

DELAWARE RIVER BASIN COMMISSION
PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, September 12, 2012 beginning at 11:00 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 EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, July 19, 2012 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH
4459 Lead Based Paints Hazards
PUBLIC NOTICE

The Department of Health and Social Services, Division of Public Health, Health Systems Protection, is proposing revisions to the State of Delaware Regulations Governing Lead Based Paints Hazards. The proposed revisions establish standards for the regulation of lead-based paint hazard control activities for abatement firms, workers, and training programs. The revisions also correct technical errors and inconsistencies; clarify current requirements, such as the Secretary's authority to conduct on-site investigations and the recertification of firms; incorporate minor changes resulting from new Federal training requirements; add necessary definitions; and provide increased flexibilities for individual training, recertification and utilization of electronic methods of communication. Due to the extensive number of amendments the Division has concluded that the current regulations should be repealed and replaced in their entirety with the proposed regulations being published. On September 1, 2012, the Division plans to publish as proposed the amended regulations and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the September 1, 2012 edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Health Systems Protection Section at (302) 744-4705.

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, October 1, 2012 at:

Deborah Harvey
Division of Public Health
417 Federal Street
Dover, DE 19901
Email: Deborah.Harvey@state.de.us
Phone: (302) 744-4700
Fax: (302) 739-6659

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF AIR QUALITY
1125 Requirements for Preconstruction Review
PUBLIC NOTICE

The Department proposes to revise Section 1.9, Definitions of 7 **DE Admin. Code** 1125, to include in the definition for "Greenhouse Gases (GHG)" that, prior to July 21, 2014, biogenic carbon dioxide (CO₂) emissions be excluded from consideration. This proposed change mirrors the federal rule at 76 FR 43490 (July 20, 2011) temporarily deferring for a

period of three years the application of Prevention of Significant Deterioration (PSD) permitting requirements for CO₂ emissions from bioenergy and other biogenic stationary sources such as landfills.

The Department also proposes to revise Section 2 of 7 **DE Admin. Code** 1125 to increase the availability of emission offsets. Under the new source review permitting program (7 **DE Admin. Code** 1125) for stationary sources located in non-attainment areas, a proposed new or modified source exceeding established emission thresholds of ground-level ozone precursors must meet requirements that include the requirement to obtain emission "offsets" in an amount greater than the projected source emissions. Since Delaware sources are now well-controlled, the availability of offsets is costly and limited. The purpose of this revision is to expand the area where offsets can be obtained to an area that encompasses the 15 states that significantly contribute to Delaware's ozone nonattainment problem.

The Department will submit these changes to the Environmental Protection Agency as a revision to the State Implementation Plan (SIP).

DIVISION OF FISH AND WILDLIFE
3300 Non Tidal Finfish
PUBLIC NOTICE

The proposed actions are intended to: formally define designated trout ponds; prohibit the harvest of trout in designated trout ponds prior to the scheduled pond trout season; authorize the taking of northern and blotched snakehead (invasive species) by bow and arrow and spear; and, make a number of minor editorial corrections to the non-tidal regulations.

Division regulations close fishing in stocked freshwater trout streams two weeks prior to the opening of trout season. This allows stocked trout to acclimate to their surroundings; become well dispersed; and, simplifies enforcement of the freshwater trout regulations. However, stocked trout ponds were not included in the definition of the trout streams and, therefore, similar closures to fishing prior to the opening of trout season cannot be adequately enforced. The Division has received numerous complaints from the angling public regarding stocked trout harvest prior to the season opening. The proposed amendments to §§3301 and 3304 seek to expressly define Newton and Tidbury Ponds as designated trout ponds, and establish closed and open seasons of same.

The Division is also proposing to amend §3303 to allow the take of northern and blotched snakehead by hook and line; bow and arrow and spear in non-tidal waters. These species are non-native invasives which have the potential to cause ecological harm. Bow fishing is an effective harvesting technique that may diminish their numbers and slow or prevent their spread. Similar language exists for carp.

Other proposed amendments are editorial in nature. These changes are intended to clarify awkwardly worded language (§3304 (4.0)) and make the non-tidal regulatory language consistent with the Delaware Administrative Code Drafting and Style Manual (September 2009 edition). They are not intended to change the meaning or intent.

