

**DELAWARE RIVER BASIN COMMISSION**  
**PUBLIC NOTICE**

The Delaware River Basin Commission will hold a public hearing on Wednesday, September 11, 2013 beginning at 1:30 p.m. A conference session and business meeting will be held on the following day, Thursday, September 12, 2013 beginning at 12:15 p.m. The hearing, conference session and meeting are open to the public and will be held at The Enterprise Center at Burlington County College, 3331 Route 38, Mount Laurel, New Jersey. For more information, visit the DRBC web site at [www.drbc.net](http://www.drbc.net) or contact Pamela M. Bush, 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, September 19, 2013 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
**Medicaid Provider Screening Requirements and Enrollment Fee and Program Integrity**  
**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 Medicaid and Medical Assistance (DMMA) is proposing to amend the Delaware Medical Assistance Program (DMAP) Manual specifically, the General Policy Provider Manual regarding *Medicaid Provider Screening Requirements and Provider Enrollment Fee and Program Integrity*.

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 302-255-4425 by September 30, 2013.

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.

The proposed provides notice to the public that the Division of Medicaid and Medical Assistance (DMMA) intends to amend the Delaware Medical Assistance Program (DMAP) Manual specifically, the General Policy Provider Manual regarding *Medicaid Provider Screening Requirements and Provider Enrollment Fee and Program Integrity*.

**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
**Medicaid Reimbursement for Prescription Drugs – Multi-State Purchasing Pool Supplemental Drug Rebate Agreement**  
**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 and with 42 CFR §447.205, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan to modify the *Multi-State Purchasing Pool Supplemental Rebate Agreement* for pharmaceutical products.

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 302-255-4425 by September 30, 2013.

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  
4305 Trauma System  
PUBLIC NOTICE**

Office of Emergency Medical Services & Preparedness Section, Division of Public Health, Department of Health and Social Services (Department), has proposed amendments to the State of Delaware Trauma System Regulations. The proposed revisions to the Trauma System regulations bring the Delaware Statewide Trauma System and its components into alignment with the current revision of the American College of Surgeons' Committee on Trauma's Resources for Optimal Care of the Injured Patient 2006. The revisions were developed and recommended by the stakeholders who serve on the state Trauma System Committee and primarily are related to documentation of the requirements for Trauma System Participating Hospitals, modification of the Trauma Registry inclusion criteria to be in alignment with the National Trauma Data Bank criteria, updating of the Trauma Center Designation Process, and relocation of the Prehospital Trauma Triage Scheme to the Advanced and Basic Life Support Standing Orders.

On September 1, 2013, the Department plans to publish proposed amendments to the State of Delaware Trauma System Regulations and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the September 1, 2013 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Emergency Medical Services at (302) 223-1789.

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 4:30 p.m. on Tuesday, October 3, 2013 at:

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

**DIVISION OF SOCIAL SERVICES  
PUBLIC NOTICE  
Child Care Subsidy Program  
Definitions and Explanation of Terms  
Definition of Relative**

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 *Definitions and Explanation of Terms* in the context of the Child Care Subsidy Program, specifically, the definition of *Relative*.

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 September 30, 2013.

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.

**DSSM 11002.9**, *Definition and Explanation of Terms*, is amended to clarify the definition of "relative" for child care certificate approvals. The current definition is vague and leads eligibility determination workers to the Delaware Temporary Assistance for Needy Families (TANF) policy definitions. The proposed rule change is intended to ensure that eligible relatives provide authorized child care services.

**DEPARTMENT OF INSURANCE  
OFFICE OF THE COMMISSIONER  
302 Captive Insurance Financial Regulation  
PUBLIC NOTICE**

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed amended Department of Insurance Regulation 302 relating to the Captive Insurance Financial Regulation. The docket number for this proposed amended Regulation is 2242-2013.

The proposed amended Regulation supports Delaware's Captive Insurance Program (18 **Del.C.** Ch. 69) and allows Delaware to adopt a national model audit requirement for Risk Retention Groups, maintaining Delaware's accreditation standing. The Delaware Code authority for the proposed change is 18 **Del.C.** §311 and §6915; and 29 **Del.C.** Ch. 101.

