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NORTH CAROLINA REGISTER

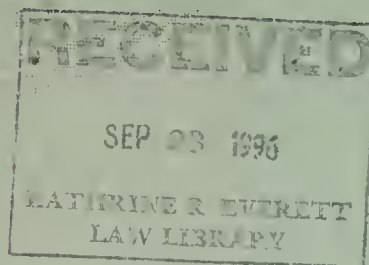
**VOLUME 11 • ISSUE 12 • Pages 959 - 1037
September 16, 1996**

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Human Resources
Revenue
Transportation
List of Rules Codified
Rules Review Commission
Contested Case Decisions

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EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2B .0103 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
(1) **RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

(2) **RULE WITH SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH,
AND NATURAL RESOURCES**

CHAPTER 10 - WILDLIFE COMMISSION

Notice of Rule-making Proceedings is hereby given by the North Carolina Wildlife Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: *15A NCAC 10B .0116*

Authority for the rule-making: *G.S. 113-134; 113-129.1(a); 113-279(b)*

Statement of the Subject Matter: *Permitted archery equipment.*

Reason for Proposed Action: *To modify Broadhead regulations.*

Comment Procedures: *The record will open for receipt of written comments from September 16, 1996 through November 15, 1996. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.*

This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Social Services Commission intends to amend rules cited as 10 NCAC 41P .0002, .0005 - .0006, .0008 - .0012; 49A .0002; 49B .0202, .0310, .0502. Notice of Rule-making Proceedings was published in the Register on July 15, 1996.

Proposed Effective Date: April 1, 1997

A Public Hearing will be conducted at 10:00 a.m. on October 17, 1996 at the Albemarle Building, Room 943-2, 325 North Salisbury Street, Raleigh, NC 27603.

Reason for Proposed Action:

10 NCAC 41P .0002, .0005 - .0006, .0008 - .0012 - The 1995 General Assembly found it in the public interest to clarify the judicial process for adoptions, to promote the integrity and finality of adoptions, and to encourage prompt, conclusive dispositions of adoption proceedings. Towards this end, SB 159 was ratified. This action included rewriting many of the adoption laws contained in G.S. 48. The amendments proposed to 10 NCAC 41P will provide for implementation of those changes.

10 NCAC 49A .0002, 49B .0202, .0310, .0502 - The amendments are necessary to implement prospective budgeting and quarterly reporting in the AFDC Program. During its 1995 Session, the General Assembly eliminated State Supplemental Payments for families who are adversely affected by retrospective budgeting. This amendment also provides consistency and conformity between the AFDC and Food Stamp Programs in reporting requirements and consideration of income.

Comment Procedures: Comments may be presented in writing anytime before or at the public hearing, or orally at the hearing. Time limits for oral remarks may be imposed by the Commission Chairman. Any person may request copies of these rules by calling or writing to Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 North Salisbury Street, Raleigh, NC 27603. Phone: 919/733-3055.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 41 - CHILDREN'S SERVICES

SUBCHAPTER 41P - CHILD-PLACING AGENCIES: ADOPTION

.0002 ORGANIZATION AND ADMINISTRATION

(a) Persons licensed or seeking license to provide adoption services shall comply with administrative and organizational requirements of 10 NCAC 41N, Chapter 48 of the General Statutes of North Carolina, and G.S. 110-57.1 et seq.

(b) Persons licensed or seeking license to provide adoption services shall meet staffing regulations set forth in 10 NCAC 41O, except that the executive director employed after the effective date of these regulations shall have a masters degree in social work or related area of study from an accredited school, and at least four years of experience in a child-placement agency, at least two of which must have been in administration.

(c) The caseload of social workers providing adoption services must be limited to allow for the required contacts with biological parents and families, children, adoptive families and collateral parties. A case is defined as any of the following:

- (1) an expectant parent or parents receiving problem pregnancy services from the agency prior to the child's birth and ~~release~~ relinquishment for adoption;
- (2) biological parents receiving services from the agency following ~~release~~ relinquishment of the child to the agency for adoption;
- (3) a child or sibling group to be placed together referred to the agency for adoptive placement from another licensed or authorized child-placing agency and for whom an adoption home is being sought and considered;
- (4) a child, or siblings, together with biological parents for as long as the legal parent and child relationship exists;
- (5) a child, or siblings for whom the goals for adoption are the same, following ~~release~~ relinquishment for adoption;
- (6) a single person or married couple applying for or licensed to provide foster care for children released for adoption to the agency;
- (7) a single person or married couple applying for or approved for adoptive placement of a child or children;
- (8) a child or sibling group and adoptive parents after

placement occurs; and

- (9) biological parents, or adoptive parents and adopted child, or adopt adoptee following entry of the final order for adoption decree of adoption.

