTICE

In accordance with Title 7, Chapter 47, subsection 4701(a)(5)(A) the Secretary of the Department of Natural Resources and Environmental Control has designated March 1, 2013 through November 30, 2013 inclusive for charging the state park entrance fee on the following areas:

| | | |
|---|-----------------------------------|--|
| Alapocas Run State Park | Bellevue State Park | Brandywine Creek State Park |
| Cape Henlopen State Park | Beach Plum Island Nature Preserve | Delaware Seashore State Park |
| Fenwick Island State Park | Fort DuPont State Park | Fox Point State Park |
| Holts Landing State Park | Killens Pond State Park | Lums Pond State Park |
| Trap Pond State Park | Trussum Pond Natural Area | White Clay Creek State Park and Preserve |
| Wilmington State Parks at Bancroft Mills and selected parking areas | | |

Annual Park passes will not be honored at State Line Beach in Fenwick Island State Park, Brandywine Zoo or Fort Delaware State Park.

February 5, 2013, Collin O'Mara, Secretary

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

OFFICE OF THE SECRETARY

1100 Delaware Sex Offender Management Board

PUBLIC NOTICE

In compliance with the State's Administrative Procedures Act (APA- Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 11 of the Delaware Code, Chapter 41, Section 20A, Delaware Sex Offender Management Board (SOMB) is proposing qualifications for those individuals who treat sex offenders.

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 Laurie Pezick, SOMB provider credentialing committee, 314 Cherry Lane, New Castle DE 19720 or by certified electronic mail to Laurie.Pezick@state.de.us by March 31, 2013.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of the Sex Offender Management Board and credentialing committee analysis and the consideration of the comments and written materials filed by other interested persons.

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

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

One proposed amendment is to Rule 3.10 in 10 **DE Admin. Code** 101. The amendment would clarify how the value of certain prizes is determined.

Another 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, April 4, 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 April 19, 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.

**DIVISION OF PROFESSIONAL REGULATION
2930 Council on Real Estate Appraisers
PUBLIC NOTICE**

The Delaware Council on Real Estate Appraisers, pursuant to 24 **Del.C.** §4006(a)(1), proposes to revise its rules and regulations. The majority of the proposed revisions to the rules are changes required to come into compliance with the new AQB criteria, additional changes remove the requirement of pre-certification examination for assessors, lower the acceptable late renewal time period from twelve months to sixty days for all licensees and certificate holders.

The Board will hold a public hearing on the proposed rule change on April 22, 2013 at 2:00 PM, Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Amanda McAttee, Administrator of the Delaware Council on Real Estate Appraisers, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until May 7, 2013.

16 DE Reg. 1005 (03/01/13)