

**DELAWARE RIVER BASIN COMMISSION**  
**NOTICE OF PROPOSED RULE MAKING AND PUBLIC HEARING**  
**Proposed Amendments to the Comprehensive Plan and Water Code Relating to a Flexible Flow**  
**Management Plan for Operation of the New York City Delaware Basin Reservoirs**

**Summary:** The Delaware River Basin Commission (Commission) will hold a public hearing and accept written comment on a proposal to amend the agency's Comprehensive Plan and Water Code to establish a Flexible Flow Management Program (FFMP) for the New York City Delaware Basin Reservoirs ("City Delaware Reservoirs") for multiple objectives, including, among others, (a) water supply and drought mitigation; (b) management of the reservoir tailwater fisheries and other habitat needs, and (c) spill mitigation. The current reservoir releases program, which was established by Resolution No. 2004-3 in April of 2004, will expire on May 31, 2007. The current spill mitigation program, established by Resolution No. 2006-18, also will expire on May 31, 2007. The Commission also will accept comment on alternative reservoir management strategies that may be adopted in the event that consensus on the proposed FFMP is not reached. The alternative reservoir releases options to be considered are (1) extending the current reservoir releases program or (2) reinstating a previous drought operating plan. Either option would be considered in combination with a seasonal spill mitigation program or an annual spill mitigation program for the three reservoirs. The releases program adopted in the event consensus is not reached on the FFMP would continue in effect until any expiration date contained in the program adopted or unless and until replaced by another program that has been approved by the Commission following a notice and comment rulemaking process. In accordance with Section 3.3 of the Delaware River Basin Compact, any program affecting the diversions, compensating releases, rights, conditions, and obligations of the 1954 Supreme Court Decree in the matter of *New Jersey v. New York*, 347 U.S. 995, 74 S. Ct. 842 requires the unanimous consent of the decree parties, which include the states of Delaware, New Jersey and New York, the Commonwealth of Pennsylvania, and the City of New York.

**Dates:** Two public hearings on the proposal will be conducted at 2:30 p.m. and 6:30 p.m. respectively on Tuesday, March 27, 2007 at the Lake Wallenpaupack Environmental Learning Center in Hawley, Pa. Written comments will be accepted through April 6, 2007. To allow sufficient time for consideration by the Commission, comments must be received, not merely postmarked, by that date. In addition, three informational meetings will be held on the proposal. The first will take place during the morning conference session of the Commission's regularly scheduled meeting on Wednesday, February 28, 2007 at the DRBC office building in West Trenton, N.J. The second will take place during a meeting of the Commission's Regulated Flow Advisory Committee (RFAC), which will take place at 10:00 a.m. on Tuesday, March 6, 2007 at the Commission's office building in West Trenton, N.J. The third informational meeting will take place at 1:00 p.m. on Tuesday, March 27, 2007, immediately prior to the first public hearing on the proposal, scheduled for that date at the Lake Wallenpaupack Environmental Learning Center in Hawley, Pa.

**Addresses.** Directions to the Commission's office building, located at 25 State Police Drive in West Trenton, N.J., are available on the DRBC website at [www.drbc.net](http://www.drbc.net). Please do not rely upon MapQuest or other Internet mapping services for directions to the DRBC, as they do not provide accurate directions to this location. Directions to the Lake Wallenpaupack Environmental Learning Center are available at <http://www.pplweb.com/lake+wallenpaupack/contacts+and+directions/get+directions.htm> and also will be posted on the DRBC website, [www.drbc.net](http://www.drbc.net), by February 20, 2007. Written comments must include the name, address and affiliation of the commenter. Comments may be submitted by email to [paula.schmitt@drbc.state.nj.us](mailto:paula.schmitt@drbc.state.nj.us); by U.S. Mail to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, N.J. 08628-0360; and by fax to Attn: Commission Secretary at 609-883-9522. In all cases, the subject line, "Comment on Flexible Flow Management Plan for City Delaware Reservoirs" should be included.

