

**DELAWARE RIVER BASIN COMMISSION
NOTICE OF PUBLIC HEARING AND BUSINESS MEETING**

The Delaware River Basin Commission will hold a public hearing and business meeting on Thursday, May 10, 2007 beginning at 10:15 a.m. at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. For more information visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Esq., Commission Secretary and Assistant General Counsel, at 609-883-9500 extension 203.

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

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change its Rules 3, 4 and 6. The Commission will hold a public hearing on the proposed rule changes on June 12, 2007. Written comments should be sent to Hugh J. Gallagher, Administrator of Harness Racing, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901. Written comments will be accepted for thirty (30) days from the date of publication in the *Register of Regulations* on May 1, 2007.

The proposed changes are for the purpose of updating Rules 3, 4 and 6 to reflect current policies, practices and procedures. Copies are published online at the Register of Regulations website: http://regulations.delaware.gov/services/current_issue.shtml. A copy is also available for inspection at the Racing Commission office.

DEPARTMENT OF EDUCATION

The Department of Education will hold its monthly meeting on Thursday, May 17, 2007 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
NOTICE OF PUBLIC COMMENT PERIOD
Employee Education About False Claims Act**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**), pursuant to 42 CFR §447.205, and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, the proposed provides notice to the public that the Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) has filed a Title XIX Medicaid State Plan Amendment (SPA) with the Centers for Medicare and Medicaid Services (CMS) to comply with the mandated provisions of the Deficit Reduction Act (DRA) of 2005 (Public Law 109-171) pertaining to Employee Education About False Claims Recovery.

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 May 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
NOTICE OF PUBLIC COMMENT PERIOD
1216 Military Sales Practices

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of intent to adopt proposed Department of Insurance Regulation 1216 relating to the sale of life and annuity insurance products to military personnel. The docket number for this proposed amendment is 393.

The purpose of the proposed regulation is to set forth standards to protect service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair. The text of the proposed amendment is reproduced in the May 2007 edition of the *Delaware Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.state.de.us/inscom/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:30 p.m., Monday June 4, 2007, and should be addressed to Mitchell Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.6278 or email to mitch.crane@state.de.us.

DEPARTMENT OF INSURANCE
NOTICE OF PUBLIC COMMENT PERIOD

1217 Unfair Discrimination in Life Insurance, Annuities and Health Insurance on the Basis of Physical or Mental Impairment

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of intent to adopt proposed Department of Insurance Regulation 1217 relating to the Unfair Discrimination in Life Insurance, Annuities and Health Insurance on the Basis of Physical or Mental Impairment. The docket number for this proposed amendment is 396.

The purpose of the proposed regulation is to identify specific acts or practices in life and health insurance which are prohibited by 18 **Del.C.** §2304(13). The text of the proposed amendment is reproduced in the May 2007 edition of the *Delaware Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.state.de.us/inscom/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:30 p.m., Monday June 4, 2007, and should be addressed to Mitchell Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.6278 or email to mitch.crane@state.de.us.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WATER RESOURCES
NOTICE OF PUBLIC HEARINGS

Brief Synopsis of the Subject, Substance, and Issues

The Department of Natural Resources and Environmental Control (DNREC) plans to conduct two public hearings to gather comments on the proposed Pollution Control Strategy for the Inland Bays including the

proposed **Regulations of the Pollution Control Strategy for the Indian River, Indian River Bay, Rehoboth Bay, and Little Assawoman Bay Watersheds**. The proposed Strategy includes both voluntary and regulatory actions which need to be implemented in order to achieve the nitrogen and phosphorus load reductions required by the Total Maximum Daily Loads for these watersheds. The proposed regulations would impact multiple sources of nutrients including point sources, stormwater, and onsite wastewater treatment and disposal systems.

Possible Terms of the Agency Action

Following the adoption of the proposed Regulations, various programs to reduce nutrient pollutant loadings will be implemented.

Notice of Public Comment

Two public hearings for the proposed **Regulations of the Pollution Control Strategy for the Indian River, Indian River Bay, Rehoboth Bay and Little Assawoman Bay Watersheds** will be held. One hearing will be held at 6:00 PM on Wednesday, June 13, at the Millsboro Senior Center, 322 Wilson Highway, Millsboro, Delaware. A second hearing will be held at 6:00 PM on Thursday, June 14, at the Georgetown CHEER Community Center, 20520 Sand Hill Road, Georgetown, Delaware.