The hearing record on the proposed changes to the Non Tidal Finfish regulation will be open October 1, 2012. 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 October 26, 2012 beginning at 6 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
1353 Boiler Safety
PUBLIC NOTICE

The Division of Boiler Safety was transferred from the Department of Public Safety to the Department of Natural Resources and Environmental Control in 2003. In 2011 the statutory authority for the Boiler Program was transferred from Title 29 to Title 7 and the program was formally placed in the Division of Waste and Hazardous Substances. The DNREC is proposing changes to the Boiler Safety Regulations that incorporates this administrative change and removes references to the Division Director of Boiler Safety since Boiler Safety is no longer a stand-alone Division within the Department. The proposed revisions also reflect an exemption for high pressure breathing air cylinders used by emergency response organizations as suggested by the Volunteer Fireman's Association; as well as definitional changes that allow third party inspection companies to inspect boiler systems or pressure vessels at uninsured facilities. Lastly, the regulations also add requirements for facilities that have their own boiler inspectors such as the Delaware City Refinery to establish their own quality assurance program.

The DNREC will conduct a Public Hearing on Wednesday, October 10, 2012. The hearing is scheduled to begin at 6:00pm in the conference room at the DNREC office located at 391 Lukens Drive, New Castle, DE. The public and interested parties are invited to attend the hearing and to make comments orally or in writing at the hearing. Written comments not presented at the hearing should be addressed to Mr. Alex Rittberg , DNREC/TMS, 391 Lukens Drive, New

Castle, DE 19720 and must be received by the Department not later than 4:00pm on October 31, 2012 unless a longer time is specified at the hearing.

Copies of the proposed regulations are available online at <http://www.dnrec.delaware.gov/info/Rules.htm>

Copies may be viewed during regular business hours at the following DNREC offices:

DNREC, 391 Lukens Drive, New Castle, DE

DNREC, R&R Building, 89 Kings Highway, Dover, DE

DNREC, Route 113, Sussex Suites, Unit #6, Georgetown, DE

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
ALCOHOLIC BEVERAGE CONTROL COMMISSION
Regulations Governing Wholesale and Supply Operation, Section 2.7, The "At-Rest" Requirement
PUBLIC NOTICE

The Alcoholic Beverage Control Commission proposes to amend Rule 8.1 A Rule Governing the Shipment and Storage of Alcoholic Liquors by Suppliers and Wholesalers. The current rule provides for a 72 hour "at rest" period to allow the Commission to carry out its statutory responsibilities. The Commission proposes to shorten that period to 18 hours.

In accordance with 29 **Del.C.** §100118(a) final date to receive written comments will be October 1, 2012.

DIVISION OF STATE POLICE
2300 Pawn Brokers, Secondhand Dealers and Scrap Metal Processors
PUBLIC NOTICE

Notice is hereby given that the Department of Safety and Homeland Security, Division of State Police, in accordance with 24 **Del.C.** §2311 proposes to amend adopted Rule 1.0 - Licensing. This amendment describes its intent to make the licensing and renewal procedures of Pawnbrokers, Secondhand Dealers, and Scrap Metal Processors more efficient and clarifies the electronic reporting requirements. If you wish to view the complete amendment, contact Ms. Peggy Anderson at (302) 672-5304. Any persons wishing to present views may submit them in writing, by September 30, 2012, to Delaware State Police, Professional Licensing, P.O. Box 430, Dover, DE, 19903.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1100 Board of Dentistry and Dental Hygiene
PUBLIC NOTICE

The Board of Dentistry and Dental Hygiene ("the Board") in accordance with 24 **Del.C.** §1106 (a)(1) has proposed amendments to Rule 7.0 *Anesthesia Regulations*. The proposed amendments clarify the holders of Restricted 1 and Unrestricted Permits may induce conscious sedation by administering nitrous oxide in addition to other permitted methods. The amendment also clarifies that the holder of a Restricted Permit II may induce conscious sedation by administering nitrous oxide only. The proposed amendments are intended to address an apparent oversight in the Board's current rules and regulations.

A public hearing will be held on October 18, 2012 at 3:15 p.m. in the second floor Conference Room 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 Board of Dentistry and Dental Hygiene, 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.

In accordance with 29 **Del.C.** §100118(a) final date to receive written comments will be November 2, 2012 which is 15 days following the public hearing. The Board will deliberate on all of the public comment at its regularly scheduled meeting on December 20, 2012 at 3:00 p.m., at which time it will determine whether to adopt the regulation as proposed or make additional changes due to the public comment.

DIVISION OF PROFESSIONAL REGULATION
1700 Board of Medical Licensure and Discipline
PUBLIC NOTICE

The Delaware Board of Medical Licensure and Discipline ("Board"), in accordance with 24 **Del.C.** §1713(a)(12), has proposed amendments to Regulation 31 - *Use of Controlled Substances for the Treatment of Pain* - to address concerns related to the applicability of the regulation to the treatment of acute pain. The amendments clarify that the primary focus of the regulation is the use of controlled substances in the treatment of chronic pain. Instead of stating that the regulations "are" applicable to the use of controlled substances in the treatment of acute pain, the proposed amendments provide that the regulations "may be applicable to prescribing controlled substances for the treatment of acute pain when clinically appropriate." The amendments also give the Board discretion to refer to current clinical practice guidelines and/or expert review in approaching cases involving the management of pain.

