

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, May 5, 2010 beginning at 10:30 a.m. at the Commission's office building, 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, Esq., Commission Secretary and Assistant General Counsel, at 609 883-9500 extension 203.

DEPARTMENT OF AGRICULTURE

THOROUGHBRED RACING COMMISSION

Delaware Jockeys' Health and Welfare Benefit Board Regulations

PUBLIC NOTICE

The Delaware Jockey's Health and Welfare Benefit Board, in accordance with 3 **Del.C.** §10103(c) has proposed changes to its rules and regulations. This rule change is proposed to increase the number of Jockeys that are eligible to enroll in the Funded plan.

A public hearing will be held on May 25, 2010, beginning at 9:30 AM and ending at 10:00 AM, in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804, where members of the public may 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 19804. 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 comments will be May 25, 2010, during the public hearing. Copies are also published online at the Register of Regulations website: http://regulations.delaware.gov/services/current_issue.shtml.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, May 20, 2010 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

3220 Training and Qualifications for Nursing Assistants and Certified Nursing Assistants

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 16 of the **Delaware Code**, Chapter 30A, Section 3006A, Delaware Health and Social Services (DHSS) / Division of Long Term Care Residents Protection is proposing to amend the regulation governing the training and qualifications for nursing assistants and certified nursing assistants.

This regulatory proposal was initially published in the February 2010 issue of the Register on page 1014. Due to the significant number of comments and amendments, it is being repropose.

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 Susan Del Pesco, Director, Division of Long Term Care Residents Protection, 3 Mill Road, Suite 308, Wilmington, DE 19806 or by fax to (302) 577-7291, May 31, 2010.

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
11000 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 is proposing to amend Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *Authorizing Child 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, 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 May 31, 2010.

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
704 Homeowners Premium Consumer Comparison
PUBLIC NOTICE

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt amendments to Department of Insurance Regulation 704 relating to Homeowners Premium Consumer Comparison. The docket number for this proposed amendment is 1342.

The purpose of the proposed amendment to regulation 704 is to reflect the date the Department receives date from the National Association of Insurance Commissioners (NAIC). The text of the proposed amendment is reproduced in the May 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 4:00 p.m., Monday June 7, 2010, and should be addressed to Mitch 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 INSURANCE
901 Arbitration of Automobile and Homeowners' Insurance Claims
PUBLIC NOTICE

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt amendments to Department of Insurance Regulation 901 relating to Arbitration. The docket number for this proposed amendment is 1278.

The purpose of the proposed amendment to regulation 901 is to update the existing regulation to conform to statutory changes relative to health insurance arbitration and to provide for the payment of legal services to

prevailing consumers in certain homeowners' arbitration cases. The text of the proposed amendment is reproduced in the May 2010 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 4:00 p.m., Monday June 7, 2010, and should be addressed to Mitch 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 INSURANCE

1208 New Annuity Mortality Table for Use in Determining Reserve Liabilities for Annuities PUBLIC NOTICE

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt amendments to Department of Insurance Regulation 1208 relating to Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities.

The purpose of the proposed amendment to regulation 1208 is to update the existing regulation to utilize newer mortality tables that have been recognized by the National Association of Insurance Commissioners. The text of the proposed amendment is reproduced in the May 2010 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 4:00 p.m., Monday June 7, 2010, and should be addressed to Mitch Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.736.7979 or email to mitch.crane@state.de.us.

DEPARTMENT OF INSURANCE

1218 Determining Reserve Liabilities For Credit Life Insurance PUBLIC NOTICE

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt Department of Insurance Regulation 1218 relating to reserve liabilities for credit life insurance.

The purpose of the proposed regulation 1218 is to recognize the 2001 CSO Male Composite Ultimate Mortality Table for use in determining the minimum standards of valuation and to specify the interest rate method to be used in determining the minimum standards of valuation. The docket number of the proposed regulation is 1346. The proposed regulation is reproduced in the May 2010 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 4:00 p.m., Monday June 7, 2010, and should be addressed to Mitch Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.736.7979 or email to mitch.crane@state.de.us.

DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
1101 Apprenticeship and Training Regulations
PUBLIC NOTICE

The Governor's Council on Apprenticeship & Training will hold a public hearing beginning at 10:00 a.m., Tuesday, June 8, 2010 at the Delaware Department of Labor, 225 Corporate Blvd., Suite 202, Newark, Delaware 19702, where members of the public can offer comments.

The Council on Apprenticeship & Training proposes to recommend to the Secretary of Labor changes to Rule 6.4.2 of the Rules and Regulations Relating to Delaware Apprenticeship and Training Law. The proposal modifies the ratio for two trades. First, the Structural Metal Worker trade will be changed from its current one apprentice up to five mechanics (1 up to 5) to one apprentice up to four mechanics (1 up to 4). In addition, the ratio for the trade of Painters, Construction and Maintenance will be changed from its current one apprentice up to five mechanics (1 up to 5) to one apprentice up to three mechanics (1 up to 3).