Authority G.S. 131D-10.3; 131D-10.5; 143B-153; 48-3-204.

.0005 PLACEMENT SERVICES TO FAMILIES AND CHILDREN

(a) Persons licensed or seeking license to provide adoption services shall comply with regulations set forth in 10 NCAC 410.

(b) Additionally, those persons providing as part of their adoption services program problem pregnancy services shall:

- (1) respect the client's prerogative for choice of alternatives to the problem pregnancy;
- (2) assure the clients of confidential handling of and restricted access to the case record;
- (3) offer alternate plans of care for the child and give supportive services or make appropriate referrals to other resources, should the client elect to keep the child in the family instead of releasing the child for adoption; and
- (4) assist the client in obtaining maternity home care during her pregnancy, if desired and appropriate.

(c) The agency shall help those parents reaching the decision to ~~release~~ relinquish their children to the agency for adoptive placement to have a thorough understanding of the meaning of adoption and its potential impact on the child's and their lives. The agency may notify the parent when a placement has occurred and when an adoption decree is issued.

(d) At the point a parent executes the ~~written release, surrender, and general consent to adopt,~~ relinquishment for adoption, the agency shall ascertain that the parent has a thorough understanding of the effects of this action and of the time period allowed for revocation of the ~~release, surrender, and general consent to adoption,~~ relinquishment for adoption. When the agency has received the parent's ~~release, surrender, and general consent to adoption,~~ relinquishment for adoption, the executive director or administrator must indicate acceptance of the ~~parent's release~~ relinquishment document by signing the appropriate form for this purpose. A copy of the ~~parent's release, surrender, and general consent to adoption~~ relinquishment for adoption and of the agency's acceptance must be given to the parent. The Director or Administrator shall designate the agency's supervisor of adoptions or the adoptions social worker handling the case to accept the ~~parent's release, surrender, and general consent to adoption~~ relinquishment for adoption in the event the Director or Administrator will not be available to perform this task in person. An agency may acquire legal and physical custody of a minor for purposes of adoptive placement only by means of a relinquishment pursuant to G.S. 48, Article 1, Part 7 or by terminating the rights and duties of a parent or guardian

of the minor.

(e) In addition to providing services to the child in compliance with 10 NCAC 410, agencies providing adoption services shall involve a child in the selection of an adoptive home and in preparation for adoptive placement, as is appropriate to the age of the child.

Authority G.S. 131D-10.5; 143B-153; 48-3-204.

.0006 ADOPTIVE HOME RECRUITMENT

The agency shall have a written plan for on-going recruitment of adoptive homes for the children it places or plans to place for adoption. The plan must include resources to be used, time-related goals for applicant recruitment, and any limitations or restrictions that may be inherent to its program. The plan must indicate designated staff and funding sources for implementation of the plan. Agencies shall have a plan which actively recruits homes of the same race or ethnic category as that of the children it serves. ~~A child's race and ethnic background must be considered in determining the most suitable adoptive placement, but the agency shall not prohibit the placement of a child for adoption with persons of a different race or ethnic category.~~ An agency may consider the cultural, ethnic, or racial background of the child and the capacity of the prospective adoptive parents to meet the needs of a child as one of the number of factors used to determine the best interest of the child but shall not delay or deny placement of a child for adoption solely on the basis of race, color, or national origin of the adoptive parent or the child.

Authority G.S. 131D-10.5; 143B-153; 48-3-204.

.0008 PREPLACEMENT ASSESSMENT

(a) The agency shall conduct ~~an adoptive study with its applicants;~~ a preplacement assessment within 90 days after the request has been accepted. The ~~study~~ assessment process must include at least one ~~office visit with the adoptive applicants, one home visit, and personal interview,~~ and separate face-to-face interviews with each member of the household above six years of age. The ~~study~~ assessment process must be a joint effort of the adoption agency and the applicants to determine the kind of child the applicants can best parent. Any ~~study~~ assessment that was completed one year or more before placement of a child occurs must be updated to include current information about the family. ~~The updated study shall focus on applicable items in Paragraph (b) of this Rule where change could be expected to have occurred.~~ Physical examinations of family members must be current to within 12 months of the ~~updated study assessment.~~

(b) The agency shall ~~study~~ assess the following areas and shall record the information in the adoptive applicants' record:

- (1) the applicants' ~~motivation for adoption;~~ reasons for wanting to adopt;
- (2) the strengths and ~~weaknesses~~ needs of each

