

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

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, December 8, 2010 beginning at 10:30 a.m. The meeting location could not be confirmed as of the deadline for this notice. For more information, visit the DRBC web site at [www.drbc.net](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**  
**PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, November 18, 2010 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
**Medicaid Recovery Audit Contractor Program**  
**NOTICE OF PUBLIC COMMENT PERIOD**

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 amending the Title XIX Medicaid State Plan to comply with section 6411 of the Affordable Care Act regarding the Medicaid Recovery Audit Contractor Program.

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 December 31, 2010.

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**  
**4455 Delaware Regulations Governing a Detailed Plumbing Code**  
**NOTICE OF PUBLIC HEARING**

The Department of Health and Social Services, Division of Public Health is proposing regulations which amend Title 16 of the Delaware Code relating to the adoption and enforcement of a Unified Plumbing Code. Title 16, Section 7906(e), created by House Bill 488 and signed into law on July 27, 2010, requires that the Division of Public Health shall issue plumbing permits and shall assess a \$100 fee for each permit, except that no permit shall be required or fee assessed for the replacement of an existing fixture, piece of equipment or related piping, including but not limited to hot water heaters and water conditioning systems. The Division of Public Health has proposed amended regulations governing a Detailed Plumbing Code to address this mandate. On December 1, 2010, the Division plans to publish proposed amendments to the Delaware Regulations Governing a Detailed Plumbing Code and hold them out for public comment per Delaware law.

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services (DHSS), will hold a public hearing to discuss proposed amendments to the Delaware Regulations Governing a Detailed Plumbing Code. Title 16, Section 7906(e), created by House Bill 488 and signed into law on July 27, 2010, requires that the Division of Public Health shall issue plumbing permits and shall assess a \$100 fee for each permit, except that no permit shall be required or fee assessed for the replacement of an existing fixture, piece of equipment or related piping, including but not limited to hot water heaters and water conditioning systems. The Division of Public Health has proposed amended regulations governing a Detailed Plumbing Code to address this mandate.

The public hearing will be held on December 22, 2010 at 10:00 a.m. in the Third Floor Conference Room, located in the Jesse Cooper Building, 417 Federal Street, Dover, Delaware.

Copies of the proposed regulations are available for review in the November 1, 2010 edition of the *Delaware Register*

of *Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 856-5496.

Anyone wishing to present his or her oral comments at this hearing should contact Ms. Deborah Harvey at (302) 744-4700 by December 20, 2010. Anyone wishing to submit written comments as a supplement to or in lieu of oral testimony should submit such comments by December 31, 2010 to:

Deborah Harvey, Hearing Officer  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Fax (302) 739-6659

**DIVISION OF PUBLIC HEALTH**  
**PUBLIC NOTICE**  
**4458 State of Delaware Food Code Regulations (2011)**

The Department of Health and Social Services, Division of Public Health is proposing regulations which amend Title 16 of the Delaware Code relating to the State of Delaware Food Code. The Division of Public Health proposes to repeal the current 1999 State of Delaware Food Code in its entirety and in its place adopt with amendments the United States Public Health Service 2009 Food Code to be known as the 2011 State of Delaware Food Code. On December 1, 2010, the Division plans to publish the proposed 2011 State of Delaware Food Code and hold them out for public comment per Delaware law.

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services, will hold a public hearing to discuss the proposed 2011 State of Delaware Food Code. Due to the extensive number of amendments the Department has concluded that the current regulations should be repealed and replaced in their entirety with the proposed regulations being published. The Division of Public Health proposes to repeal the current 1999 State of Delaware Food Code in its entirety and in its place adopt with amendments the United States Public Health Service 2009 Food Code to be known as the 2011 State of Delaware Food Code.

The public hearing will be held on December 21, 2010 at 9:30 a.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 in the December 1, 2010 edition of the Delaware Register of Regulations, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4842.