Regulation 31.8.1 is being amended to require that the medical records contain documentation of the patient's interim history and "physical examination." Regulation 31.8.2 is being amended to require that the medical records contain documentation of the patient's vital signs "as clinically appropriate" Finally Regulation 31.10.4 clarifies the definition of a "licensed practitioner" for purposes of the regulations.

The Board will hold a public hearing on October 2, 2012 at 3:00 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public may offer comments on the amendments to the regulations. Anyone wishing to receive a copy of the proposed amendments may obtain a copy from the Delaware Board of Medical Licensure and Discipline, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward the written comments to the Board at the above address. In accordance with 29 **Del.C.** §10118(a) final date to receive written comments will be October 17, 2012 which is 15 days following the public hearing. The Board will deliberate on all of the public comment at its regularly scheduled meeting on November 13, 2012 at 3:00 p.m., at which time it will determine whether to adopt the regulation as proposed or make additional changes due to the public comment.

**DIVISION OF PROFESSIONAL REGULATION
3100 Board of Funeral Services
PUBLIC NOTICE**

The Delaware Board of Funeral Services, pursuant to 24 **Del.C.** §3105(a)(1), proposes to revise its regulations by removing the automatic approval of continuing education courses that are approved by another state licensing board. The purpose of the change is to retain jurisdiction and closer review of continuing education credits that are accepted by the Board for licensees. The Board will hold a public hearing on the proposed regulation change on September 25, 2012 10:15 a.m., Conference Room B, Second Floor Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Ms. Michele Howard, Administrator to the Delaware Board of Funeral Directors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until October 10, 2012.

**DIVISION OF PROFESSIONAL REGULATION
CONTROLLED SUBSTANCE ADVISORY COMMITTEE
PUBLIC NOTICE
Uniform Controlled Substances Act Regulations**

The Delaware Controlled Substance Advisory Committee, pursuant to 16 **Del.C.** §4700, proposes to revise its rules and regulations. The proposed revisions to the rules loosen the ban on dispensing filled prescriptions for Schedule II drugs through drive through windows, and will now permit such dispensing when the drive through window has a security system that is approved by the Office of Controlled Substances.

The Board will hold a public hearing on the proposed rule change on September 26, 2012 at 9:30 a.m., Buena Vista Conference Center, 661 South DuPont Highway, New Castle, DE 19720. Written comments should be sent to Catherine Simon, Administrator of the Delaware Controlled Substance Advisory Committee, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

**DEPARTMENT OF TRANSPORTATION
DIVISION OF TECHNOLOGY AND SUPPORT SERVICES
2501 External Equal Employment Opportunity Complaint Procedure
PUBLIC NOTICE**

As authorized under 17 **Delaware Code** Section 132(e) and 29 **Delaware Code**, Section 8404(8), the Delaware Department of Transportation, through its Division of Technology and Support Services, seeks to adopt amendments to its existing regulations regarding procedures for addressing, investigating and responding to complaints of discrimination on the grounds of race, color, religion, sex, age, national origin or disability with respect to its External EEO Programs.

The Department will take written comments on the proposed revisions concerning its External Equal Opportunity Complaint Procedure from September 1, 2012 through September 30, 2012. The proposed Regulations appear below.

Any questions or comments regarding this document should be directed to:

Marti Dobson, Director, Technology and Support Services
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903
(302) 760 -2099 (phone)
(302) 760-2895 (fax)
marti.dobson@state.de.us

DIVISION OF TRANSPORTATION SOLUTIONS
2402 Delaware Manual on Uniform Traffic Control Devices
PUBLIC NOTICE

Under Title 17 of the **Delaware Code**, Sections 134 and 141, as well as 21 **Delaware Code** Chapter 41, the Delaware Department of Transportation (DelDOT), adopted a Delaware version of the Federal Manual on Uniform Traffic Control Devices (MUTCD). The Department has now drafted revisions to the Delaware MUTCD. A description of the proposed changes accompanies this notice.

The Department will take written comments on the draft changes to the Delaware MUTCD from September 1, 2012 through September 30, 2012. Copies of the Draft Delaware MUTCD Revisions can be obtained by reviewing or downloading a PDF copy at the following web address: <http://regulations.delaware.gov/> Questions or comments regarding these proposed changes should be directed to: Adam Weiser, P.E., PTOE, Safety Programs Manager, Traffic Section, Division of Transportation Solutions, Delaware Department of Transportation 169 Brick Store Landing Road Smyrna, DE 19977 (302) 659-4073 (telephone) (302) 653-2859 (fax) adam.weiser@state.de.us

16 DE Reg. 337 (09/01/12)