- member of the household;
- (3) the attitudes and feelings of the family, extended family, and significant others involved with the family toward accepting adoptive children, and parenting children not born to them;
- (4) the attitudes of the applicants toward the biological parents and in regard to the reasons the child is in need of adoption;
- (5) the applicants' attitudes toward child behavior and discipline;
- (6) the applicants' plan for discussing adoption with the child;
- (7) the emotional stability and maturity of applicants;
- (8) the applicants' ability to cope with problems, stress, frustrations, crises, and loss;
- (9) the applicants' ability to give and receive affection;
- (10) the applicants' child-caring skills and willingness to acquire additional skills needed for the child's development;
- (11) the applicants' ability to provide for the child's physical and emotional needs;
- (12) ~~the applicants' record of criminal convictions;~~ whether the applicant has ever been convicted of a crime other than a minor traffic violation;
- (13) ~~the adjustment strengths and needs of birth children or previously adopted children, including school reports, if applicable;~~
- (14) ~~report of a physical examination by a licensed medical provider for members of the adoptive family living in the household within six months of the study that verifies no communicable disease, specific illness, or disabilities that would interfere with the family's abilities to parent a child pose a direct threat to a child which may pose a significant risk of transmission in the home; the applicant's physical and mental health, including any addiction to alcohol or drugs;~~
- (15) ~~the applicants' ability to provide financially for the child or children to be adopted with or without agency financial assistance through adoption subsidy; current financial information provided by the applicant, including property and income;~~
- (16) the applicants' personal character references;
- (19) the plan for child care if parents work; ~~and~~
- (20) recommendations for adoption in regard to the number, age, sex, characteristics, and special needs of children who could be best served by the family;
- (21) any previous request for an assessment or involvement in an adoptive placement and the outcome of the assessment or placement;
- (22) whether the individual has ever been a respondent in a domestic violence proceeding or a proceeding concerning a minor who was allegedly abused, neglected, abandoned, or delinquent, and the outcome of the proceeding;

- (23) whether the applicant has located a parent interested in placing a child for adoption with the applicant, and a brief, non identifying description of the parent and the child;
- (24) the applicants' age, date of birth, nationality, race or ethnicity, and any religious preference;
- (25) the applicant's marital and family status and history, including the presence of any children born to or adopted by the applicant, and any other children in the household;
- (26) the applicant's educational and employment history and any special skills; and
- (27) any additional fact or circumstance that may be relevant to a determination of the applicant's suitability to be an adoptive parent, including the quality of the home environment and the level of functioning of any children in the household.

When any of the information listed in this Paragraph is not reasonably available, the preplacement assessment shall state why the information is unavailable.

(c) ~~The adoptive home study assessment~~ must be prepared and typed for review by the agency's adoption review committee, and it must become part of the applicants' permanent record.

(d) ~~Narrative dictation during the provisional period of licensure must be recorded by agency staff providing problem pregnancy services, conducting adoptive studies, and providing post placement services following each contact with the child, biological parents, and adoptive parents and this dictation must become part of the permanent record. Once the agency has made a decision regarding the suitability of the applicant as an adoptive placement, the preplacement assessment shall include specific documentation of the factors which support that determination. If the agency determines that the applicant is not suitable to be an adoptive parent, the assessment shall include specific documentation of the factors which support that determination.~~

Authority G.S. 131D-10.5; 143B-153; 48-3-303; 48-2-502.

.0009 NOTIFICATION REGARDING PREPLACEMENT ASSESSMENT

(a) The agency shall notify applicants in writing within 30 days of completion of the ~~adoptive study~~ preplacement assessment of the acceptance or denial or their application.

(b) When applicants are not accepted, the agency shall share with them the reasons a child cannot be placed in their home. ~~The agency shall offer services to the applicants to assist them in adjusting to the decision.~~

(c) If the applicant disagrees with the unfavorable preplacement assessment, the applicant may request an internal review by the agency director.

(d) The applicant, after exhausting the agency's procedures for internal review, may prepare and file a written response with the Division of Social Services and the agency. The Division shall acknowledge receipt of the

response within 30 days, but shall have no authority to take any action with respect to the response. A copy of the response shall be attached to the unfavorable assessment.

(e) Following an unfavorable preplacement assessment being filed with the Division, the county department of social services shall be notified by the Division, and shall take appropriate action regarding any child placed in the home of the prospective adoptive parent who is the subject of the unfavorable assessment.

(f) An unfavorable preplacement assessment and any response filed with the Division under this section shall not be public records as set forth in G.S. 132.

Authority G.S. 131D-10.5; 143B-153; 48-3-303.