The proposed rule is published in the Delaware Register of Regulations and two newspapers. Copies are available at the Department of Labor, Division of Industrial Affairs, 225 Corporate Blvd., Suite 104, Newark, DE 19702. A copy can be obtained by contacting Kevin Calio, Director of Apprenticeship & Training, at (302) 451-3419. Interested persons can submit written comment to the Council on Apprenticeship & Training c/o Kevin Calio at the above address until the time set for the public hearing.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL**

DIVISION OF AIR AND WASTE MANAGEMENT
1124 Control of Volatile Organic Compound Emissions
PUBLIC NOTICE

The Clean Air Act (CAA) Section 182(b)(2) requires that all ozone non-attainment areas, including Delaware, must develop or update relevant regulations to implement Reasonably Available Control Technology (RACT) controls on emission sources covered in EPA's Control Techniques Guidelines (CTG) or Alternate Control Techniques (ACT), and submit the regulations to EPA as State Implementation Plan (SIP) revisions. Recently, the EPA has updated several CTGs and the afore-mentioned revisions to 7 **DE Admin. Code** 1124 reflect DE's efforts accordingly. Specifically,

- Section 8.0, Handling, Storage, and Disposal of Volatile Organic Compounds (VOC). This revision updates the existing work practice standards, and adds a new generally applicable cleaning solvent VOC content limit.
- Section 13.0 Automobile and Light-Duty Truck Coating Operations. This revision sets more stringent emissions limits.
- Section 16.0 Paper Coating. The revision adds "film and foil coating" to the regulated category.
- Section 23.0 Coating of Flat Wood Paneling. The revision sets up more stringent emission limits.
- Section 37.0 Graphic Art Systems. The revision adds "flexible packaging printing" to the regulated category.
- Section 45.0 Industrial Cleaning Solvents. The revision clarifies that the requirements of 45.0 are triggered based on "VOC emissions" rather than "solvent used."
- Section 47.0 Offset Lithographic Printing. The revision adds "letterpress printing" to the regulated category.

A public hearing will be held on June 2, 2010, beginning at 6:00 pm, in DNREC's Auditorium, R & R Building, 89 Kings Hwy, Dover, Delaware 19901.

DIVISION OF AIR AND WASTE MANAGEMENT

PUBLIC NOTICE

1124 Control of Volatile Organic Compound Emissions, Section 11

The Department proposes to revise Section 11.0 of 7 **DE Admin. Code** to require lower volatile organic compound (VOC) content of the coatings and cleaning solvents used in the refinishing of mobile equipment, primarily automobiles, in order to lower VOC emissions, a precursor to the formation of ground-level ozone. The Ozone Transport Commissions (OTC), as an aid to member states in this effort, developed a model rule for mobile equipment refinishing based upon a California rule. Almost all OTC states plan to adopt some form of this model rule. We anticipate a VOC emission reduction of about 300 tons per year.

There will be a hearing on these proposed amendments on Thursday, June 10, 2010 beginning at 6pm in the Richardson & Robbins Auditorium. Interested parties may submit comments in writing to Ronald Amirikian, Air Quality Management Section, 156 South State Street, Dover, DE 19901 and/or statements and testimony may be presented either orally or in writing at the public hearing

DIVISION OF AIR AND WASTE MANAGEMENT

1138 Emission Standards for Hazardous Air Pollutants for Source Categories PUBLIC NOTICE

Under Section 112(k) of the 1990 Clean Air Act Amendments, Congress mandated that the EPA identify 30 or more hazardous air pollutants (HAPs) that posed the greatest threat to public health in urban areas, to identify the small area sources that emit those pollutants and to develop regulations to reduce the emission of HAPs. In 1999, the EPA identified 33 HAPs that posed the greatest threat to public health and has, since that time, identified over 60 new area source categories for which regulations are being developed.

In January 2008, the EPA promulgated another of these area source category standards that will affect existing and future Delaware sources; the area source standard for paint stripping and miscellaneous surface coating operations under 40 CFR Part 63 Subpart HHHHHH.

Delaware is proposing to amend Regulation 1138 by adding a new Section 13 that covers area source paint stripping operations that use chemical strippers containing methylene chloride. The purpose of this proposed amendment is to provide increased protection for Delaware citizens against a variety of potential adverse health effects linked to a long term exposure to methylene chloride. In addition, methylene chloride is classified as probable human carcinogens by the EPA. The proposed amendment will provide greater consistency between Delaware's air toxics standards for these paint stripping operations and the recently promulgated federal standard (40 CFR Part 63 Subpart HHHHHH) on which this proposed amendment is heavily based.

