

**DELAWARE RIVER BASIN COMMISSION
NOTICE OF PUBLIC HEARING AND COMMISSION MEETING**

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, February 28, 2007 at 10:15 a.m. at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. For more information visit the DRBC website at <http://www.drbc.net>, or contact Pamela M. Bush, Esq., Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203.

DEPARTMENT OF EDUCATION

The Department of Education will hold its monthly meeting on Thursday, February 15, 2007 at 9:00 a.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
PUBLIC NOTICE
Long Term Care Medicaid**

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 Medicaid and Medical Assistance (DMMA) is proposing to amend existing rules in the Division of Social Services Manual (DSSM) to comply with the transfer of assets provisions mandated by the Deficit Reduction Act (DRA) of 2005 (Public Law 109-171).

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 and Program 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 (new fax number) by March 2, 2007.

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
PUBLIC NOTICE
U.S. Savings Bonds**

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 Medicaid and Medical Assistance (DMMA) is proposing to amend a rule in the Division of Social Services Manual (DSSM) used to determine financial eligibility.

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 and Program 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 (new fax number) by March 2, 2007.

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
PUBLIC NOTICE
DSSM 20910.1 Institutionalized Spouse**

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 Medicaid and Medical Assistance (DMMA) is proposing to amend a rule in the Division of Social Services Manual (DSSM) used to determine financial eligibility for medical assistance.

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 and Program 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 (new fax number) by March 2, 2007.

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 PUBLIC HEALTH
PUBLIC NOTICE**

Health Systems Management Section, under the Division of Public Health, Department of Health and Social Services (DHSS), will hold a public hearing to discuss the proposed revisions to the State of Delaware Regulations Governing the Conrad State 30/J-1 Visa Waiver Program. The public hearing will be held on February 23, 2007, at 2:00 p.m. in the Felton-Farmington Room, located in the Delaware Department of Transportation Building, 800 Bay Road, Dover, Delaware.

Copies of the proposed regulations are available for review by calling the Health Systems Management Section at (302) 741-2960.

Anyone wishing to present his or her oral comments at this hearing should contact Mr. David Walton at (302) 744-4700 by February 22, 2007. Anyone wishing to submit written comments as a supplement to or in lieu of oral testimony should submit such comments by March 2, 2007 to:

David Walton, Hearing Officer
Division of Public Health
417 Federal Street
Dover, DE 19901
Fax 302-739-6659

**DEPARTMENT OF INSURANCE
PUBLIC NOTICE OF PROPOSED CHANGES TO THE DEPARTMENT OF INSURANCE'S REGULATION
RELATING TO AUTOMOBILE INSURANCE COVERAGE**

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of a proposed change to **Regulation 608** relating to **Automobile Insurance Coverage**. The docket number for this proposed amendment is 358.

The proposed change to the regulation provides that insurers of private and commercial insurers authorized to issue private automobile insurance in this State shall provide a telephone number and email address to the Department of Insurance by and through which any insured or other claimant for benefits could contact the insurer for claims or claim related inquiries. The proposed amendment can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.state.de.us/inscom/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, and compilations of data or other materials concerning the proposed amendment. Any written submission in response to this notice and relevant to the proposed change must be received by the Department of Insurance no later than 4:30 p.m., Monday, March 5, 2007, and should be addressed to Deputy Attorney General Michael J. Rich, c/o Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.5566 or email to michael.rich@state.de.us.

DEPARTMENT OF INSURANCE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE OF PROPOSED DEPARTMENT OF INSURANCE REGULATION RELATING TO INTERNAL REVIEW, ARBITRATION AND INDEPENDENT UTILIZATION REVIEW OF HEALTH INSURANCE CLAIMS

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of proposed amendments to Department of Insurance **Regulation 1301** relating to **Internal Review, Arbitration and Independent Utilization Review of Health Insurance Claims**. The docket number for this proposed regulation is 356.