**Further Information, Contacts:** The text of the proposed FFMP in its entirety will be posted on the website of the Delaware River Basin Commission, [www.drbc.net](http://www.drbc.net), on Tuesday, February 20, 2007 and will remain posted through May 10, 2007. Please contact Pamela M. Bush, Esquire, Commission Secretary and Asst. General Counsel at 609-883-9500 ext. 203 with questions about the proposed rule change or the rulemaking process.

**DEPARTMENT OF AGRICULTURE  
HARNESS RACING COMMISSION  
PUBLIC NOTICE**

The Delaware Harness Racing Commission (DHRC), pursuant to 3 **Del.C.** §10005, proposes to change DHRC Rule 3. The Commission will hold a public hearing on the proposed rule changes on April 10, 2007. Written comments should be sent to Hugh J. Gallagher, Administrator of Racing, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901.

The proposed changes are for the purpose of updating the rules to reflect current policies, practices and procedures. For example, Rule 3.4 updates the responsibilities of the Paddock Judge.

**DEPARTMENT OF EDUCATION**

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

**DEPARTMENT OF EDUCATION  
OFFICE OF THE SECRETARY  
Public Hearing Notice  
CHILDREN WITH DISABILITIES**

The Secretary of Education seeks the approval of the State Board of Education to repeal its existing special education regulation (14 **DE Admin. Code** 925 Children with Disabilities) and adopt the following new special education regulations:

14 **DE Admin. Code** 922 Children with Disabilities, Subpart A, Purposes and Definitions

14 **DE Admin. Code** 923 Children with Disabilities, Subpart B, General Duties and Eligibility of Agencies

14 **DE Admin. Code** 924 Children with Disabilities, Subpart C, Local Educational Agency Eligibility

14 **DE Admin. Code** 925 Children with Disabilities, Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs

14 **DE Admin. Code** 926 Children with Disabilities, Subpart E, Procedural Safeguards for Parents and Children

14 **DE Admin. Code** 927, Children with Disabilities, Subpart F, Monitoring, Enforcement and Confidentiality of Information

14 **DE Admin. Code** 928 Children with Disabilities, Subpart G, Use and Administration of Funds, Subpart H Reserved

14 **DE Admin. Code** 929 Children with Disabilities, Subpart I, Special Programs and Unique Educational Alternatives

On December 3, 2004, President Bush signed into law the Individuals With Disabilities Education Improvement Act of 2004 ("IDEA 2004"). Most of IDEA 2004 became effective in July 2005. On August 14, 2006, the U.S. Department of Education issued its final regulations implementing IDEA 2004, and on October 13, 2006, the new federal regulations became effective.

The current regulations of the Delaware Department of Education ("DDOE") relating to the identification, evaluation, program, and placement of children with disabilities are codified in 14 **DE Admin. Code** 925, and can be found in the DDOE's *Administrative Manual for Special Education Services* ("AMSES"). AMSES may be retrieved from the Department's website at <http://www.doe.state.de.us>.

This public notice addresses the repeal of existing regulation 14 **DE Admin. Code** 925 and the new special education regulations proposed by the DDOE in response to IDEA 2004 and the federal regulations implementing IDEA 2004.

(1) The proposed regulations adopt most of the federal "Part B" special education regulations, and align the DDOE regulations with the federal special education regulations implementing IDEA 2004.

(2) The proposed regulations also merge most of the DDOE and federal regulations for easier use and reference.

(3) The proposed regulations reorder and re-number the DDOE's current regulations relating to the identification, evaluation, program, and placement of children with disabilities.

(4) Most existing DDOE regulations codified in 14 **DE Admin. Code** 925 have been repeated in the proposed regulations, however, some existing DDOE and State requirements have been revised for clarity, substantively revised to align with the federal regulations, and/or or eliminated in entirety to align with the federal regulations.