.0010 SERVICES TO ADOPTIVE APPLICANTS AND FAMILIES

(a) The agency shall provide services to adoptive applicants to assist them in making an informed decision about adoption. The agency shall provide the opportunity for the applicants to participate in the adoptive study and in the assessment of their potential for meeting the needs of the children available for adoption. The agency shall provide upon request a written statement of the services it provides and of its procedure for selecting a prospective adoptive parent for a child, including the role of the child's parent or guardian in the selection process. This statement must include a schedule of any fees or expenses charged by the agency and a summary of the provisions of G. S. 48 that pertain to the requirements and consequences of a relinquishment and to the selection of a prospective adoptive parent.

(b) The agency shall discuss the children potentially available for adoption with the adoptive applicants. The selection of a prospective adoptive parent for a minor shall be made by the agency, and based on the preplacement assessment. The selection may be based on criteria requested by a parent who relinquishes the child to the agency.

(c) Following completion of an approved adoptive study, a preplacement assessment, the agency shall prepare the adoptive applicants for the placement of a particular child. Preparation must include:

- (1) information about the needs and expectations of the child and of the adoptive family;
- (2) information to the extent allowed by law as specified in G.S. 48-25 48-3-205 about the child's background and the health history of the child's biological parents and other relatives; and
- (3) visits with the child prior to placement.

(d) The agency worker shall visit in the home of the adoptive family at least quarterly after the placement of a child and prior to the final order of adoption. decree of adoption. The first visit must occur within two weeks after placement. Frequency of visits thereafter must shall be determined by the child's and family's needs. Observations made during the visits must shall be used in making

recommendations to the court of adoptions in regard to the interlocutory decree and final order, decree of adoption, or in regard to dismissal of the adoption petition.

(e) When applicable, the agency shall take steps necessary to assure that the adoptive placement comes into compliance with the interstate compact on the placement of children.

(f) The agency shall make post-adoption services available to the adoptive parents, the biological parents, and the adoptee after the final order decree of adoption has been entered.

Authority G.S. 48-1 et. seq.; 110-57.1; 131D-10-5; 143B-153; 48-3-204.

.0011 LEGAL PROCESS

(a) The agency shall instruct the adoptive parents in procedures regarding the legal process for adoption and shall encourage instruct them to file their adoption petition soon after placement occurs. within 30 days.

(b) The agency shall prepare and file the required consents and other legal documents and reports with the court of adoptions at the appropriate times once the adoption petition has been filed.

(c) During the process of preparing court reports, the petitioner, and each member of the petitioner's home shall be interviewed in the petitioner's home. In addition, at least one interview shall be conducted in the presence of the petitioner and the adoptee to observe interactions between the them. The report to the court must be in writing and contain the information required by G.S. 48-2-502(b).

(d) The agency shall give the petitioner a copy of each report filed with the court, and retain a copy, except, pursuant to G.S. 48-10-105, the agency shall not release to the petitioner a copy of any court order, judgment, decree, or pending legal proceeding containing identifying information.

Authority G.S. 48-1 et. seq.; 131D-10.5; 143B-153; 48-2-502.

.0012 RECORDS

(a) The agency shall maintain children's and biological parent's records in accordance with Regulations rules set forth in 10 NCAC 410.

(b) The agency shall keep separate records for each adoptive applicant and family. These records must contain the following:

- (1) application form;
- (2) copies of marriage certificates, if applicable;
- (3) documentation of marriage termination, if applicable;
- (4) current medical records on all family members and psychological or psychiatric reports, if applicable;
- (5) references from at least three sources;
- (6) adoptive study preplacement assessment con-

ducted by the agency:

- (7) copies of correspondence to, from, and in regard to the applicants;
- (8) summary and dates and content of contacts prior to and following approval for adoption until the ~~final order decree~~ of adoption is entered;
- (9) copies of information given to the applicant and family concerning the child or children to be placed for adoption with them;
- (10) copies of all legal documents pertaining to the adoption; and
- (11) summary containing the placement decision, pre-placement and post-placement contacts with the family and child.

(c) In the event the applicants were not accepted or did not have a child placed with them, the record shall contain a narrative clearly indicating the reasons and the manner in which the decision was presented to the applicants.

(d) All individual child and adoptive family records shall be permanently retained by the agency. If necessary, the files must be microfilmed in accordance with provisions of G.S. 8-45.1, following which the original files must be destroyed by an authorized shredding process.

(e) All child and adoptive applicant and family records must be kept in securely locked quarters and information from the files ~~may~~ shall be divulged only in compliance with provisions of ~~G.S. 48-25~~, G.S. 48-9-105.

