

DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS IN OPTOMETRY

NOTICE OF PUBLIC HEARING

The Delaware Board of Examiners in Optometry is proposing an amendment to Rule 3.4 of its rules and regulations pursuant to 24 **Del.C.** §2104(a)(1) and 29 **Del.C.** §10115. The Board proposes to amend Rule 3.4 to strike the limitation on the number of interns or externs permitted in a practice at any period of time.

A public hearing will be held on May 12, 2005 at 6:45 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 amendment to the rules and regulations may obtain a copy from the Delaware Board of Optometry, 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 amendment to its regulations at its regularly scheduled meeting following the public hearing.

DIVISION OF PROFESSIONAL REGULATION
BOARD OF PHARMACY
Notice of Public Hearing

The Delaware Board of Pharmacy in accordance with 24 **Del.C.** §2509 has proposed changes to its rules and regulations. The proposal makes clerical and clarification changes to Regulations 1.0, 3.0, 5.0, 9.0, and 10.0. Regulation 1.2 is modified to recognize the role of preceptors from Pharmacy Colleges when students are participating in coordinated practical experience programs in Delaware pharmacies. Regulation 1.6 regarding to re-entry is deleted. Regulation 5.0 is changed to permit students of Pharmacy College to dispense and provide counseling. The provisions for emergency use medication in Regulation 9.0 are changed to correspond to the provisions in 11.0. The reference material in Regulation 10.0 is modified.

A public hearing will be held on the proposed changes on May 11, 2005 at 10:00 a.m. in the Jesse Cooper Building, Room 309 (third floor conference room), Federal and Water Streets, Dover, DE 19901. The Board will receive and consider input from any person on the proposed changes. Written comment can be submitted at any time prior to the hearing in care of David Dryden, Executive Secretary, at the above address. In addition to publication in the *Register of Regulations*, copies of the proposed regulation can be obtained from David Dryden, Executive Secretary, by calling (302)739-4798. Notice of the hearing and the nature of the proposal are also published in two Delaware newspapers of general circulation.

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

DIVISION OF PROFESSIONAL REGULATION
BOARD OF GEOLOGY
Notice of Public Hearing

The Delaware Board of Geologists in accordance with 24 **Del.C.** §3606 has proposed changes to Rule 7.0 of its rules and regulations to clarify that the ASBOG Fundamentals Of Geology (FG) exam may be taken at any time after the applicant meets the educational requirements set forth in the statute. This rule clarifies that the ASBOG Fundamentals Of Geology (FG) exam and ASBOG Practice of Geology (PG) may be taken at separate times allowing the Fundamentals exam to be taken immediately after graduation if an applicant so desires.

A public hearing will be held on May 6, 2005 at 10:15 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 Geologists, 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
BOARD OF FUNERAL SERVICES
Notice Of Rescheduled Public Hearing**

The Delaware Board of Funeral Services in accordance with 24 **Del.C.** §3105(a)(1) has proposed changes to its rules and regulations relating to continuing education. The proposal authorizes the automatic approval of courses offered by the Academy of Funeral Services Practitioners (AFSP) or state boards that license funeral directors.

A public hearing will be held at 10:30 a.m. on May 25, 2005, 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 rule may obtain a copy from the Delaware Board of Funeral Services, 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 rule at its regularly scheduled meeting following the public hearing.

**PUBLIC SERVICE COMMISSION
Notice of Public Hearing**

The Delaware General Assembly has enacted legislation granting the Delaware Public Service Commission (“the Commission”) jurisdiction over Wastewater Utilities serving fifty or more customers in the aggregate. The law is found at 74 **Delaware Laws**, Chapter 317.

In connection with the exercise of jurisdiction over Wastewater Utilities, the Commission is promulgating proposed new regulations governing the Minimum Standards For Service Provided by Wastewater Utilities subject to the jurisdiction of the Commission. The first regulation sets forth: (a) the Commission’s authority to promulgate the regulations; (b) the applicability of the regulations; and (c) the definitions used in the regulations. The second regulation addresses: (a) the records and reports to be maintained by wastewater utilities; (b) information to be filed with the Commission; (c) the complaint records that are to be maintained; and (d) customer billing. The third regulation governs engineering subjects, including: (a) the authorization needed for operation or construction of a wastewater system; (b) wastewater plant operation; and (c) wastewater plant inspection. The fourth regulation deals with wastewater system safety programs. The fifth regulation governs customer relations, including: (a) applications for service; and (b) billing statement adjustment. The sixth regulation governs front-end capital contributions.