The Department of Insurance does not plan to hold a public hearing on the proposed amended Regulation. The proposed amended Regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at:

[www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml](http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml)

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 regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Monday, September 30, 2013. Any such requests should be directed to:

Regulatory Specialist Rhonda West  
Delaware Department of Insurance  
841 Silver Lake Boulevard  
Dover, DE 19904  
Phone: (302) 674-7379  
Fax: (302) 739-5566  
Email: [rhonda.west@state.de.us](mailto:rhonda.west@state.de.us)

## **DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

### **DIVISION OF AIR QUALITY**

#### **Amendment to the Inspection and Maintenance (I/M) State Implementation Plan (SIP) concerning Section 11(e) – Program Compliance PUBLIC NOTICE**

Currently, the Department performs parking lot surveys, recording vehicles registration tag numbers that have expired. The surveys are part of the commitment in the Inspection and Maintenance State Implementation Plan to track compliance with Regulation 1131 which requires a biennial vehicle emission inspection. Applicable vehicles without a proper registered vehicle can be presumed to be in non-compliance with Regulation 1131. The survey results are made part of the Department's annual I/M report sent to EPA. The purpose of the proposed amendment is to change the methodology by which compliance with Regulation 1131 is monitored by the Department. The proposal would remove the parking lot survey data from the report and put in its place expired vehicle registration arrest data provided by the Delaware Justice Information System.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on September 25, 2013 beginning at 6:00 PM in Room 220, at the Kent County Administrative Complex located at 555 Bay Rd, Dover, DE. Interested parties may submit comments in writing to: Philip Wheeler, DNREC Division of Air Quality, 655 South Bay Road, Dover Delaware, 19901.

### **DIVISION OF AIR QUALITY**

#### **1140 Delaware National Low Emission Vehicle Program PUBLIC NOTICE**

Division of Air Quality is proposing amendments to, 7 **DE Admin. Code** 1140- *Low Emission Vehicle Program*. The purpose of this action is to 1) remove the requirements that provide for prospective incorporation of revisions made by California, and 2) update certain provisions and adopt by reference the applicable sections within Title 13 of the California Code of Regulations that comprise California's Low Emission Vehicle (LEV) III standard and the Greenhouse Gas (GHG) standard, also known as the Advanced Clean Cars Program for model years 2015 to 2025.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Monday, September 23, 2013 beginning at 6:00 PM at the Richardson & Robbins Auditorium, 89 Kings Highway, Dover Delaware 19901. Interested parties may submit comments in writing to: Deanna Cuccinello, DNREC Division of Air Quality, at 655 South Bay Road, Suite 5N, Dover, DE 19901.

**DIVISION OF AIR QUALITY**  
**1147 CO<sub>2</sub> Budget Trading Program**  
**PUBLIC NOTICE**

Division of Air Quality is proposing amendments to, 7 **DE Admin. Code** 1147- CO<sub>2</sub> Budget Trading Program, which addresses Carbon Dioxide (CO<sub>2</sub>) emissions from Electric Generating Units (EGUs). The proposed amendments are based on the changes made to the Regional Greenhouse Gas Initiative (RGGI) Model Rule, which is the template used by RGGI participating states in their individual rulemaking process. The amendments included a change in the size and structure of Delaware's CO<sub>2</sub> allowance budget as well as other program modifications.

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, September 25, 2013 beginning at 6:00 PM at the Kent County Building located at 555 S. Bay Road Dover Delaware 19901. Interested parties may submit comments in writing to: Babatunde Asere, DNREC Division of Air Quality, at 655 South Bay Road, Suite 5N, Dover, DE 19901.

**DIVISION OF FISH AND WILDLIFE**  
**PUBLIC NOTICE**  
**3518 Black Drum Size Limit; Possession Limit; Landing Limit; Dealer Limit**

The Atlantic States Marine Fisheries Commission approved an Interstate Fishery Management Plan (FMP) for Black Drum in May 2013. The plan was initiated to address a significant increase in harvest in the commercial and recreational fisheries. The FMP requires all states to maintain current regulations for black drum and ultimately adopt a coastwide minimum size limit of at least 14 inches by January 1, 2016. Delaware's current regulations include a 16-inch minimum size limit and a 3 fish recreational size limit. However, these measures as well as Delaware's commercial fishery management measures only apply to the Delaware River and Delaware Bay. Therefore, in support of the spirit of the FMP, the present action seeks to expand the applicability of Delaware's current restrictions statewide (to include all tidal waters of state). Such action will ensure compliance with the new FMP until modified through amendment or addendum.