(5) The proposed regulations impact numerous subject areas relating to the education of children with disabilities codified in 14 **DE Admin. Code** 925, including, but not limited to, state and local funding, the identification, evaluation and reevaluation of children with disabilities, response to intervention, individualized education programs, educational placements, school discipline, monitoring and enforcement, procedural safeguards, and statewide and district assessments.

The DDOE will hold public hearings to receive and hear comments from the public on the proposed regulations at the following dates, times, and locations:

**Kent County:**

Tuesday, March 20, 2007, 6:00 p.m. to 8:00 p.m.  
Dover High School  
One Pat Lynn Drive  
Dover, DE 19904 in the school auditorium

Interpreters will be provided at this Public Hearing for Deaf and Hard of Hearing and Spanish speaking persons.

**New Castle County:**

Tuesday, March 27, 2007, 6:00 p.m. to 8:00 p.m.  
Kirk Middle School  
140 Brennen Drive, Newark, DE 19713 in the school auditorium

Interpreters will be provided at this Public Hearing for Deaf and Hard of Hearing persons.

Wednesday, March 28, 2007, 6:00 p.m. to 8:00 p.m.  
P.S. DuPont Elementary School  
701 West 34<sup>th</sup> Street  
Wilmington, DE 19802 in the school auditorium

Interpreters will be provided at this Public Hearing for Spanish speaking persons.

**Sussex County:**

Tuesday, April 3, 2007, 6:00 p.m. to 8:00 p.m.  
Seaford Senior High School  
399 North Market Street  
Seaford, DE 19973 in the school auditorium

Interpreters will be provided at this Public Hearing for Spanish speaking persons.

Thursday, April 5, 2007, 6:00 p.m. to 8:00 p.m.  
Cape Henlopen High School  
1250 Kings Highway  
Lewes, DE 19958 in the school auditorium

Interpreters will be provided at this Public Hearing for Deaf and Hard of Hearing persons.

The DDOE will also accept written public comment on the proposed regulations. Persons wishing to present their views regarding the proposed regulations may do so in writing by the close of business on Monday, April 30, 2007. Written comments should be submitted to:

Martha Toomey  
Director of the Exceptional Children and Early Childhood Education Group  
Department of Education  
401 Federal Street, Suite 2  
Dover, Delaware 19901

The proposed regulations are available online at <http://www.state.de.us/research/register/march2007/proposed/index.shtml>. The proposed regulations are also available at many public libraries throughout the State and by contacting Ms. Louann Vari at the above address, or by email at: [lvari@doe.k12.de.us](mailto:lvari@doe.k12.de.us).

**DEPARTMENT OF FINANCE  
STATE LOTTERY OFFICE  
PUBLIC NOTICE**

**450 Video Lottery Regulations**

The Delaware State Lottery Office in accordance with 29 Del.C. §4805 is proposing to amend to its rules and regulations to eliminate the requirement for non-key employees and non-video operations employees to file completed License Application Forms, to change the licensing procedure to allow for temporary licenses and to change the amount of time a person licensed under the Video Lottery Regulations (or a person who has submitted an application to become licensed) has to report any new criminal charges from seven days to three. The proposed changes amend existing Video Lottery Regulations 6.30, 6.34(4), 14.1.1, 14.3 and 14.4 and 14.11 and 14.13.

A public hearing will be held at 10:00 am on April 2, 2007, at the Lottery Office, 1575 McKee Road, Suite 102, Dover, Delaware 19904 where members of the public can offer comments. Any person wishing to submit written comments may forward these to the Lottery Office at the above address. The final date to receive written comments will be at the public hearing.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of an office staff analysis and consideration of the comments and written materials presented by the public.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE  
PUBLIC NOTICE**

**Long Term Care Medicaid DSSM 20320.7 Substantial Home Equity**

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 Title XIX Medicaid State Plan and establish new 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 31, 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**

**4469 Personal Assistance Services Agencies**

The Department Health and Social Services is proposing regulations which establish standards for regulation of the operation of Personal Assistance Services Agencies. The regulations for Personal Assistance Services Agencies apply to any program that provides personal care services to consumers primarily in their place of residence (excluding residents of hospitals and nursing facilities). Personal assistance services include individual assistance with/or supervision of activities of daily living, companion services and/or homemaker services. These services do not require the judgment and skills of a licensed nurse or other professional.

