

DEPARTMENT OF AGRICULTURE
FOOD PRODUCTS INSPECTION SECTION
301 Food Products Inspection
PUBLIC NOTICE

The Delaware Department of Agriculture's Food Products Inspection Section ("the Department") proposes to amend Regulation 3.1 of its existing Regulations (see 3 **DE Admin. Code** 301) to ensure that all meat, poultry, and egg product inspections in Delaware as well as its methods of slaughter are in compliance with current federal regulatory requirements as they are found in the Code of Federal Regulations, and as they may be amended from time to time, and so as to satisfy U.S. Department of Agriculture officials that Delaware is enforcing inspection standards that are "at least equal to" those imposed and enforced under the relevant federal acts mandated by 3 **Del.C.** §8707(6).

Public comments concerning the proposed amendment to Regulation 3.1 may be submitted in writing to Andrea Jackson, Administrator, Food Products Inspection, at 2320 S. DuPont Highway, Dover, DE 19901, on or before July 2, 2012.

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 6.2.2.2 to add at the end of the second sentence the words "except when written Delaware Owned or Bred Preferred." The Commission will hold a public hearing on the proposed rule change at Harrington Raceway on August 14, 2012 at 10:15 am.

Written comments should be sent to Hugh J. Gallagher, Executive Director of the Delaware Harness Racing Commission, Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901. Written comments will be accepted for thirty (30) days from the date of publication in the *Register of Regulations*.

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.html

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, June 21, 2012 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES
Transitional Resources to Relative Caregivers
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 *Transitional Resources to Relative Caregivers*.

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 June 30, 2012.

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
Determining Income Eligibility
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 the Child Care Subsidy Program, specifically, *Determining Income 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, 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 June 30, 2012.

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 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 clarify the definition of "Subject to Regulation". This language was added to 1125 as part of the December 2010 revisions made to implement the EPA's greenhouse gas tailoring rule. This new language can be read to provide that Prevention of Significant Deterioration (PSD) review is required only for pollutants that are emitted in major amounts. This proposed change will clarify that a major source for any pollutant subject to regulation under the CAA is subject to PSD review for all pollutants emitted at greater than the significance level. The December 2010 revisions were submitted to the EPA as a revision to Delaware's State Implementation Plan (SIP). This clarification is necessary to enable the EPA to approve this SIP revision.

The Department will hold a public hearing on these proposed amendments on Monday, June 25, 2012 beginning at 6:00 pm in the Richardson and Robbins Building auditorium, located at 89 King's Highway in Dover. Interested persons may submit comments in writing to Gene Pettingill, Division of Air Quality, 715 Grantham Lane, New Castle DE 19720 and/or statements and testimony may be presented either orally or in writing at the public hearing.

DIVISION OF FISH AND WILDLIFE
3531 Tautog; Size Limits, Creel Limits and Seasons
PUBLIC NOTICE

The purpose of this action is to amend the tautog (*Tautoga onitis*) regulations, with possible changes to the season, size and creel limits. Delaware was previously mandated to modify its tautog regulations by the Atlantic States Marine Fisheries Commission for the 2012 fishing season to achieve a 53% reduction in harvest. The mandate was to reduce harvest by 53% as required under Addendum VI to the Interstate Fisheries Management Plan for Tautog (Plan). However, an error was identified and corrected in the 2011 stock assessment. Although the stock continues to be overfished and overfishing is occurring, the updated 2011 assessment indicates that the required reduction in exploitation should be 39%. The ASMFC Tautog Management Board has approved modifications to state proposals to achieve the updated reduction target. As such, Delaware proposes to modify its existing regulations to allow for less restrictive management measures consistent with a 39% reduction in exploitation. This may include changes to the tautog size limits, creel limits and/or seasons. It is anticipated that these regulations will remain in place for three to five years.

The hearing record on the proposed changes to the tautog regulation will be open June 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 June 22, 2012 beginning at 7 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Gaming Control Board
101 Regulations Governing Bingo; 102 Regulations Governing Raffles; 103 Regulations Governing Charitable Gambling Other Than Raffles; 104 Regulations Governing Texas Hold'em Poker
PUBLIC NOTICE

The Delaware Gaming Board will seek public comments on the issue of whether its current rules should be amended. Amendments to 10 **DE Admin. Code** 101 will correct various typographical errors and to eliminate references to specific statutory sections which may soon be changed. A new section will also be added to show that bingo events may not be conducted at a charitable gaming vendor's facility.

The definition of "raffle" in 10 **DE Admin. Code** 102 will be amended to make it clear that a raffle with a series of drawings over six months will be charged a single fee for the entire six months, and also make it clear that chances in such a raffle may be purchased throughout the six month period. It will also be amended to make it clear that one must be 18 years old to participate in a raffle. A new section 2.2 will make it clear that the sponsoring organization must handle the money in all raffles and there can be no third party payor, such as PayPal. Another new section 3.8 will indicate that houses or other buildings may not be the prize offered in a raffle. A new Rule 3.9 will make it clear that no raffle tickets may be sold until the charitable organization has been licensed to conduct the raffle. Various statutory references will also be deleted.

