

Burgos, Alexander N

From: Ascher, Seth M
Sent: Tuesday, January 27, 2026 9:35 AM
To: Heuser, Kyle
Cc: svc_OSMF.Rulemaking; Burgos, Alexander N
Subject: Re: Periodic Review 11 NCAC 05B,C
Attachments: Staff Opinion-January 2026-Readoptions.docx

Kyle,

Thanks. Attached is the staff opinion I plan to present on Thursday. Let me know if you have any questions.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Sent: Monday, January 26, 2026 1:30 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: svc_OSMF.Rulemaking <OSFM.Rulemaking@ncdoi.gov>
Subject: RE: Periodic Review 11 NCAC 05B,C

Good afternoon, Seth,

The Fire and Rescue Commission (FRC) accepts the proposed readoption deadline of May 1, 2028 for the rules in 11 NCAC 05B and 05C. Considering that readoption deadline, and pursuant to 26 NCAC 05 .0212, please find below projected deadlines for each indicated step in the readoption process:

Initial Re-adoption by the FRC: July 2027

Publication of Notice of Text: August 2027

Public Hearing: At least 15 but no later than 60 days after notice of text is published

Public Comment Period: August 2027 – October 2027; October 2027 – December 2027 (if substantial changes are made after the initial public comment period that require republication of the rules)

Final Re-adoption by the FRC: October 2027; January 2028 (if substantial changes are made after the initial public comment period that require republication of the rules)

Submission of rules to OAH for RRC consideration: between January 2028 and March 2028

Rules Review Commission review: No later than April 2028

Earliest Effective Date of Rules: May 1, 2028

Please let me know if you require any additional information.

Thanks,

Kyle

Kyle Heuser
Assistant General Counsel



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0100

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, January 2, 2026 11:53 AM
To: svc_OSM.Rulemaking <OSFM.Rulemaking@ncdoi.gov>
Subject: Re: Periodic Review 11 NCAC 05B,C

Good afternoon,

The attached periodic review reports have been finalized. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

It appears that the deadline for your agency to provide this information is March 3, 2026. As a starting point, I would recommend a May 1, 2028 readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Julie B. Eddins <julie.eddins@oah.nc.gov>
Sent: Friday, November 7, 2025 3:13 PM
To: svc_OSM.Rulemaking <OSFM.Rulemaking@ncdoi.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Periodic Review 11 NCAC 05B,C

Good afternoon,

The determinations in the attached periodic review report for 11 NCAC 05B,C were effective September 30, 2025. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date.

Let me know if you have any questions.

Julie

Julie B. Eddins

Publications Coordinator

NC Office of Administrative Hearings

Phone 984-236-1937 (direct) – **new number effective March 14, 2025**

julie.eddins@oah.nc.gov



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