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 the proposed Delaware Regulations for Personal Assistance Services Agencies. The regulations for Personal Assistance Services Agencies apply to any program that provides personal care services to consumers primarily in their place of residence (excluding residents of hospitals and nursing facilities). Personal assistance services include individual assistance with/or supervision of activities of daily living, companion services and/or homemaker services. These services do not require the judgment and skills of a licensed nurse or other professional. Specific exclusions from licensure are included in the regulations.

The public hearing will be held on March 27, 2007 at 10:00 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 March 1, 2007, edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Facilities Licensing and Certification at (302) 995-8521.

Anyone wishing to present his or her oral comments at this hearing should contact Mr. David Walton at (302) 744-4700 by March 26, 2007. Anyone wishing to submit written comments as a supplement to or in lieu of oral testimony should submit such comments by March 31, 2007 to:

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

**DIVISION OF SOCIAL SERVICES  
PUBLIC NOTICE**

**3024 Citizens and Aliens, and 9007.1 Citizenship and Alien Status**

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 eligibility of children born outside of the United States under the cash assistance and food stamp programs.

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 and 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 (new fax number) by March 31, 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 SOCIAL SERVICES**  
**PUBLIC NOTICE**  
**5302 Exceptions, and 5307 Dismissal of Requests**

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).

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 and 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 (new fax number) by March 31, 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 SOCIAL SERVICES**  
**PUBLIC NOTICE**  
**9028 Reduction in Public Assistance Benefits, and 9092 Simplified Food Stamp 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 policies in the Division of Social Services Manual (DSSM) regarding the reduction of public assistance benefits and simplified food stamp 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, Policy, Program and 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 (new fax number) by March 31, 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 SOCIAL SERVICES**  
**PUBLIC NOTICE**  
**10007.3 Supportive Services Reimbursements**

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 (DSS) is proposing to amend the Division of Social Services

Manual (DSSM) regarding the Food Stamp Employment and Training 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, Policy and 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 March 31, 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.

## **DEPARTMENT OF INSURANCE PUBLIC NOTICE**

### **1407 Supplemental Health Insurance Coverage For Children Of Insureds**

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of proposed Department of Insurance **Regulation 1407** relating to **Supplemental Health Insurance Coverage for Children of Insureds**. The docket number for this proposed regulation is 365.

The Department of Insurance proposes to promulgate Regulation 1407 as a result of the enactment of House Bill 466 last year to provide regulatory guidelines for insurers with respect to the rate and form filings that will be necessary to comply with the new statutory provisions. The **Delaware Code** authority for the change is 18 **Del.C.** §§ 310, 311, 3354, and 3570. The text can also be viewed at the Delaware Insurance Commissioner's website at [www.delawareinsurance.gov](http://www.delawareinsurance.gov) under the link for "Proposed Regulations."

The Department of Insurance will hold a public hearing on the proposed changes on Tuesday, April 3, 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., Monday April 2, 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](mailto:michael.rich@state.de.us).