The Department of Insurance proposes to amend Regulation 1301 by rescinding the current regulation and substituting in lieu thereof revised provisions for the review and arbitration of health insurance claims. As a result of the enactment of Senate Bill 295 on July 6, 2005 it became necessary to re-promulgate Regulation 1301 to provide for the review of claims from managed care organizations formerly under the regulatory authority of the Department of Health and Social Services. The **Delaware Code** authority for the change is 18 **Del.C.** §§311, 332 and 6401 *et seq.* The text can also be viewed at the Delaware Insurance Commissioner's website at www.delawareinsurance.gov and clicking on the link for "Proposed Regulations."

The Department of Insurance will hold a public hearing on the proposed changes on Monday, February 26, 2007 at 10:00 a.m. in the Consumer Services hearing room, 841 Silver Lake Blvd., Dover, DE 19904. Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendment. Any written submission in response to this notice and relevant to the proposed change must be received by the Department of Insurance no later than 4:30 p.m., March 6, 2007 by delivering said comments to Deputy Attorney General Michael J. Rich, c/o Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.5566 or emailed to michael.rich@state.de.us.

DEPARTMENT OF INSURANCE
NOTICE OF PUBLIC HEARING

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of proposed Department of Insurance **Regulation 1403** relating to **Managed Care Organizations**. The docket number for this proposed regulation is 357.

The Department of Insurance proposes to amend Regulation 1403 by rescinding the current regulation and substituting in lieu thereof revised provisions for the review and arbitration of health insurance claims. As a result of the enactment of Senate Bill 295 on July 6, 2005 it became necessary to re-promulgate Regulation 1301 to provide for the review of claims from managed care organizations formerly under the regulatory authority of the Department of Health and Social Services. The **Delaware Code** authority for the change is 18 **Del.C.** §§311 and 6401 *et seq.* The text can also be viewed at the Delaware Insurance Commissioner's website at www.delawareinsurance.gov and clicking on the link for "Proposed Regulations."

The Department of Insurance will hold a public hearing on the proposed changes on Monday, February 26, 2007 at 10:00 a.m. in the Consumer Services hearing room, 841 Silver Lake Blvd., Dover, DE 19904. Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendment. Any written submission in response to this notice and relevant to the proposed change must be received by the Department of Insurance no later than 4:30 p.m. March 6, 2007 by delivering said comments to

Deputy Attorney General Michael J. Rich, c/o Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.5566 or emailed to michael.rich@state.de.us.

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL
DIVISION OF AIR AND WASTE MANAGEMENT
PUBLIC NOTICE**

Title of the Regulations:

Delaware Regulation Governing the Control of Air Pollution No. 1142 Section 2: Control of NOx Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries.

Brief Synopsis of the Subject, Substance and Issues:

The Clean Air Act Amendments of 1990 (CAA) requires Delaware, as part of the Philadelphia-Wilmington-Atlanta City non-attainment area, to attain the 8-hour ozone National Ambient Air Quality Standard (NAAQS) by 2010. Since oxides of nitrogen (NOx) is one of the two major precursors that form ozone in the lower atmosphere, Delaware must reduce NOx emissions in order to reduce ambient ozone concentrations, to attain the NAAQS. According to the requirements of US Environmental Protection Agency (EPA), NOx reductions must be achieved by May of 2009 to ensure attainment by 2010. Delaware's emission inventory data demonstrates that large industrial boilers and process heaters in petroleum refineries in Delaware are significant NOx emitting sources. Therefore, those large boilers and process heaters should be subject to appropriate NOx emission controls.

The proposed Regulation 1142 Section 2 will affect large refinery boilers and process heaters with heat input capacities equal to or greater than 200 million British thermal units per hour (mmBTU/hour). By setting up appropriate emission rate limits and control implementation schedules for those units, NOx emission reductions will be achieved in 2009 to help Delaware attain the ozone NAAQS, and additional reduction will be achieved in 2011-2012 period to help Delaware to maintain the ozone standard once it is attained.