Amendments will also be made to 10 **DE Admin. Code** 103 to change certain words and to delete statutory references. A new section 6.4 will also be added to this section to require that when new ownership takes over a charitable gaming vendor, the new owner must submit a valid Delaware business license. The charitable organization with a license to conduct an event using that vendor must inform the Board that it is aware of the ownership change and will continue with the event with the new owners. In addition, an amendment to Rule 3.1.6 in this section will make it clear that no tip cups may be placed on a table because tips are not permitted at charitable gaming events. While tips are not allowed, donations to the charitable organization are permitted, to be placed in bowls or cups near the entrance to the game where it will be accessible to the member in charge.

Statutory references will also be deleted from 10 **DE Admin. Code** 104.

Persons wishing to present their views regarding this matter may do so at a public hearing to be held on Thursday, July 5, 2012 at a meeting of the Delaware Gaming Control Board, 861 Silver Lake Boulevard, Cannon Building, Suite 203, Dover, DE 19904. Persons may also submit responses in writing by the close of business on or before June 30, 2012 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
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 Regulation 4.0 *Qualifications of Applicant; Residency Requirements* to define active practice for applicants applying for licensure as dentists and dental hygienists by reciprocity. The proposal also amends Regulation 6.0 *Continuing Professional Education* to clarify that the Board will accept courses approved by PACE (Program Approval for Continuing Education) and CERP (Continuing Education Recognition Program) for continuing education. Regulation 6.0 also clarifies that CPR courses provided or approved by organizations approved for continuing education identified in Regulations 6.5.1.1 through 6.5.1.4 are also acceptable to meet the CPR requirement. Finally, the proposal corrects the date for determining the proration of continuing education in Regulations 6.7.2.1 and 6.11.2.1 from March 1st to May 31st.

A public hearing will be held on July 19, 2012 at 3:15 p.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 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. 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
1700 Board of Medical Licensure and Discipline
PUBLIC NOTICE**

The Delaware Board of Medical Licensure and Discipline in accordance with 24 **Del.C.** §1713(a)(12) is proposing changes to its rules and regulations to amend outdated renewal provisions in Regulation 14 and replace them with requirements for renewal and examination for physicians seeking initial licensure who have been out of clinical practice for 3 or more years prior to the application as authorized by 24 **Del.C.** §1723(d).

The Board initially published proposed changes to Regulation 14 on March 1, 2012 at 15 DE Reg. 1293 and held a public hearing April 3, 2012 at which time it received public comment. As a result of the comment the Board is proposing to

limit the application of the regulation to physicians. The original proposal made the regulation applicable to all professionals under the Medical Practice Act. The Board was persuaded that each advisory council under the Medical Practice Act should address its own practice specific re-entry to practice requirements.

The Board will hold a public hearing on the proposed amendments to Regulation 14 on July 24, 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 regulations. Anyone wishing to receive a copy of the proposed rules and regulations 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. 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
1790 Acupuncture Advisory Council
PUBLIC NOTICE
RESCHEDULED HEARING**

Consistent with a recent statutory amendments providing for the licensure of Acupuncture Detoxification Specialists (ADS), the Acupuncture Advisory Council ("Council") of the Board of Medical Licensure and Discipline ("Board") in accordance with 24 **Del.C.** §1796(c) and 29 **Del.C.** Ch. 101, has developed and is proposing to recommend to the Board the approval of regulations regarding the practice of acupuncture detoxification using the National Acupuncture Detoxification Association (NADA) or equivalent organization's auricular point protocol in the State of Delaware. The proposed regulations clarify the provisions of 24 **Del.C.** §1799F regarding initial licensure, practice settings, renewal and demonstrating continued competency at the time of renewal. The full text of the proposed regulations was published in the *Register of Regulations* on February 1, 2012 at 15 DE Reg. 1137.

The public hearing originally scheduled for April 19, 2012 at 3:15 p.m. in the second floor conference room C of the Cannon Building, 861 Silver Lake Boulevard, Dover was cancelled due to a lack of quorum to conduct the meeting. The public hearing has now been rescheduled to June 21, 2012 at 3:15 p.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover where members of the public may offer comments.

Anyone wishing to receive a copy of the proposed rules and regulations 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. The final date to receive written comments will be at the public hearing. The Council may vote on whether to promulgate the proposed regulations subject to the approval of the Board immediately following the public hearing.

**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 proposed revision to the rules extend the period of time a licensee or certificate holder may request to have her/his license or certificate placed on inactive status from a 6 year limited period of time to an indefinite period of time.

The Board will hold a public hearing on the proposed rule change on July 17, 2012 at 10:00 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Nicole Williams, Administrator of the Delaware Council on Real Estate Appraisers, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

15 DE Reg. 1778 (06/01/12)