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

### **DIVISION OF FISH AND WILDLIFE**

#### **Notice Of Public Comment**

#### **Tidal Finfish Regulations**

The Summer Flounder Fishery Management Plan (FMP) details the annual process that the Atlantic States Marine Fisheries Commission's Summer Flounder Fishery Management Board, the Mid-Atlantic Fisheries Management Council and the National Marine Fisheries Service are to use for establishing conservation equivalency for the recreational summer flounder fishery. These agencies agreed that the states would implement conservationally equivalent measures rather than a coastwide management program for summer flounder in 2007. Delaware is obligated to cap the summer flounder recreational harvest at 76,608 fish for 2007. The harvest cap has been adjusted downward 34 percent from the previous year's level of 116,000 fish because of slower than projected rebuilding in the stock. Although Delaware and all the coastal states in the management regime must adjust their harvest cap downward, estimates of Delaware's 2006 harvest indicated that landings of summer flounder were below the harvest cap imposed for 2006. As such, it is anticipated that management measurers for summer flounder in 2007 will need to achieve a 29.3 percent harvest reduction from the estimated harvest in 2006. Savings associated with landings below the 2006 harvest cap justified the lowered reduction target for Delaware in 2007. Conversely, if Delaware had exceeded the harvest cap in 2006 then the reduction target for 2007 would have been higher than the overall target 34 percent reduction. It is proposed that a suite of management options will be

developed that take into consideration measurers that have been successfully employed in the past to achieve reductions in harvest while attempting to meet the needs of the fishing public. These options will include potential minimum size limits ranging between 17 and 18 inches in combination with various creel limits that can range from 1 to 4 fish per day and also incorporate seasonal closures. Ten management options for Delaware will be reviewed by the ASMFC Summer Flounder Technical Committee to determine if the correct data sets and analyses were used to project landings under the various options. Once the technical review is completed, those options that were approved will be presented at a public hearing in order to receive input from the fishing community on the various options.

Individuals may present their comments or request additional information by contacting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901, (302) 739-9914. A public hearing on these proposed amendments will be held on March 29, 2007 at 7:30 P.M. in the DNREC Auditorium, 89 Kings Highway, Dover, DE 19901. The record will remain open for written comments until 4:30 PM, April 2, 2007.

**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**700 Board of Chiropractic**  
**NOTICE OF RESCHEDULED PUBLIC HEARING**

The Delaware Board of Chiropractic, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §706(a)(1), proposes changes to its **Regulation 3.0** affecting the certification in a chiropractic specialty. Specifically, the amendments specify two nationally recognized certification bodies whose requirements for practitioner specialization are acceptable to the Board.

Pursuant to 29 **Del.C.** §10115, notice of the public hearing and a copy of the proposed regulatory changes was published in the Delaware *Register of Regulations*, Volume 10, Issue 7, at page 1126 on January 1, 2007. However, notice was not published in two (2) Delaware newspapers of general circulation, as required by 29 **Del.C.** §10115, so the public hearing could not be conducted on February 15, 2007 as originally scheduled. The public hearing has, therefore, been rescheduled for March 15, 2007.

A public hearing is scheduled for Thursday, March 15, 2007 at 8:30 a.m. in the second floor Conference Room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Board care of Sandra Wagner at the above address. The final date to submit written comments will be at the public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Sandra Wagner at the above address or by calling (302) 744-4532.

The Board will consider promulgating the proposed regulations immediately following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION**  
**1400 Board of Electrical Examiners**  
**NOTICE OF PUBLIC HEARING**

The Delaware Board of Electrical Examiners, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §1406(a)(1), proposes amendments to its regulation 7.0 relating to licensure renewal. Specifically, the amendments to 7.0 Expiration and Renewal would require licensees to provide the name of their insurer and their policy number when they attest to maintenance of their required liability insurance during the renewal process. The amendments would also require licensees to provide course names and approval numbers when they attest to completion of their required continuing education during the renewal process. Minor grammatical, typographic, or stylistic changes may also be included.

A public hearing is scheduled for Wednesday, April 4, 2007 at 8:30 a.m. in the second floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be

submitted to the Board care of Judy Letterman at the above address. The final date to submit written comments shall be at the public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Judy Letterman at the above address or by calling (302) 744-4504.

The Board will consider promulgating the proposed regulations immediately following the public hearing.