Anyone wishing to present his or her oral comments at this hearing should contact Ms. Deborah Harvey at (302) 744-4700 by December 20, 2010. Anyone wishing to submit written comments as a supplement to or in lieu of oral testimony should submit such comments by December 31, 2010 to:

Deborah Harvey, Hearing Officer  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Fax (302) 739-6659

**DIVISION OF SOCIAL SERVICES**  
**Delaware Temporary Assistance for Needy Families (TANF) Employment and Training Program**  
**NOTICE OF PUBLIC COMMENT PERIOD**

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 Delaware TANF Employment and Training Program policies in the Division of Social Services Manual (DSSM) regarding *Mandatory Participants*.

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 December 31, 2010.

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**  
**Child Care Subsidy Program**  
**NOTICE OF PUBLIC COMMENT PERIOD**

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 Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding Determination of the Child Care Parent Fee and Fee Waiving Situations.

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 December 31, 2010.

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 STATE**  
**PUBLIC SERVICE COMMISSION**  
**3008 Rules and Procedures to Implement the Renewable Energy Portfolio Standard**  
**NOTICE OF PUBLIC COMMENT PERIOD**

Under the "Renewable Energy Portfolio Standards Act," 26 Del.C. §§ 351-364 (2006 Supp.) (the "RPS Act"), each electric supplier making retail electric sales in Delaware must, beginning in 2007, accumulate a portfolio of "renewable energy credits" equivalent to a specified percentage of its overall retail electric supply sales. In 2006, the Public Service Commission ("PSC") adopted "Rules and Procedures to Implement the Renewable Energy Portfolio Standard" (the "RPS Rules"). See 10 DE Reg. 151-157 (July 1, 2006). The RPS Rules have been amended twice in the interim to conform to subsequent amendments to the RPS Act.

The PSC now proposes to revise the RPS Rules to incorporate, and assure consistency with, the statutory changes made by the recently enacted law.

You can review PSC Order No. 7862 (November 10, 2010) (the "Order") and the proposed revised RPS Rules in the December 2010 issue of the *Delaware Register of Regulations*. You can also review the Order and the proposed revised RPS Rules at the PSC's Internet website located at <http://depsec.delaware.gov>. If you wish to obtain written copies of the Order and proposed revised RPS Rules, please contact the PSC at (302) 736-7500. Copies are \$0.25 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

The PSC now solicits comments, suggestions, compilations of data, briefs, or other written materials about the proposed revisions to its RPS Rules. If you wish to file any such materials, you should submit an original and ten copies of such written documents on or before December 31, 2010. 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. Dckt. No. 56

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 disk or sent as an attachment to an Internet e-mail addressed to Pamela.Knotts@state.de.us.

The PSC will also conduct a public evidentiary hearing on the new proposed regulations on February 22, 2011 at 1:00 P.M. at the PSC's office at the address set forth above. Any individual with a disability desiring to participate in these proceedings or to review the filings should contact the PSC to discuss any auxiliary aids or services needed. The PSC Staff can also provide additional information about this docket. The PSC's toll-free telephone number within Delaware is 1-800-282-8574. The PSC may be reached at (302) 736-7500 (including text telephone communications).

**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF TRANSPORTATION SOLUTIONS**  
**2403 Special Events Policies and Procedures—Traffic Management**  
**PUBLIC NOTICE**

Under Title 17 of the Delaware Code, Section 141, as well as 29 **Delaware Code** Section 8404(8), the Traffic Section of the Delaware Department of Transportation (DelDOT), has the authority to regulate the traffic impacts of special events that affect the safe movement of traffic on the State's transportation network. The Department has now drafted regulations for this purpose, and this draft accompanies this notice.

The Department will take written comments on the draft Special Event Policies and Procedures regulations from December 1, 2010 through December 31, 2010. Copies of the draft Regulations 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., 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), or email to: [adam.weiser@state.de.us](mailto:adam.weiser@state.de.us)

**14 DE Reg. 588 (12/01/10)**