

06 NCAC 04 .0103 is adopted as published in 40:11 NCR 858-859 with changes following RRC June 25, 2026, objection as follows:

CHAPTER 4 - DECLARATORY RULINGS

06 NCAC 04 .0103 DECLARATORY RULING PROCESS

Any person ~~substantially affected or aggrieved~~ by a rule approved or adopted by the Council of State may request a declaratory ruling as to either the manner in which the rule applies to a given factual situation, if at all, or as to whether a particular rule of the Council is valid. Such persons may also request either type of a declaratory ruling concerning the applicability to a given factual situation of a statute under which the rule was adopted, administered by the Council.

All requests for declaratory rulings shall be submitted to the executive department responsible for administering the statute to which the rule relates. All such requests shall be in accordance with the administrative procedures of the responsible executive department. The chief executive officer of the responsible executive department shall respond to the request in accord with the applicable administrative procedures of the department. The chief executive officer of the responsible department shall also notify the Council of any such request received and the department's proposed disposition thereof. The Council may, in its discretion, review and amend any such proposed departmental declaratory rulings. In its determination whether to review, whether to amend, and how to amend the proposed declaratory ruling, the Council shall consider at least the following factors: whether there is authority to adopt the rule; the effect of the [proposed] rule on existing rules, programs, and practices; probable costs and cost factors of the [proposed] rule; and the impact of the rule on the public and regulated entities. It may also take such other action in regard thereto as it deems necessary.

History Note: Authority G.S. 147-13; 150B-4;

Eff. ~~May~~ July August 1, 2026.