The hearing record for these proposed Regulations will remain open until 4:30 PM, Friday, June 29, 2007. Please send written comments to Katherine Bunting-Howarth, Division of Water Resources, Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, DE 19901; facsimile: (302) 739-7864; email: (katherine.howarth@state.de.us). All written comments must be received by 4:30 PM, Friday, June 29, 2007. Electronic submission is preferred.

Copies of the proposed regulations and technical support documents for these watersheds are available by mail from Maryann Pielmeier, DNREC, DWR, Watershed Assessment Section, 820 Silver Lake Blvd., Suite 220, Dover, DE 19904-2464, via telephone by calling (302) 739-9939, via e-mail by contacting maryann.pielmeier@state.de.us, or from the DNREC website at the following URL: <http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/>

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1800 Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners
NOTICE OF PUBLIC HEARING

The Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners ("Board"), in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §1806(a)(2), proposes changes and additions to its regulations. By these changes and additions, the Board establishes the process and requirements for obtaining the Master HVACR license and the Master HVACR Restricted license, as those terms are defined in 24 **Del.C.** §1802(11) and (12), respectively. Various non-substantive structural, grammatical, typographic, and stylistic changes are also included.

PLEASE NOTE: Individuals who qualify for licensure without taking the examination pursuant to 24 **Del.C.** §1821(f) **must** complete and submit the "Grandfathered HVACR License Application" prior to June 30, 2007. The application may be found at <http://www.dpr.delaware.gov/boards/plumbers/hvacrforms.shtml>. After June 30, 2007, licensure may only be obtained according to the process and requirements outlined in 24 **Del.C.** Chapter 18, Subchapter III and these regulations.

A public hearing is scheduled for Tuesday, June 12, 2007 at 9:00 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
2500 Board of Pharmacy
NOTICE OF PUBLIC HEARING

The Delaware Board of Pharmacy, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §2509, proposes amendments to its regulation 2.0. Specifically, the amendments to 2.0 **Grounds for Disciplinary Proceeding** codify the Board's position that, in good faith and upon reasonable belief, a Pharmacist may withhold a suspected forged prescription for release to law enforcement without fear of disciplinary action by the Board. Minor grammatical, typographic, and stylistic changes are also included.

The Board previously originally proposed such an amendment, which appeared in the *Delaware Register of Regulations*, Volume 10, Issue 10, at page 1553 on April 1, 2007. In response to written and oral comments received at its April 18, 2007, meeting, the Board decided to modify the previous proposal. The Board's modified proposal is contained herein and supersedes the prior proposal.

A public hearing is scheduled for Wednesday, June 20, 2007 at 10:00 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
3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals
NOTICE OF PUBLIC HEARING

The Delaware Board of Mental Health and Chemical Dependency Professionals, in accordance with 29 **Del.C.** Chapter 101 and 24 **Del.C.** §3006(a)(1), proposes amendments to its Regulations 5.0 and 6.0. By these amendments, the Board establishes the regulations governing the licensure of Marriage and Family Therapists and Associate Marriage and Family Therapists. Minor grammatical, typographic, or stylistic changes are also included.

A public hearing is scheduled for Wednesday, June 27, 2007 at 12:00 noon 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 Timothy E. Oswell 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 Timothy E. Oswell at the above address or by calling (302) 744-4530.

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

OFFICE OF THE STATE BANK COMMISSIONER
Notice Of Proposed Adoption Of A Regulation Of The State Bank Commissioner

The State Bank Commissioner proposes to adopt new Regulation 2106/2208 ("Guidance on Nontraditional Mortgage Product Risks"). This proposed regulation parallels a Guidance jointly issued by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision and the National Credit Union Administration, and is being adopted to provide regulatory consistency between mortgage brokers and mortgage lenders regulated under Chapters 21 and 22 respectively of Title 5 of the **Delaware Code** that are not affiliated with a bank holding company or an insured financial institution, and the financial institutions that are subject to that federal Guidance.

