

DELAWARE RIVER BASIN COMMISSION
PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, September 15, 2010 beginning at 10:30 a.m. The meeting will be held at the West Trenton Volunteer Fire Company, West Upper Ferry Road, West Trenton, NJ. 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
HARNESS RACING COMMISSION
501 Harness Racing Rules and Regulations
PUBLIC NOTICE

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change its Rule 7.6.6.7.7. The Commission will hold a public hearing on the proposed rule changes on **October 12, 2010. Please note this date has been changed from the previous posting of August 10, 2010.)**

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 September 1, 2010.

The proposed changes are for the purpose of updating the Rules and to more accurately 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 Harness Racing Commission office.

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, August 20, 2010 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
School-Based Wellness Center Clinic Services
PUBLIC NOTICE

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) with 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 amending the Title XIX Medicaid State Plan to update the reimbursement methodology for *School-Based Wellness Center Clinic 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) 255-4454 by September 30, 2010.

DEPARTMENT OF INSURANCE

908 Freedom of Information Requests PUBLIC NOTICE

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt Department of Insurance Regulation 908 relating to requests from the public for information under the *Freedom of Information Act*. The docket number for this proposed amendment is 1379.

The purpose of the proposed Regulation 908 is to establish procedures for providing information requested by the public and guaranteeing that information that is provided can be provided and, if so, is provided in a timely fashion. The text of the proposed regulation is reproduced in the September 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 October 4, 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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR AND WASTE MANAGEMENT

1138 Emission Standards for Hazardous Air Pollutants for Source Categories REGISTER 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 HAPs, and to develop regulations to reduce the emissions of those 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.

On December 2, 2009, the EPA promulgated another of these area source category standards that will affect existing and future Delaware sources, the area source standard for asphalt processing and asphalt roofing products manufacturing operations under 40 CFR Part 63 Subpart AAAAAAA.

Delaware is proposing to amend Regulation 1138 by adding a new Section 16 that covers asphalt processing and asphalt roofing products manufacturing 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 polycyclic aromatic hydrocarbons, PAHs. Lung cancer is the primary concern. Seven of the PAHs have been classified as Group B2, probable human carcinogens by 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 AAAAAAA) on which this proposed amendment is heavily based. In addition, this amendment proposes to include a more health protective requirement that currently exists in similar area source air toxics standards found in Regulation 1138 and other Delaware air regulations.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, September 22, 2010 beginning at 6:00 PM in the DNREC's Grantham Lane Conference Room, 715 Grantham Lane, New Castle, DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Division of Air Quality, 715 Grantham Lane, New Castle, DE 19720.

DEPARTMENT OF STATE
DIVISION OF HISTORICAL AND CULTURAL AFFAIRS
100 Historic Preservation Tax Credit Program
PUBLIC NOTICE

The Historic Preservation Tax Credit Act (30 **Del.C.** Ch. 18, Subch. II) was first enacted by the General Assembly in 2001 and was amended in 2002, 2003, 2004, and 2005. Program regulations were adopted on July 11, 2002 (6 **DE Reg.** 108 published 07/01/02), and were amended on July 11, 2004 (8 **DE Reg.** 194 published on 07/01/04) and on January 11, 2005 (8 **DE Reg.** 1031 published 01/01/05). The 2010 amendments to the legislation provide for a ten-year extension to the Historic Preservation Tax Credit Act, sets aside a portion of the annual cap for projects which will receive a credit award under \$300,000 and provides for the Delaware Department of State to report annually to the Governor and the Legislature. The purpose of the following proposed regulatory amendments is to implement the code changes of 2010 and to clarify various sections of the regulations. The proposed amendments address the changes to the way in which credits are awarded under this program in section 7.6, and address the new reporting requirements in §10.0. As to the clarification of the regulations, the proposed amendments modify 31 sections of the regulations (1.0, 3.0, 4.1, 4.2, 4.3, 4.4, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 7.0, 7.1, 7.2, 8.2, 8.3, 9.1, 9.3, 9.4), and create nine new sections of the regulations (4.5, 5.4, 5.9, and 7.1- 7.6). The Historic Preservation Tax Credit Act is designed to promote community revitalization and redevelopment through the rehabilitation of historic property by providing tax credits for expenditures made to rehabilitate any certified historic property.

PLEASE TAKE NOTICE, pursuant to 29 **Del.C.**, Ch. 101, the Division of Historical and Cultural Affairs proposes to amend rules and regulations pursuant to its authority under 30 **Del.C.** §1815(b). The Division will receive and consider all written comments on the proposed rules and regulations related to implementation of amendments to the Historic Preservation Tax Credit Act. Submit comments to the Division in care of Timothy A. Slavin, Director, Division of Historical and Cultural Affairs, 21 The Green, Dover, DE 19901. The final date to submit comments is September 30, 2010. Anyone wishing to obtain a copy of the proposed amendments to the rules and regulations should notify Timothy A. Slavin at the above address or call 302-736-7400. This notice will be published in two newspapers of general circulation.

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

The Delaware Gaming Board will seek public comments on the issue of whether its current Rule 1.0 in 24 **DE Admin. Code** 101 should be amended. The rule relates to the definition of "cookie jar bingo" and to the manner of playing cookie jar bingo games. The Board proposes to change the definition of "Cookie Jar Bingo" as it appears therein, to make it clear that the fee to enter to play a cookie jar bingo game must be separately collected and may not be included in any other fees.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before October 1 to: Delaware Gaming Control Board, 861 Silver Lake Boulevard, Cannon Building, Suite 203, Dover, DE 19904. 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.

PUBLIC SERVICE COMMISSION
1008 Regulations Governing Requests Made Pursuant to the Freedom of Information Act
PUBLIC NOTICE

From time to time, the Delaware Public Service Commission (the "Commission") receives requests for documents pursuant to the Freedom of Information Act, 29 **Del.C.** §§10001-10006 ("FOIA"). Section 10003 of FOIA states that it is the responsibility of public bodies to establish rules and procedures regarding access to public

records as well as fees charged for copying such records

The Commission proposes rules and regulations applicable to requests made to the Commission, pursuant to the Freedom of Information Act, 29 Del.C. §§10001-10006 ("FOIA"), for public records in the possession of the Commission.

If you wish to obtain written copies of the Order and the Proposed FOIA Rules, please contact the PSC at (302) 736-7500. Copies are \$0.25 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person). You may also download a copy of the Proposed FOIA Rules from the September 2010 issue of the *Register of Regulations* (see <http://regulations.delaware.gov/>).

The PSC now solicits comments, suggestions, compilations of data, briefs, or other written materials about the Proposed FOIA Rules. If you wish to file any such materials, you should submit an original and ten copies of such written documents on or before September 30, 2010. You should file such materials with the PSC at the following address:

Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware, 19904
Attn: Proposed FOIA Rules

If possible, you should accompany such written comments with an electronic version of the submission. Such electronic copy may be filed on a copy-capable CD-Rom disk or sent as an attachment to an Internet e-mail addressed to joseph.handlon@state.de.us.

If no comments or objections are timely received, the Commission may approve the Proposed FOIA Rules as final without further proceedings.

Any individual with a disability desiring to participate in these proceedings or to review the filings should contact the Commission to discuss any auxiliary aids or services needed. The PSC's toll-free telephone number within Delaware is 1-800-282-8574. The PSC may be reached at (302) 736-7500 (including text telephone communications).

14 DE Reg. 200 (09/01/10)