Authority *G.S. 131D-10.5; 143B-153; 48-3-303.*

CHAPTER 49 - AFDC

SUBCHAPTER 49A - GENERAL PROGRAM ADMINISTRATION

.0002 DEFINITIONS

The following definitions apply to this Chapter:

- (1) "Adjusted Payment" means a payment to the recipient to correct a county-responsible underpayment.
- (2) "Appeal" means an oral or written request from a client for a hearing to review the action of a county Department of Social Services when the client is dissatisfied with the decision in his case.
- (3) "Application Process" means a series of actions beginning with a signed application and ending the date a check or denial notice is mailed.
- (4) "Assistance Unit" means the total number of persons whose needs are considered in determining the payment amount.
- (5) "Budget Unit" means all those persons for whom application has been made plus anyone in the home who is liable for the support of a member of the assistance unit or whose income is counted as available to the assistance unit.
- (6) "Client" means member of the assistance unit. It may be used interchangeably with payee, recipi-

ent and applicant.

- (7) "Collateral" means a person or organization that can substantiate or verify information necessary to establish eligibility.
- (8) "Determination" means the process of verifying eligibility factors for persons applying for AFDC.
- (9) "Disregard of Earned Income" means the procedure for exempting certain portions of earned income as a resource when determining the amount of payment.
- (10) "Effective Date" means the date for which the benefit is authorized.
- (11) "Eligibility, Initial" means the state of eligibility at time of application.
- (12) "Essential Person" means a person who gives an essential service to a client, and, if in need, is eligible to be included in the assistance unit.
- (13) "Excluded Income" means money received by a member of the budget unit which is not counted in determining eligibility for assistance.
- (14) "Father, Alleged" means the man who is said without proof to be the father of a child. This includes a father who has admitted paternity when paternity has not been established in a court of law.
- (15) "Father, Legal" means:
 - (a) The man who is married to the mother of child at the time of birth of the child, regardless of whether they are living together. The legal father is not necessarily the natural father, but is legally responsible for support; or
 - (b) A man who has been determined by the court to be the father of the child through a paternity suit or by act of legitimation; or
 - (c) A man who has legally adopted the child.
- (16) "Father, Natural" means the biological father of the child. He may be the alleged or legal father.
- (17) "Full-Time Student" means a student so designated by the school in which he is enrolled.
- (18) "Minor Mother" means a mother who is under the age of 18 who may be payee for an assistance unit or a recipient included in another assistance unit.
- (19) "Needy Spouse" means the husband or wife of a specified relative (other than a parent) who is eligible to be included in the assistance unit if he applies for assistance and meets the requirements of an essential person.
- (20) "Payee" means the person in whose name the AFDC payment is made.
- (21) "Payment Month" means the month for which the payment is made.
- (22) "Prospective Budgeting" means the best estimate of income in the payment month. ~~Use when determining benefits for the first two payment~~

~~months-~~

- (23) "Reapplication" means a subsequent application when a case has been terminated or suspended.
- (24) "Recipient" means an eligible person whose needs are included in the assistance payment.
- (25) "Remainder Interest" means property which will be inherited in full at a life estate interest holder's death.
- (26) "Revocable Trust" means funds held in trust which are available for the client's use.
- (27) "Verification" means the confirmation of facts and information used in determining eligibility.

Authority G.S. 108A-25; 143B-153; 45 C.F.R. 233.

SUBCHAPTER 49B - ELIGIBILITY DETERMINATION

SECTION .0200 - APPLICATION PROCESS

.0202 INITIAL INTERVIEW

The applicant shall be allowed to have any person(s) of his choice participate in the interview. The applicant shall be informed of the following:

- (1) He must provide:
 - (a) the names of collaterals, such as landlords, employers, and others with knowledge of his situation;
 - (b) information about his resources;
 - (c) verification of his earned income and any operational expenses;
 - (d) his Social Security number unless he has lost his card;
 - (e) medical forms when appropriate;
 - (f) work registration card from ESC;
 - (g) statement from a dealer when verified equity of a motor vehicle is disputed;
 - (h) evidence of good cause claim for non-cooperation with the child support enforcement agency;
 - (i) verification of the amount of a lump sum payment and other required information regarding the lump sum;
 - (j) verification of stepparent's income and verification of income of a minor parent's parent or legal guardian; and
 - (k) signed statement from a doctor or medical facility substantiating a pregnancy and the expected due date.
- (2) It is the county's responsibility to use collateral sources to substantiate or verify information necessary to establish eligibility. Collateral sources of information include knowledgeable individuals, business organizations, public records, and documentary evidence. If the applicant does not wish necessary collateral contacts to be made, he can withdraw the application. If he