Delaware is also proposing to amend Regulation 1138 by adding a new Section 15 that covers area source motor vehicle or mobile equipment surface coating operations. The purpose of this proposed amendment is to provide increased protection for Delaware citizens against a variety of potential adverse health effects linked to a long term exposure to cadmium, chromium, lead, manganese, or nickel compounds. In addition, some of these compounds, except the manganese compounds, are classified as known or probable human carcinogens by the EPA. The proposed amendment will provide greater consistency between Delaware's air toxics standards for these types of operations and the recently promulgated federal standard (40 CFR Part 63 Subpart HHHHHH) on which this proposed amendment is heavily based. In addition, this amendment proposes to include more health protective requirements that currently exist in similar area source air toxics standards found in Regulation 1138 and other Delaware air regulations.

DIVISION OF FISH AND WILDLIFE

3507 Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas PUBLIC NOTICE

The Fishery Management Plan (FMP) for black sea bass was implemented by the National Marine Fisheries Service (NMFS) and the Atlantic States Marine Fisheries Commission (ASMFC) in 1996 to manage the coastwide

black sea bass stock. The recreational fishery is allocated 51% of the Total Allowable Landings (TAL) each year as a harvest limit. The coastwide recreational quota for 2009 was just over 1.1 million pounds but it is estimated that at least 2.9 million pounds of black sea bass were harvested. The harvest limit for the 2010 recreational fishery has been increased to 1,830,390 pounds but additional regulatory measures are necessary in 2010 to prevent the harvest cap from being exceeded.

The ASMFC Black Sea Bass Management Board adopted a motion at the February Commission meeting to require states to implement a seasonal closure in 2010 in order to restrain the recreational harvest within the target harvest limit. The open fishing season adopted by the Board would extend from May 22 to September 12, 2010 and is required as part of the compliance program of the FMP. In addition, the Board's motion specified the current 12.5" minimum size and 25-fish creel limit remain in place.

Delaware will be required to implement the seasonal recommendation since current regulations have no provisions regarding specific dates for a harvesting season for black sea bass. The size limit and creel limit will not require any regulatory adjustments for 2010.

Delaware is required to comply with specific Fishery Management Plans approved by the Atlantic States Marine Fisheries Commission. Failure to do so could result in complete closure of a specific fishery in Delaware. Should the NMFS relax the recommended seasonal closure as a result of further landings analysis, the Department could modify the season through emergency action.

Individuals may present their comments or request additional information by contacting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901, (302) 739-9914. A public hearing on these proposed amendments will be held on May 21, 2010 at 6:00 P.M. in the DNREC Auditorium, 89 Kings Highway, Dover, DE 19901.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
100 Board of Accountancy
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §105(a)(1), the Board of Accountancy has proposed revisions to its rules and regulations.

A public hearing on proposed revisions published on March 1, 2010 in the *Register of Regulations*, Volume 13, Issue 9 was held on April 21, 2010. The Board of Accountancy decided to make further revisions to the rules and regulations.

A public hearing to address these proposed revisions will be held on June 16, 2010 at 9:15 a.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 the Board of Accountancy, 861 Silver Lake Boulevard, Dover, Delaware 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 has proposed numerous revisions to the rules and regulations. A number of revisions implement amendments to the Board's licensing law, Chapter 1 of Title 24 of the **Delaware Code**, including the addition of the practice privilege set forth at 24 **Del.C.** §108. In addition, the amendments set forth the licensure requirements that will go into effect on August 1, 2012.

Further, specific course requirements for licensure are revised. There are various amendments to the Rules pertaining to continuing professional education. Specifically, the proposed amendments will expressly give the Board authority to sanction licensees who do not comply with continuing professional education requirements.

The Board also proposes various grammatical and typographical revisions.

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

DEPARTMENT OF TRANSPORTATION
DIVISION OF PLANNING
2307 Delaware Safe Routes to School Regulations
PUBLIC NOTICE

Under Title 17 of the **Delaware Code**, Section 1021 and 1022, and Public Law 109-59, the Delaware Department of Transportation (DelDOT), through its Division of Planning, is seeking to revise the Safe Routes to School Program Guidelines, which do not provide specific information on private school participation leading to confusion, by specifying the conditions of and extent to which private schools are eligible to participate.

The Department will take written comments on the proposed changes to the Safe Routes to School Program Guidelines from May 1, 2010 through May 31, 2010.

Any requests for copies of the proposed revised Program Guidelines, or any questions or comments regarding this document should be directed to:

Sarah Coakley, AICP, Project Planner
Division of Planning
Delaware Department of Transportation
PO Box 778
Dover, DE 19903
(302) 760-2236 (telephone)
(302) 739-2251 (fax)
Sarah.coakley@state.de.us

OFFICE OF MANAGEMENT AND BUDGET
Freedom of Information Act
PUBLIC NOTICE

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 policy and procedures in dealing with requests from the public for information as set forth in 29 **Del.C.** Ch. 100, the *Freedom of Information Act*.

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 June 1, 2010 at 9:00 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 May 31, 2010. 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.