

G.S. 150B-21.3A Report for 04 NCAC 01, DEPARTMENTAL RULES

Agency -Department of Commerce

Comment Period - April 1, 2026 - June 1, 2026

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 01B - RULE-MAKING HEARINGS: EMERGENCY RULES: AND DECLARATORY RULINGS	SECTION .0100 - RULE-MAKING HEARINGS AND EMERGENCY RULES	04 NCAC 01B .0101	PETITIONS	Amended Eff. January 1, 2020	Necessary	No		No	Necessary
		04 NCAC 01B .0102	DISPOSITION OF PETITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01B .0103	NOTICE	Amended Eff. January 1, 2020	Necessary	No		No	Necessary
		04 NCAC 01B .0104	HEARINGS: LOCATION OF	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01B .0105	REQUEST TO PARTICIPATE	Amended Eff. January 1, 2020	Necessary	No		No	Necessary
		04 NCAC 01B .0106	WRITTEN SUBMISSIONS	Amended Eff. January 1, 2020	Necessary	No		No	Necessary
		04 NCAC 01B .0107	PRESIDING OFFICER: POWERS AND DUTIES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01B .0108	STATEMENT OF REASONS FOR DECISION	Amended Eff. January 1, 2020	Necessary	No		No	Necessary
	SECTION .0200 - DECLARATORY RULINGS	04 NCAC 01B .0201	REQUEST FOR A DECLARATORY RULING	Amended Eff. January 1, 2020	Necessary	No		No	Necessary
		04 NCAC 01B .0202	DISPOSITION OF REQUESTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01B .0203	RECORD OF DECISION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01B .0204	DEFINITION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
SUBCHAPTER 01C - PERSONNEL RULES	SECTION .0100 - AFFIRMATIVE ACTION PROGRAM	04 NCAC 01C .0101	POLICY STATEMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Unnecessary	No		No	Unnecessary
SUBCHAPTER 01E - INDUSTRIAL AND POLLUTION CONTROL REVENUE BONDS	SECTION .0100 - PURPOSE AND DEFINITIONS	04 NCAC 01E .0101	PURPOSE OF SUBCHAPTER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary

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		04 NCAC 01E .0104	OPERATOR	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0106	DEPARTMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0107	SECRETARY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0108	AUTHORITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
	SECTION .0200 - APPLICATION PROCEDURES	04 NCAC 01E .0201	GENERALLY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0202	PRE-APPLICATION CONFERENCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0203	APPROVAL IN PRINCIPLE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0204	PUBLIC HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0205	FORMAL APPLICATION PROCEDURES: REQUIRED DATA: INFORMATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0206	FORMAL APPLICATION PROCEDURES: PUBLIC HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0207	PROJECT CERTIFICATION FROM DENR: OR ITS SUCCESSOR AGENCY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0208	FORMAL APPLICATION PROCEDURES: APPROVAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0209	FORMAL APPLICATION PROCEDURES: DENIAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary

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		04 NCAC 01E .0210	REIMBURSEMENT OF EXTRAORDINARY EXPENSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
	SECTION .0300 - REVIEW CRITERIA	04 NCAC 01E .0301	GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0302	JURISDICTIONAL FINDINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0306	JOB SAVED OR GENERATED TEST	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0307	CAPABILITY TEST	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0308	ABANDONMENT TEST	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01E .0309	THE SECRETARY'S FINDINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
SUBCHAPTER 01H - PRIVATE ACTIVITY BOND VOLUME CAPACITY PROGRAM	SECTION .0100 - GENERAL DESCRIPTION	04 NCAC 01H .0101	BACKGROUND	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	P.L. 99-514, P.L. 107-16	No	Necessary
		04 NCAC 01H .0102	OBJECTIVES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	P.L. 99-514, P.L. 107-16	No	Necessary
		04 NCAC 01H .0103	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	P.L. 99-514, P.L. 107-16	No	Necessary
	SECTION .0200 - APPLICATIONS AND PROCEDURES	04 NCAC 01H .0201	GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	P.L. 99-514, P.L. 107-16	No	Necessary
		04 NCAC 01H .0202	INFORMATION AND APPLICATIONS	Amended Eff. December 1, 2019	Necessary	Yes If yes, include the citation to the federal law	P.L. 99-514, P.L. 107-16	No	Necessary
		04 NCAC 01H .0203	FORMAL PROCEDURES: APPROVAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	P.L. 99-514, P.L. 107-16	No	Necessary