- denies permission to contact necessary collaterals, the application shall be rejected due to failure to cooperate in establishing eligibility.
- (3) A worker will visit his home at the county's option. The county's decision to make a home visit will be based on error-prone characteristics defined by the state using quality control and other management data.
- (4) The applicant has the right to:
 - (a) receive assistance if found eligible;
 - (b) be protected against discrimination on the grounds of race, creed, or national origin by Title VI of the Civil Rights Act of 1964. He may appeal such discrimination;
 - (c) spend his assistance payment as he wishes, but it must be in his best interest and that of his family. A substitute payee may be appointed for those individuals who cannot manage the payments;
 - (d) receive his monthly check in advance until the payment is terminated by appropriate action;
 - (e) have any information given to the agency kept in confidence;
 - (f) appeal, if his assistance will be denied, changed or terminated, his payment is incorrect based on the agency's interpretation of state regulations, or his request for a change in the amount of assistance was delayed beyond 30 days or rejected;
 - (g) reapply at any time, if found ineligible; and
 - (h) withdraw from the assistance program at any time.
- (5) The applicant's responsibilities. He must:
 - (a) provide the county department, state and federal officials, the necessary sources from which the county department can locate and obtain information needed to determine eligibility;
 - (b) report to the county department of social services any change in situation that may affect eligibility for a check within five 10 calendar days after ~~it happens~~ he learns of the change. The meaning of fraud shall be explained. The applicant shall be informed that he may be suspected of fraud if he fails to report a change in situation and that in such situations, he may have to repay assistance received in error and that he may also be tried by the courts for fraud;
 - (c) inform the county department of social services of any person or organization against whom he has a right to recovery. When he accepts medical assistance (included with any AFDC), the applicant

assigns his rights to third party insurance benefits to the state. He shall be informed that it is a misdemeanor to fail to disclose the identity of any person or organization against whom he has a right to recovery;

(d) immediately report to the county department the receipt of a check which he knows to be erroneous, such as two checks for the same month., or a check in the wrong amount. If he does not report such payments, he may be required to repay any overpayment.

Authority G.S. 108A-43; 143B-153; 45 C.F.R. 206.10.

SECTION .0300 - ELIGIBILITY FACTORS

.0310 PROSPECTIVE BUDGETING AND QUARTERLY REPORTING

~~In addition to the requirements found in 45 CFR 233.36 which is hereby adopted by reference under G.S. 150B-14(c), monthly reporting shall be required on error-prone classes of recipients as defined by the state based on quality control and other management data.~~

(a) Income shall be budgeted prospectively for determining eligibility for and the amount of AFDC payments. To arrive at a monthly amount to consider, the following processes shall be followed:

- (1) For income that is paid on less than a monthly basis, the pay received from each period during a month shall be averaged and converted to a monthly amount as follows. Averaged pay shall be multiplied by:
 - (A) 2 if pay is received twice per month
 - (B) 2.15 if pay is received every two weeks
 - (C) 4.3 if pay is received weekly
- (2) For income that is received once per month, the amount received from two previous successive months shall be averaged to arrive at one monthly amount.
- (3) Annualized self-employment income shall be averaged over the lesser of the following period the number of months the business has been in operation or 12 months.

(b) The monthly income calculated in Paragraph (a) of this Rule shall be used to determine the AFDC payment for 3 consecutive calendar months.

(c) Quarterly reporting shall be required for error-prone classes of recipients as defined by the state based on quality control and other management data. The quarterly reporting process shall follow the processing requirements found in 45 CFR 233.37 which is hereby incorporated by reference including all subsequent amendments and editions. Copies of this Code of Federal Regulations may be obtained from the Division of Social Services, 325 North Salisbury Street, Raleigh, N. C. 27603 (telephone number (919) 733-3055 at a cost of ten cents (\$.10) per page at the time of

adoption of this Rule.

(d) AFDC families shall be required to report all changes within 10 calendar days after they become aware a change has occurred.

Authority G.S. 143B-153; 45 C.F.R. 233.28; 45 C.F.R. 233.36.

SECTION .0500 - REDETERMINATION OF ELIGIBILITY

.0502 CHANGES IN SITUATION

(a) Each client shall be required to report any change in his situation within ~~five~~ 10 calendar days after it occurs, he learns of the change.

(b) The change shall be evaluated and appropriate action effective as early as the next month but never later than two months following the date the change is reported.

Authority G.S. 143B-153; 45 C.F.R. 206.10.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Human Resources intends to adopt rule cited as 10 NCAC 41P .0013. Notice of Rule-making Proceedings was published in the Register on July 15, 1996.

Proposed Effective Date: April 1, 1997

A Public Hearing will be conducted at 10:00 a.m. on October 17, 1996 at the Albemarle Building, Room 943-2, 325 N. Salisbury Street, Raleigh, NC 27603.

Reason for Proposed Action: This Rule will establish guidelines for the implementation of G.S. 48-2-504 which authorizes an agency which prepares a report to the court in an adoption case may charge the petitioner a fee for preparing and writing the report. This Rule will also establish guidelines for the implementation of G.S. 48-3-304 which authorizes an agency that prepares a preplacement assessment in an adoption case to charge a fee for the preparation.