The hearing record on proposed amendments to 3518 Black Drum Size Limit; Possession Limit; Landing Limit; Dealer Limit will be open September 1, 2013. 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 September 30, 2013 beginning at 6:00 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

**DIVISION OF FISH AND WILDLIFE**  
**PUBLIC NOTICE**  
**3588 Atlantic Menhaden**

The recent population assessment of Atlantic menhaden (*Brevoortia tyrannus*) showed a decline in population abundance and low recruitment rates. Estimates of fishing mortality show that overfishing is occurring and, in response, the Atlantic States Marine Fisheries Commission (ASMFC) adopted Amendment 2 to the Interstate Fisheries Management Plan for Atlantic Menhaden. Amendment 2 is designed to minimize the chance of a population decline due to overfishing; reduce the risk of recruitment failure; reduce impacts to species which are ecologically dependent on Atlantic menhaden; and minimize adverse effects on participants in the fishery.

Implementation of Amendment 2 required that states submit implementation plans for approval by the ASMFC's Atlantic Menhaden Management Board. The Board approved Delaware's implementation plan at its 22 May 2013 meeting. The purpose of the present action is to formally adopt the management measures contained in Delaware's Atlantic menhaden implementation plan. The action will establish Delaware's annual Atlantic menhaden quota consistent with Amendment 2; establish timely reporting by the fishery; provide for closure of the fishery upon reaching quota; and establish a daily by-catch limit.

The hearing record on the inclusion of a new 3588 Atlantic Menhaden to the Tidal Finfish Regulations (7 **DE Admin. Code** 3500) will be open September 1, 2013. 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 September 30, 2013 beginning at 6:30 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

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

The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 **Del.C.** 1106(a)(1), proposes to add a new section to its regulations, 12.0, et. al.. The proposed addition defines unprofessional conduct within the practice of dentistry and dental hygiene and lists examples of such conduct.

The Board will hold a public hearing on the proposed rule change October 17, 2013 at 1:30 PM, Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Amanda McAtee, Administrator of the Delaware Board of Architects, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until November 1, 2013.

**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**  
**2500 Board of Pharmacy**

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy has proposed revisions to its rules and regulations.

A public hearing was held on May 15, 2013, with deliberations conducted on June 19, 2013. As the result of deliberations, the Board decided to make substantive revisions to the proposed amendments originally published in the Delaware *Register of Regulations* on April 1, 2013, Volume 16, Issue 10. Specifically, the Board proposes to strike the language "only to patients that are self-medicating" in Rule 6.4. The balance of the proposed revisions remain as published on April 1, 2013.

A public hearing will be held on October 16, 2013 at 10:00 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 on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Pharmacy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be October 31, 2013 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 20, 2013 at 10:00 a.m., at which time it will determine whether to adopt the rules and regulations as proposed or make additional changes due to the public comment.

**DIVISION OF PROFESSIONAL REGULATION**  
**PUBLIC NOTICE**  
**4100 Board of Home Inspectors**

The Delaware Board of Home Inspectors, pursuant to 24 **Del.C.** §4106(a)(1), proposes to amend its rules and regulations. The proposed additions at 3.5 and 10.1.2 seek to allow applicants for trainee status to obtain partial credit for inspections performed before November 4, 2013, as long as the application is submitted on or before November 4, 2013. The addition at 10.1.1 seeks to allow trainee applicants to obtain full credit for supervised inspections performed prior to November 4, 2013, and the proposed amendment at 3.5 seeks to decrease the overall number of supervised inspections a trainee licensee must complete in order to become a fully licensed home inspector. The addition at 5.1 seeks to allow the Board to pre-approve qualifying education courses for applicants.

The Board will hold a public hearing on the proposed regulation change on September 24, 2013 at 9:30 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Amanda McAtee, Administrative Specialist of the Delaware Board of Home Inspectors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until October 9, 2013 pursuant to 29 **Del.C.** §10118(a). The Board will deliberate on the proposed changes at its regularly scheduled meeting on October 9, 2013 at 9:30 a.m.