The proposed regulation and the associated NOx emission reductions will be included in Delaware State Implementation Plan (SIP) revisions to demonstrate Delaware's capability to make reasonable progress towards attainment, to attain the ozone standard in 2010, and to maintain the ozone standard thereafter. Those SIP revisions are due to EPA by June 2007.

In addition to aiding the adequate progress toward, and ultimate attainment of the ozone NAAQS, the proposed regulation will aid Delaware in attaining the fine particulate matter (PM) NAAQS by 2010, help satisfy Delaware's compliance with the federal Clean Air Interstate Rule (CAIR) and the federal Nitrogen Oxides Transport State Implementation Plan (SIP) Call, help satisfy EPA's finding that Delaware failed to submit a Clean Air Act Section 110 SIP addressing upwind interstate transport for the ozone and fine particulate matter NAAQS, and improve visibility.

Notice of Public Comment:

A public hearing will be held on March 6, 2007, beginning at 6:00 pm, in DNREC Conference Room A, 391 Lukens Drive, New Castle, DE 19720.

Prepared By:

Frank F. Gao, Project Leader Phone: (302) 323-4542

Date: January 11, 2007

E-Mail: Frank.Gao@state.de.us

**DIVISION OF AIR AND WASTE MANAGEMENT
Site Investigation and Restoration Branch****PUBLIC NOTICE****Notification of Public Comment Period Regarding the Independent Study Report for the Proposed Remedy at the Hay Road Sludge Drying ("Iron Rich") Site**

The Delaware Department of Natural Resources and Environmental Control ("DNREC" or the "State of Delaware") is seeking written public comments regarding the Independent Study Report, prepared by Schnabel Engineering North, LLC (Schnabel), December 20, 2006. This report addresses an independent environmental evaluation of the proposed remedy at the Hay Road Sludge Drying ("Iron Rich") Site ("Site"), pursuant to the 143rd General Assembly, House Concurrent Resolution No. 22 (HCR 22).

DNREC retained Schnabel to perform an objective and independent third-party evaluation of the proposed remedy for the Site following public solicitation for an independent contractor as stated in HCR 22. Pursuant to HCR 22, DNREC took responsibility for administering the contract, including developing the scope of work for the contractor solicitation. In addition, DNREC provided the draft scope of work to community representatives and interested members of the public who reviewed the scope of work to be addressed in the Independent Study Report prior to DNREC finalizing the contract with Schnabel.

The primary findings of the overall evaluation indicate concerns and/or deficiencies in the information and submittals relating to the (1) Dredged Material, (2) Groundwater; (3) Iron Rich Material (IRM), (4) Remedial Investigation/Risk Assessment (RI/RA), and (5) Focused Feasibility Study (FFS). The data deficiencies raise questions about the sufficiency of the technical support for the selected remedy. The study did not reach any conclusions about the adequacy of the remedy, however. For further detail, the Independent Study Report and related documents are available at DNREC's Air and Waste Management Division's web page under "DuPont Iron Rich Pile" at <http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/sirb/>

Hard copies of the report are available at the office of DNREC-SIRB, 391 Lukens Drive, New Castle, Delaware 19720 or in the Claymont and Wilmington Public libraries.

Pursuant to House Concurrent Resolution No. 22, "...the results shall become a part of the public record, open for public comment for 30 days, and shall become a part of the decision-making process of DNREC for the ultimate disposition of the material". The comment period will close @ 4:30 p.m. on Friday, March 2, 2007. Interested parties may submit their comments in writing to Qazi Salahuddin, Ph.D., Program Manager, DNREC-SIRB, 391 Lukens Drive, New Castle, Delaware 19720 or via e-mail to qazi.salahuddin@state.de.us.

**DIVISION OF FISH AND WILDLIFE
NOTICE OF PUBLIC HEARING**

The Department of Natural Resources and Environmental Control will hold a public hearing regarding a proposed amendment to Tidal Finfish Regulation 3580 concerning commercial fishing for spiny dogfish.