Comment Procedures: Written comments may be presented anytime before or at the public hearing or orally at the hearing. Any person may request copies of this rule by calling or writing to Sharnese Ransome, Special Assistant to the Director, NC Division of Social Services, 325 N. Salisbury St., Raleigh, NC 27603. Phone: 919/733-3055.

Fiscal Note: This Rule affects the expenditures or revenues of local government funds. This Rule does not affect state funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 41 - CHILDREN'S SERVICES

SUBCHAPTER 41P - CHILD-PLACING
AGENCIES: ADOPTION

.0013 FEES

(a) County departments of social services may charge reasonable fees for the preparation of a preplacement assessment or report to the court in accordance with G.S. 48-3-304(a) and G.S. 48-2-504(a). No fee shall be charged except pursuant to a written fee agreement which must be signed by the parties to be charged prior to the beginning of the preparation. The fee agreement shall not be based on the outcome of the report or the adoption proceeding.

(b) Maximum fees for the preparation of the reports shall not exceed:

- (1) One thousand five hundred dollars (\$1500) for the preplacement assessment and report to the court; and
- (2) Two hundred dollars (\$200.00) for report to the court only.

(c) No fee shall be charged when one or more of the following circumstances exists:

- (1) The head of household for the prospective adoptive family is an AFDC or SSI recipient;
- (2) The family unit's income is below the State's Established Income (or 150% of the 1992 Federal Poverty Level); or
- (3) The family has identified an adoptee who is in the custody and placement responsibility of the Department of Social Services, and provided that the adoptive family continues to pursue the adoption of the identified child.

(d) Fees for the above reports may be reduced or waived if it can be documented in the case record that the prospective adoptive family cannot pay the required fee, or if other reasons exist that would result in the fee becoming a barrier to the adoption. Unless reduced or waived, the entire fee shall be paid in accordance with local policy.

Authority G.S. 48-2-504; 48-3-304.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Social Services Commission intends to adopt rules cited as 10 NCAC 42B .1210 - .1211, .2402 - .2405; 42C .2011 - .2012, .3701 - .3704; 42D .1410 - .1411, .1827 - .1830; repeal 10 NCAC 42B .1209; 42C .2010; 42D .1409. Notice of Rule-making Proceedings was published in the Register on February 1, 1996.

Proposed Effective Date: May 1, 1997

A Public Hearing will be conducted at 10:00 a.m. on October 17, 1996 at the Albemarle Building, Room 943-2, 325 North Salisbury Street, Raleigh, NC 27603.

Reason for Proposed Action: To adopt as permanent rules the temporary version of the licensure rules governing adult care homes which were adopted pursuant to Senate Bill 864.

Comment Procedures: Comments may be presented in writing anytime before or at the public hearing, or orally at the hearing. Time limits for oral remarks may be imposed by the Commission Chairman. Any person may request copies of these rules by calling or writing to Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 North Salisbury Street, Raleigh, NC 27603. Phone: (919) 733-3055.

Fiscal Note: Rules 10 NCAC 42B .1210, 42C .2011, 42D .1410 affect the expenditure or distribution of State and local funds. The other rules listed do not affect state or local funds. None of these Rules have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 42 - INDIVIDUAL AND FAMILY
SUPPORT

SUBCHAPTER 42B - LICENSING OF HOMES
FOR DEVELOPMENTAL DISABLED ADULTS

SECTION .1200 - PERSONNEL

.1209 COMPETENCY OF STAFF
PROVIDING PERSONAL CARE

~~(a) The facility shall ensure that staff who provide personal care to residents perform only those personal care tasks for which they have demonstrated competency to the facility administrator or a person designated by the administrator.~~

~~(b) The facility shall maintain documentation of the competency evaluation of staff who provide personal care that is kept current, filed in an orderly manner and made available for review by the Department of Human Resources.~~

Authority G.S. 131D-2; 143B-153.

.1210 STAFF COMPETENCY AND TRAINING
10 NCAC 42D .1410 shall control for this Subchapter.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.1211 TRAINING PROGRAM CONTENT
AND APPROVAL

10 NCAC 42D .1411 shall control for this Subchapter.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

SECTION .2400 - MISCELLANEOUS RULES

.2402 RESIDENT ASSESSMENT

10 NCAC 42C .3701 shall control for this Subchapter.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.2403 RESIDENT CARE PLAN

10 NCAC 42C .3702 shall control for this Subchapter.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.2404 LICENSED HEALTH PROFESSIONAL SUPPORT

10 NCAC 42C .3703 shall control for this Subchapter.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.2405 COOPERATION WITH CASE MANAGERS

10 NCAC 42C .3704 shall control for this Subchapter.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

SUBCHAPTER 42C - LICENSING OF FAMILY CARE HOMES

SECTION .2000 - PERSONNEL

.2010 COMPETENCY OF STAFF PROVIDING PERSONAL CARE

~~(a) The facility shall ensure that staff who provide personal care to residents perform only those personal care tasks for which they have demonstrated competency to the facility administrator or a person designated by the administrator, except when the administrator is also the personal care staff.~~

~~(b) The facility shall maintain documentation of the competency evaluation of staff who provide personal care that is kept current, filed in an orderly manner and made available for review by representatives of the Department of Human Resources.~~

Authority G.S. 131D-2; 143B-153.