**PUBLIC SERVICE COMMISSION**  
**PUBLIC NOTICE**

AND REGULATIONS TO IMPLEMENT THE PROVISIONS  
OF 26 DEL.C. CH. 10 RELATING TO THE CREATION OF  
A COMPETITIVE MARKET FOR RETAIL ELECTRIC  
SUPPLY SERVICE (OPENED APRIL 27, 1999;  
RE-OPENED JANUARY 7, 2003; RE-OPENED  
SEPTEMBER 22, 2009; RE-OPENED SEPTEMBER  
7, 2010; RE-OPENED JULY 17, 2012

PSC REGULATION DOCKET NO. 49

**EXHIBIT "B"**

**NOTICE OF PROPOSED RULE-MAKING AMENDING  
"RULES FOR CERTIFICATION AND REGULATION OF ELECTRIC SUPPLIERS"**

**TO: ALL ELECTRIC SUPPLIERS, ELECTRIC UTILITIES, RETAIL ELECTRIC CUSTOMERS AND OTHER  
INTERESTED PERSONS**

In 1999 the Delaware Public Service Commission ("PSC") has promulgated certain regulations pertaining to certification of electric suppliers in 26 **DE Admin. Code** §3001, now entitled "Rules for Certification and Regulation of Electric Suppliers ("Supplier Rules"). The PSC has revised the Supplier Rules several times since then.

The PSC now proposes to revise the Supplier Rules. The purpose of the proposed revisions are to ensure electric choice for customers is more competitive and in compliance with the terms of the settlement agreement entered into by the parties in PSC Docket 10-2; to provide additional protection for customers; to require electric suppliers to include additional details regarding the rates, terms, and conditions of service in their offers to customers to provide electric supply services; to clarify sections of the Supplier Rules; and to make the certification process for electric suppliers more uniform. Pursuant to PSC Order No. 8187 a workgroup was formed and met several times to address the issues above.

The PSC is soliciting comments, suggestions, compilations of data, briefs, or other written materials about the proposed revisions to its Supplier Rules. If you wish to file any such materials, you should submit an original and ten copies of such written documents on or before **October 1, 2013**. 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: Reg. Doc. 49

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 or sent as an attachment to an e-mail addressed to [psc@state.de.us](mailto:psc@state.de.us), include "Reg. Doc. 49" as the subject of the email. The Commission encourages the public to submit written comments on or before **October 1, 2013**, but the last date to submit written comments will be on **November 16, 2013**.

The PSC will also conduct a public evidentiary hearing on the new proposed regulations on **October 22, 2013 at 1:00 P.M.** at the PSC's office at the address set forth above.

You may review PSC Order No. 8424 (July 30, 2013) (the "Order") and the proposed revised Supplier Rules in the September 2013 issue of the *Delaware Register of Regulations*. You may also review the Order and the proposed revised Supplier Rules at the PSC's website located at <http://depsec.delaware.gov/electric.shtml>.

Any materials submitted in connection with the proposed revised Supplier Rules will be available for public inspection and copying (to the extent they are "public records" under the Freedom of Information Act, 29 **Del.C.** §10002(g)) at the PSC's Dover office identified above during normal business hours. The fee for copying is \$.10 per page, with the first 20 pages being free of charge. If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. This form may be found at <http://smu.portal.delaware.gov/cgi-bin/mail.php?foia-request&subj=DOS>. There is also a link to the Freedom of Information Act Request Form on the PSC's website, <http://depsec.delaware.gov/default.shtml>. The PSC will respond to your request in accordance with the Freedom of Information Act, 29 **Del.C.** ch. 100. The Regulations may also be reviewed by appointment at the office of the Public Advocate, 820 N. French Street, 4<sup>th</sup> Floor, Carvel State Office Building, Wilmington, DE 19801. The Regulations will also be available on the PSC's website: <http://depsec.delaware.gov/electric.shtml>.

Any individual with disabilities who wishes to review submissions or to participate in this docket should contact the PSC to discuss any auxiliary aids or services to facilitate such review or participation. Such contact may be in person, in writing, by telephone, e-mail, or by other means.

If you have questions about this matter, you may call the PSC at 1-800-282-8574 (toll-free in Delaware) or 302-736-

7500 (voice and text telephone). You may also send questions regarding this matter by e-mail addressed to [psc@state.de.us](mailto:psc@state.de.us), please include "Reg. Doc. 49" as the subject of the email.

**17 DE Reg. 345 (09/01/13)**