**DIVISION OF PROFESSIONAL REGULATION  
1900 Board of Nursing  
NOTICE OF RESCHEDULED PUBLIC HEARING**

The Delaware Board of Nursing in accordance with 24 **Del.C.** §1906(1) has proposed changes to its rules and regulations related to Regulation 15.0 "Offenses Substantially Related to the Practice of Nursing." The Board has re-evaluated the list of offenses in Regulation 15.0 as the result of statutory changes to 24 **Del.C.** §§1910 and 1914 which require more than 5 years to have elapsed since the applicant for licensure has discharged all imposed sentences with regard to the offenses in Regulation 15.0. The Board is proposing to delete a number of the offenses and/or to limit the consideration of certain offenses to felony convictions.

A public hearing will be held on March 14, 2007 at 9:00 a.m. Conference Room A, 861 Silver Lake Boulevard, Dover DE 19904 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 Nursing, 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  
1400 Board of Pharmacy  
NOTICE OF RESCHEDULED PUBLIC HEARING**

The Delaware Board of Pharmacy, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §2509, proposes changes to its **Regulation 8.0** affecting the licensure requirements for wholesale distributors and the amendment to **9.0 Hospital Pharmacy** removes provisions relating to hospitals served by off-site pharmacies.

Pursuant to 29 **Del.C.** §10115, notice of the public hearing and a copy of the proposed regulatory changes was published in the Delaware *Register of Regulations*, Volume 10, Issue 6, at page 972 on December 1, 2006. However, notice was not published in two (2) Delaware newspapers of general circulation, as required by 29 **Del.C.** §10115, so the public hearing could not be conducted on January 17, 2007 as originally scheduled. The public hearing has, therefore, been rescheduled for March 21, 2007.

A public hearing is scheduled for Wednesday, March 21, 2007 at 9:30 a.m. in the second floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904. The Board will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Board care of Mariah Krass at the above address. The final date to submit written comments will be at the public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Mariah Krass at the above address or by calling (302) 744-4526.

The Board will consider promulgating the proposed regulations immediately following the public hearing. The Board will consider promulgating the proposed regulations immediately following the public hearing.

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

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 April 2, 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.

**DEPARTMENT OF TRANSPORTATION  
DIVISION OF TRANSPORTATION SOLUTIONS**

**PUBLIC COMMENT PERIOD AND NOTICE OF PUBLIC HEARING**

The Delaware Department of Transportation through its Transportation Solutions - Utilities Section has developed revised regulations for the installation, adjustment, and maintenance of utility lines and appurtenances within the rights-of-way of Delaware's highways. These regulations define the requirements which apply to utility accommodation along or within the rights-of-way of State-controlled highways, and State-maintained streets and roads within suburban developments or within the incorporated limits of a municipality.

The Utilities Manual revises and updates the DeIDOT Utilities Design Manual, effective in October 1995.

The Departments will take written comments on the Regulations from March 1, 2007 through March 31, 2007. Any requests for copies of the Utilities Manual, or any questions or comments regarding this document should be directed to:

Francis Hahn, Utilities Engineer  
Delaware Department of Transportation  
PO Box 778  
Dover, DE 19903  
(302) 760-2269 (telephone)  
(302) 739-8282 (fax)  
francis.hahn@state.de.us

**EXECUTIVE DEPARTMENT  
DELAWARE ECONOMIC DEVELOPMENT OFFICE  
PUBLIC NOTICE**

In compliance with the Delaware Statutory Authority, Chapter 312 of the **Delaware Code**) the Delaware Economic Development Office (Delaware Tourism Office) is proposing to amend the requirements of the two tourism grant programs (Direct and Matching) which are distributed to non-profit tourism related organizations annually to help increase the visibility of Delaware's tourism assets and destinations

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations may attend a public hearing to be held at the Delaware Economic Development Offices Large Conference Room, on Tuesday, March 20 at 11:30 a.m. Public comment must be submit to Tim Morgan, Director of Tourism, Delaware Economic Development Office, 99 Kings Highway, Dover, Delaware 19901 or fax to (302) 739-2028 no later than March 30, 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.

**10 DE Reg. 1460 (03/01/07)**