

It is the intent of the Department and RAW, Inc. that the settlement agreement constitutes a judicially approved settlement within the meaning of 42 U.S.C. § 9613(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq., and N.J.S.A. 58:10-23.11(a)(2)(b) of the Spill Act for the purpose of providing protection from contribution actions or claims for matters addressed in the settlement agreement.

A copy of the proposed settlement agreement is available for inspection at the Department's main office at 401 East State Street, in Trenton, New Jersey and via the Internet at www.nj.gov/dep/srp/settlements. A copy of the Department's files concerning the Property is available for review by contacting the Office of Record Access, NJDEP, PO Box 420, Mail Code 401-06Q, Trenton, NJ 08625-0420 or via e-mail at records.custodian@dep.state.nj.us.

Interested persons may submit comments on the entry of the settlement agreement concerning the remediation of the Property to Kevin F. Kratina, Assistant Director, NJDEP, Site Remediation and Waste Management Program, Enforcement and Information Support Element, 401 East State Street, PO Box 420 - Mail Code 401-06A, Trenton, NJ 08625-0420.

All comments must be submitted within 60 calendar days of the date of this public notice. The Department will consider all comments received and may decide to withdraw or withhold consent to the entry of the settlement agreement if comments disclose facts or considerations that show that the settlement agreement is inappropriate, improper, or inadequate.

INSURANCE

(a)

DEPARTMENT OF BANKING AND INSURANCE OFFICE OF FINANCIAL SOLVENCY REGULATION Notice of Public Hearing on the Exportable List N.J.A.C. 11:1-34

Take notice that the Department of Banking and Insurance, pursuant to N.J.S.A. 17:22-6.43 and N.J.A.C. 11:1-34, will hold its annual public hearing on the Exportable List on the date indicated below. N.J.S.A. 17:22-6.43 provides that the Commissioner of Banking and Insurance may declare eligible for export any class or classes of insurance coverage or risk for which, after a hearing, he determines that there exists no reasonable or adequate market among authorized carriers in New Jersey. The hearing shall address any additions or deletions to the Department's Exportable List. Persons who wish to add or delete items from the current Exportable List should present sufficient evidence that the market conditions of procurability have changed. These persons should also demonstrate whether there exists a reasonable or adequate market among authorized insurers.

A public hearing on the Exportable List will be held on Monday, December 18, 2017, at 10:00 A.M. at:

Department of Banking and Insurance
Mary Roebing Building
2nd Floor Room No. 218
20 West State Street
Trenton, New Jersey 08625

Persons who wish to testify at the hearing should notify the Department and provide a brief summary of the subject matter of their testimony no later than December 13, 2017. Written notification should be submitted to:

Denise Illes, Chief
Office of Regulatory Affairs
New Jersey Department of Banking and Insurance
20 West State Street
PO Box 325
Trenton, NJ 08625-0325
Fax: (609) 292-0896
E-mail to legsrags@dobi.nj.gov

Persons who wish to submit written comments for inclusion in the public record on this matter should submit them to the Department at the address above no later than December 13, 2017.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF CONSUMER AFFAIRS Notice of Final Action on Petition for Rulemaking State Board of Dentistry N.J.A.C. 13:30-6.1

Petitioner: Frank R. Recker, DDS, JD, Frank R. Recker & Associates Co., L.P.A., on behalf of the American Board of Dental Specialties.

Authority: N.J.S.A. 45:1-15.1.

Take notice that on March 2, 2017, the State Board of Dentistry (Board) received a petition for rulemaking from Frank R. Recker, DDS, JD, Frank R. Recker & Associates Co., L.P.A., on behalf of the American Board of Dental Specialties (ABDS), requesting that the Board amend existing N.J.A.C. 13:30-6.1 to formally recognize the ABDS-recognized certifying boards/areas of practice as specialties, and any future ABDS-recognized specialties; thereby allowing diplomates of ABDS-recognized certifying boards to advertise as specialists in accordance with N.J.A.C. 13:30-6.1 and 6.2.

The petitioner notes that the ABDS was formed to offer a specialty-recognition process, similar to the American Board of Medical Specialties, that is not controlled by a private professional/trade association, such as the American Dental Association (ADA). ABDS' focus is on recognizing certifying boards as specialty boards. To be recognized by the ABDS, a certifying board seeking dental specialty recognition must require a minimum of two full-time, formal, advanced educational programs that are a minimum of two years in duration and are presented by recognized educational institutions; or require 400 didactic hours in the specific area and the equivalent of one year of clinical practice. A certifying board that is seeking membership in the ABDS must: 1) reflect a distinct and well-defined area of expertise in dental practice; 2) develop a rigorous standard of preparation and evaluation in the dental specialty area; 3) provide evidence of psychometric evaluation of the written and oral examination; 4) provide an effective mechanism to maintain certification; and 5) exist as an independent, self-governing entity whose main purpose is to evaluate candidates for board certification. The documentation and application requirements are numerous, and the ABDS maintains rigorous standards for recognition.

The petitioner states that N.J.A.C. 13:30-6.1 violates the rights of credentialed members of ABDS certifying boards by infringing on their First Amendment rights to free speech by banning truthful non-misleading commercial speech, and on their Fourteenth Amendment rights to equal protection and due process of law. The petitioner also states that N.J.A.C. 13:30-6.1 violates anti-trust law by suppressing competition in a recognizable market.

The petitioner states that the New Jersey regulation has effectively granted the ADA the power to regulate the right to free speech of ABDS credentialed members by not allowing credentialed members in the ABDS certifying boards to advertise as specialists even though they are highly qualified to do so. The specialty regulation has a chilling effect on the lawful exercise of the right to engage in truthful, non-misleading commercial speech because, if these licensees were to advertise to the public as specialists, their licenses would be at risk and subject to monetary and licensure penalties imposed by the Board.

The petitioner also states that members of its certifying boards have protected property and liberty interests in their licenses to practice dentistry and to be rewarded for their industry, including reaping the rewards of earning a *bona fide* specialty credential in their respective areas of expertise. In addition, the petitioner states that its licensees are