The State Bank Commissioner would adopt the proposed new Regulation 2106/2208 on or after June 6, 2007. Other regulations issued by the State Bank Commissioner are not affected by this proposal. The State Bank Commissioner is issuing this regulation in accordance with Title 5 of the **Delaware Code**.

A copy of the proposed new regulation is published in the *Delaware Register of Regulations*. A copy is also on file in the Office of the State Bank Commissioner, 555 E. Loockerman Street, Suite 210, Dover, DE 19901 and is available for inspection during regular office hours. Copies are available upon request.

Interested parties are invited to comment or submit written suggestions, data, briefs or other materials to the Office of the State Bank Commissioner as to whether this proposed new regulation should be adopted, rejected or modified. Written materials submitted will be available for inspection at the above address. Comments must be received at or before the public hearing scheduled for 10:00 a.m. June 6, 2007.

A public hearing on the proposed regulation will be held in the Office of the State Bank Commissioner, 555 E. Loockerman Street, Suite 210, Dover, DE 19901 on Wednesday June 6, 2007, commencing at 10:00 a.m. This notice is issued pursuant to the requirements of Subchapter III of Chapter 11 and Chapter 101 of Title 29 of the **Delaware Code**.

PUBLIC SERVICE COMMISSION

NOTICE OF RESCHEDULED PUBLIC HEARING AND EXTENSION OF PERIOD OF TIME FOR SUBMITTING WRITTEN COMMENTS

By PSC Order No. 7142 (March 20, 2007), the Public Service Commission proposes to revise its current rules related to the granting, denying, and revoking of Certificates of Public Convenience and Necessity to water utilities under 26 **Del.C.** §203C. In Order No. 7142, the Commission proposed a new set of rules that would, if adopted, supersede the Commission's current rules. The Commission published notice of its proposed rule changes in the *Delaware Register of Regulations* on April 1, 2007. See 10 **DE Reg.** 1563-1580 (Apr. 1, 2007). The Commission also previously published in the *Delaware Register of Regulations*, and *The News Journal*, and *Delaware State News* newspapers notices of its proposed amendments.

In the prior notices, the Commission announced that written comments on the new rules could be filed until May 4, 2007 and that the Commission would hold a public hearing on the new proposed rules on Wednesday, May 18, 2007. **The Commission has rescheduled the public hearing to Tuesday, June 5, 2007. The hearing will still be held at the Commission's Dover office beginning at 10:00 o'clock a.m. The Commission's office is located at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, DE 19904. The Commission has also extended the deadline for the submission of written comments until on or before Friday, May 18, 2007.** The manner for submitting written comments remains as set forth in Order No. 7142 and as outlined at 10 DE Reg. 1637-38 (Apr. 1, 2007). Order No. 7142 is available at the Commission's website at <http://depsc.delaware.gov>.

If you have any inquiries concerning this rescheduling of the public hearing and the deadline for filing written comments, contact the Commission at (800) 282-8574 (toll-free in Delaware) or (302) 739-4247 (including Text Telephone). You can also send your inquiries by Internet e-mail to andrea.maucher@state.de.us.

DEPARTMENT OF TRANSPORTATION DIVISION OF TRANSPORTATION SOLUTIONS NOTICE OF PUBLIC COMMENT PERIOD

Revisions to Delaware Manual on Uniform Traffic Control Devices

Under Title 17 of the **Delaware Code**, Sections 134 and 141, as well as 21 **Delaware Code** Chapter 41, the Delaware Department of Transportation (DelDOT), is seeking to adopt a Delaware version of the Federal Manual on Uniform Traffic Control Devices (MUTCD). Thus far the Department has drafted changes to Parts 2, 3, 4, 5, and 10 of the Federal MUTCD. The remaining portions of the MUTCD (Parts 1, 6, 7, 8, and 9) will be reviewed and revised at a later date.

The Department will take written comments on the draft changes to the Delaware MUTCD from May 1, 2006 through May 31, 2006.

Copies of the Draft Delaware MUTCD can be obtained by reviewing or downloading a PDF copy at the following web address: <http://www>.

Questions or comments regarding this document should be directed to:

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10 DE Reg. 1737 (05/01/07)