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		04 NCAC 01H .0204	FORMAL PROCEDURES: DENIAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	P.L. 99-514, P.L. 107-16	No	Necessary
	SECTION .0300 - REVIEW CRITERIA	04 NCAC 01H .0301	GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	P.L. 99-514, P.L. 107-16	No	Necessary
		04 NCAC 01H .0302	ESTABLISHMENT OF AVAILABILITY CAPACITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	P.L. 99-514, P.L. 107-16	No	Necessary
		04 NCAC 01H .0303	CONSIDERATIONS OF THE CAPACITY RESOURCE USAGE AND DEMAND	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	P.L. 99-514, P.L. 107-16	No	Necessary
	SECTION .0500 - QUALIFIED ENERGY CONSERVATION BONDS	04 NCAC 01H .0501	PROCEDURES AND CRITERIA FOR ALLOCATION OF QUALIFIED ENERGY CONSERVATION BONDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Unnecessary	Select One		No	Unnecessary
SUBCHAPTER 011 – INDUSTRIAL DEVELOPMENT FUND	SECTION .0100 – PURPOSE AND DEFINITIONS	04 NCAC 01I .0101	BACKGROUND AND OBJECTIVES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01I .0102	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
	SECTION .0200 – GENERAL REQUIREMENTS	04 NCAC 01I .0201	DATE OF RECEIPT OF APPLICATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01I .0202	APPLICATION CATEGORIES AND REQUIREMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
	SECTION .0300 – SELECTION PROCESS	04 NCAC 01I .0301	REVIEW OF APPLICATIONS AND FUNDING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01I .0302	ELIGIBILITY REQUIREMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
	SECTION .0400 – APPROVAL CRITERIA	04 NCAC 01I .0402	REQUIRED FINDINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01I .0403	FORMAL APPLICATIONS PROCEDURES: DENIAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary

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		04 NCAC 01I .0404	FORMAL APPLICATION PROCEDURES: APPROVAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
	SECTION .0500 – RESERVATION OF FUNDS	04 NCAC 01I .0501	GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01I .0502	LIMITATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
		04 NCAC 01I .0503	REVERSION OF FUNDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
	SECTION .0800 – ENVIRONMENTAL COMPLIANCE	04 NCAC 01I .0801	COMPLIANCE WITH NORTH CAROLINA ENVIRONMENTAL RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary
SUBCHAPTER 01K - ECONOMIC DEVELOPMENT ACTIVITY OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM	SECTION .0100 - GENERAL PROVISIONS	04 NCAC 01K .0101	PROGRAM PURPOSE AND OBJECTIVE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.489; 14 C.F.R. 570.494; 42 U.S.C.A. 5301	No	Necessary
		04 NCAC 01K .0102	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.489	No	Necessary
		04 NCAC 01K .0103	ELIGIBLE APPLICANTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.480; 42 U.S.C.A. 5301	No	Necessary
		04 NCAC 01K .0104	FUNDING LIMITATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.489; 42 U.S.C.A. 5301	No	Necessary
		04 NCAC 01K .0105	PROJECTS NOT TO BE CONSIDERED FOR FUNDING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.482; 24 C.F.R. 570.489; 42 U.S.C.A. 5301	No	Necessary
	SECTION .0200 - APPLICATION PROCEDURE	04 NCAC 01K .0201	GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.489; 42 U.S.C.A. 5301	No	Necessary
		04 NCAC 01K .0203	APPLICATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.489; 42 U.S.C.A. 5301	No	Necessary

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		04 NCAC 01K .0205	FORMAL APPLICATION PROCEDURES: APPROVAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	42 U.S.C.A. 5301	No	Necessary
		04 NCAC 01K .0206	FORMAL APPLICATION PROCEDURES: DENIAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.489; 42 U.S.C.A. 5301	No	Necessary
	SECTION .0300 - FINDINGS REQUIRED FOR APPROVAL	04 NCAC 01K .0301	GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.489; 42 U.S.C.A. 5301	No	Necessary
		04 NCAC 01K .0302	CRITERIA FOR MAKING NECESSARY FINDINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.482; 24 C.F.R. 570.489; 42 U.S.C.A. 5301	No	Necessary
	SECTION .0400 - GRANT ADMINISTRATION	04 NCAC 01K .0401	GRANT AGREEMENT AND FUNDING APPROVAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.489	No	Necessary
		04 NCAC 01K .0402	METHOD OF PAYMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.489	No	Necessary
		04 NCAC 01K .0403	METHOD OF ADMINISTRATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.492; 24 C.F.R. 570.494	No	Necessary
		04 NCAC 01K .0404	MONITORING AND GRANT CLOSE OUT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	Yes If yes, include the citation to the federal law	24 C.F.R. 570.489; 24 C.F.R. 570.492	No	Necessary
		04 NCAC 01K .0405	ADMINISTRATIVE HEARINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016	Necessary	No		No	Necessary