Copies of the proposed Regulations are available for public inspection at the Commission’s address set out below during normal business hours. The Commission has authority to promulgate the regulations pursuant to 26 **Del.C.** §209(a) and 29 **Del.C.** §10111 *et seq.*

The Commission hereby solicits written comments, suggestions, compilations of data, briefs, or other written materials concerning the proposed regulations. Ten (10) copies of such materials shall be filed with the Commission at its office located at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware, 19904. **All such materials shall be filed with the Commission on or before May 5, 2005.** Persons who wish to participate in the proceedings but who do not wish to file written materials are asked to send a letter informing the Commission of their intention to participate on or before April 5, 2005.

The regulations and the materials submitted in connection therewith will be available for public inspection and copying at the Commission’s Dover office during normal business hours. The fee for copying is \$0.25 per page. The regulations may also be reviewed, by appointment, at the office of the Division of the Public Advocate located at the Carvel State Office

Building, 4th Floor, 820 North French Street, Wilmington, Delaware 19801 and will also be available for review on the Commission's website: www.state.de.us/delpsc.

Any individual with disabilities who wishes to participate in these proceedings should contact the Commission to discuss any auxiliary aids or services needed to facilitate such review or participation. Such contact may be in person, by writing, by telephone, or otherwise. The Commission's toll-free telephone number (in Delaware) is (800) 282-8574. Any person with questions may also contact the Commission Staff at (302) 739-4247 or by Text Telephone at (302) 739-4333. Inquiries can also be sent by Internet e-mail to karen.nickerson@state.de.us.

DEPARTMENT OF AGRICULTURE
DELAWARE STANDARDBRED BREEDERS' FUND
Notice of Public Hearing

The State of Delaware, Department of Agriculture's Standardbred Breeders' Fund (herein "the Fund") hereby gives notice of its intention to adopt amended regulations pursuant to the General Assembly's delegation of authority to adopt such measures found at 29 Del.C. §4815(b)(3)b.2.D and in compliance with Delaware's Administrative Procedures Act, 29 Del.C. §10115. The proposed amended regulations constitute a clarification of two existing regulations. The first is an amendment which will allow a wider participation by stallions seeking to register with the Fund's Program. The second is a clarification of the term "Satisfactory Performance Line" that was at issue in a recent Delaware lawsuit.

The Fund solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. The deadline for the filing of such written comments will be thirty days (30) after these proposed amended regulations are promulgated in the Delaware *Register of Regulations*.

Any such submissions should be mailed or delivered to Ms. Judy Davis-Wilson, Administrator, Delaware Standardbred Breeders' Fund whose address is State of Delaware, Department of Agriculture, 2320 South duPont Highway, Dover, Delaware 19901 by May 1, 2005.

THOROUGHBRED RACING COMMISSION
Notice of Public Hearing

The Delaware Thoroughbred Racing Commission, pursuant to 3 Del.C. §10103, proposes to amend rules 15.0 and 19.3.1.1 to permit the Commission to blood gas test, outlining quarantine procedures for positive tests, clarifying the current rules regarding furosemide, and to raise the appeal bond from \$250 to \$400 to cover the increased administrative costs including court reporter costs associated with appeals brought before the commission. The Commission will hold a public hearing on the proposed rule change on Saturday, April 30, 2005. Written comments should be sent to John Wayne, Administrator of Racing, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901.

DEPARTMENT OF EDUCATION

The State Board of Education will hold its monthly meeting on Thursday, April 21, 2005 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES
PUBLIC NOTICE

Food Stamp and Cash Assistance Programs

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 the policies of the Food Stamp Program and the Cash Assistance Program in the Division of Social Services Manual (DSSM) as it relates to trafficking victims.

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, P.O. Box 906, New Castle, Delaware 19720-0906 by April 30, 2005.

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 PUBLIC NOTICE

Long Term Care Program

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 the Division of Social Services Manual (DSSM) regarding the Long Term Care Program. The proposal gives direction on counting gifts to minors under the Uniform Gifts to Minors Act (UGMA) for the eligibility process.

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, P.O. Box 906, New Castle, Delaware 19720-0906 by April 30, 2005.