The proposed action is to re-open the commercial fishery in Delaware for the spiny dogfish (*Squalus acanthias*) in accordance with the latest revision of the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Spiny Dogfish and in accordance with federal law, whichever is more restrictive. When federal seasons and catch limits are more restrictive than state limits or Atlantic States Marine Fisheries Commission limits, then federal limits shall apply under the proposed regulation. For federal purposes, the fishery for spiny dogfish is split into two quota periods; May 1 through October 31 and November 1 through April 30 with an annual coastal quota of 4 million pounds. The daily catch (possession limit) of spiny dogfish in federal waters is 600 lbs. per day for participants in the spiny dogfish fishery. Under this proposal, when the federal quota is reached for any quota period, the federal fishery closes. It is proposed that the State of Delaware fishery will automatically close as well when the federal quota is reached and the National Marine Fisheries Service declares the federal spiny dogfish fishery closed.

Individuals may address questions to the Fisheries Section, Division of Fish and Wildlife, 89 Kings

Highway, Dover, DE 19901, or by phone to (302) 739-9914 or by e-mail to roy.miller@state.de.us. A public hearing on this regulation will be held in the Department of Natural Resources and Environmental Control Auditorium, at the same address, at 6:30 PM on February 21, 2007. Comments for the hearing record should be addressed to Lisa Vest, Hearing Officer, Office of the Secretary, Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, De 19901 or by e-mail to Lisa.Vest@state.de.us

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
2000 Board of Occupational Therapy
NOTICE OF PUBLIC HEARING**

The Delaware Board of Occupational Therapy, in accordance with 24 **Del.C.** §2006(a)(1), has proposed changes to its Regulations 2.0 and 3.0 to change the audit process for license renewal so that continuing education attestations will be audited after the license renewal period is over, rather than before the expiration date. The changes will also extend the period of time during each biennial licensure period during which licensees may obtain required CE credits from May 31st of each renewal year to July 31st of each renewal year, to correspond with the license renewal period.

A public hearing will be held on March 7, 2007 at 4:45 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 the Delaware Board of Occupational Therapy, 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 at the public hearing.

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

**DIVISION OF PROFESSIONAL REGULATION
2700 Board of Professional Land Surveyors
PUBLIC NOTICE**

The Delaware Board of Professional Land Surveyors in accordance with 24 **Del.C.** §2706(a)(1) has proposed revisions to its rules and regulations. The proposed revisions to the Rules and Regulations are being updated to enable licensees to renew their licenses on line, attest that they have completed the required continuing education and change the period of late renewal of licenses. Documentation of having completed the required continuing education must still be maintained by the licensee but it will only be required to be produced in the event the licensee is randomly selected for continuing education audit post renewal.

A public hearing will be held on March 15, 2007 at 8:30 a.m. in the second floor conference room A 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 Professional Land Surveyors, 861 Silver Lake Boulevard, 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 at the public hearing.

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

**DIVISION OF PROFESSIONAL REGULATION
3500 Board of Examiners of Psychologists
PUBLIC NOTICE**

The Delaware Board of Examiners of Psychologists in accordance with 24 **Del.C.** §2604(a)(1) has proposed changes to its rules and regulations to allow for online renewal of licenses and online attestation of completion of continuing education hours. The proposed changes also provide for a post-renewal audit, so that licensees have the full two-year period to obtain required continuing education. Under the proposed rules, licensees may earn continuing education through the July 31 deadline. In addition, the proposed rules specify the number of continuing education credits required for newly-licensed individuals. The proposed rules also clarify the information that must be submitted to the Board to obtain licensure. Finally, the proposed revisions implement the recent changes to the reciprocity provisions of the Board's statute, 24 **Del.C.** §3511. These changes allow professionals that have passed the required examination and have been licensed in another state for at least two continuous years to satisfy the requirements of licensure in Delaware by submitting information showing that they hold a current Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB), or are currently credentialed by the National Register of Health Service Providers in Psychology.

A public hearing will be held on March 5, 2007 at 9:30 a.m. in the second floor conference room A 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 Examiners of Psychologists, 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 at the public hearing.

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

10 DE Reg. 1337 (02/01/07)