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 FISH AND WILDLIFE

NOTICE OF PUBLIC HEARING

Title Of The Regulations:

Tidal Finfish Regulation 3504 STRIPED BASS POSSESSION SIZE LIMIT; EXCEPTIONS. (Formerly Tidal Finfish Reg. 7)

Tidal Finfish Regulation 3541 ATLANTIC SHARKS. (Formerly Tidal Finfish Reg. 25)

Tidal Finfish Regulation 3566 MINIMUM AGE FOR A COMMERCIAL FINFISH LICENSEE OR A RECREATIONAL GILL NET LICENSEE.

Shellfish Regulation 3701 MINIMUM AGE FOR A COMMERCIAL SHELLFISHING LICENSEE OR NON-COMMERCIAL CLAMMING PERMITTEE.

Brief Synopsis Of The Subject, Substance And Issues:

To clarify what the minimum size limit is for striped bass taken commercially in gill nets in the Delaware River and Bay during the extended two-week season in February and the extended season during the month of May. During these season extensions, the minimum size for striped bass taken commercially from Delaware River and Bay shall be 20 inches total length, just as it is 20 inches total length during March and April in the Delaware River and Bay. The commercial gill net minimum size during the extended two-week season in February shall also be 20 inches total length in the Nanticoke River and its tributaries.

To set a minimum size of 54 inches, fork length and a one shark per person per day harvest limit for shoreline and pier fishermen for any large coastal shark, any pelagic shark or any small coastal shark exclusive of dogfish sharks.

To establish the age of 16 years as the minimum age to qualify for a commercial foodfish license and commercial foodfish equipment permits, for a recreational gill net permit, or for commercial shellfish licenses or a non-commercial clamming permit.

Notice Of Public Comment:

Individuals may present their opinions and evidence and/or request additional information by writing or calling or visiting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, Delaware 19901, (302)739-3441. A public hearing on this proposed amendment will be held at the Department of Natural Resources and Environmental Control Auditorium, 89 Kings Highway, Dover, DE at 7:30 PM on April 27, 2005. The record will remain open for written or e-mail comments to roy.miller@state.de.us until 4:40 PM May 2, 2005.

DIVISION OF FISH AND WILDLIFE
Statutory Authority: 7 Delaware Code,
Sections 903(e)(2) (7 Del.C. §§903(e)(2))

NOTICE OF PUBLIC HEARING

Title Of The Regulations:

Tidal Finfish Regulation 3512 Winter Flounder Size Limit; Possession Limit; Seasons. (Formerly Tidal Finfish Reg. 20)

Brief Synopsis Of The Subject, Substance And Issues:

The Atlantic States Marine Fisheries Commission recently approved Amendment 1 to the Interstate Fishery Management Plan for inshore Stocks of Winter Flounder. In order to come into compliance with this amendment, this proposed regulation would raise the minimum size for winter flounder (*Pseudopleuronectes americanus*) from 10 inches to 12 inches, total length and would establish a possession limit of 10 winter flounder per day (a day being 24 hours) for recreational fisherman. The above referenced plan also requires that the open season for recreational fishing be no longer than 60 days and that at least 20 continuous days must be closed in the months of March and April. Therefore it is proposed that:

Option 1 (Preferred) - It shall be unlawful for any recreational fisherman to take and reduce to possession any winter flounder before 12:01 AM February 11 or after midnight April 10 in any given calendar year.

Option 2 - It shall be unlawful for any recreational fisherman to take and reduce to possession any winter flounder before 12:01 AM February 11 or after midnight April 30 in any given calendar year. Further, it shall be unlawful for any recreational fisherman to take and reduce to possession any winter flounder between 12:01 AM March 1 and 12:00 midnight March 20 in any given calendar year.

Other options for an open fishing season may be considered as long as they include the required 20-day closure during the months of March and April and a 60-day open season.

Notice Of Public Comment:

Individuals may present their opinions and evidence and/or request additional information by writing or calling or visiting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, Delaware 19901, (302) 739-3441. A public hearing on this proposed amendment will be held at the Department of Natural Resources and Environmental Control Auditorium, 89 Kings Highway, Dover, DE at 7:30 PM on April 27, 2005. The record will remain open for written or e-mail comments to roy.miller@state.de.us until 4:40 PM May 2, 2005.