.2011 STAFF COMPETENCY AND TRAINING

(a) The facility shall assure that personal care staff and those who directly supervise them in facilities without heavy care residents successfully complete a 20-hour training program, including competency evaluation, approved by the Department. For the purposes of this Subchapter, heavy care residents are those for whom the facility is providing special health-related personal care tasks. Directly supervise means being on duty in the facility to oversee or direct the performance of staff duties.

(b) The facility shall assure that staff who perform or directly supervise staff who perform special health-related personal care tasks in facilities with heavy care residents successfully complete a 75-hour training program, including competency evaluation, approved by the Department and

comparable to the State-approved Nurse Aide I training.

(c) The facility shall assure that training specified in Paragraphs (a) and (b) of this Rule is successfully completed within one of the following time frames:

- (1) six months after implementation of a statewide training program for staff hired before such implementation; or
- (2) six months after hiring for staff hired after implementation of a statewide training program established by the Department of Community Colleges.

(d) The Department shall have the authority to extend the six-month time frame specified in Paragraph (c) of this Rule up to six additional months for a maximum allowance of 12 months for completion of training upon submittal of documentation to the Department by the facility showing good cause for not meeting the six-month time frame.

(e) Exemptions from the training requirements of this Rule are as follows:

- (1) The Department shall exempt staff from the 20-hour training requirement upon successful completion of a competency evaluation approved by the Department if staff have been employed to perform or directly supervise basic personal care tasks in a comparable long-term care setting for a total of at least twelve months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.
- (2) The Department shall exempt staff from the 75-hour training requirement upon successful completion of a 15-hour refresher training and competency evaluation program or a competency evaluation program approved by the Department if staff have been employed to perform or directly supervise special health-related personal care tasks in a comparable long-term care setting for a total of at least 12 months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.
- (3) The Department shall exempt staff from the 20 and 75-hour training and competency evaluation who are licensed health professionals or listed on the N.C. Nurse Aide Registry.

(f) The facility shall maintain documentation of the training and competency evaluations of staff required by the rules of this Subchapter. The documentation shall be filed in an orderly manner and made available for review by representatives of the Department.

(g) The facility shall assure that staff who perform or directly supervise staff who perform basic personal care tasks or special health-related personal care tasks receive on-the-job training and supervision as necessary for the performance of individual job assignments prior to meeting the training and competency requirements of this Rule.

(h) For the purposes of this Rule, basic personal care tasks include, but are not limited to the following:

- (1) assist residents with toileting and maintaining

- bowel and bladder continence;
 - (2) assist residents with mobility and transferring;
 - (3) provide care for normal, unbroken skin;
 - (4) assist with personal hygiene to include mouth care, hair and scalp grooming, care of fingernails, and bathing in shower, tub, bed basin;
 - (5) trim hair;
 - (6) shave resident;
 - (7) provide basic first aid;
 - (8) assist residents with dressing;
 - (9) assist with feeding residents with special conditions but no swallowing difficulties;
 - (10) assist and encourage physical activity;
 - (11) take and record temperature, pulse, respiration, routine height and weight;
 - (12) trim toenails for residents without diabetes or peripheral vascular disease;
 - (13) perineal care;
 - (14) apply condom catheters;
 - (15) turn and position;
 - (16) collect urine or fecal specimens;
 - (17) take and record blood pressure if a registered nurse has determined and documented staff to be competent to perform this task;
 - (18) apply and remove or assist with applying and removing prosthetic devices for stable residents if a registered nurse, licensed physical therapist or licensed occupational therapist has determined and documented staff to be competent to perform the task; and
 - (19) apply or assist with applying ace bandages, TED's and binders for stable residents if a registered nurse has determined and documented staff to be competent to perform the task.
- (i) For the purposes of this Rule, special health-related personal care tasks are as follows:
- (1) assist with feeding residents with swallowing difficulty;
 - (2) assist with gait training using assistive devices;
 - (3) assist with or perform range of motion exercises;
 - (4) empty and record drainage of catheter bag;
 - (5) administer enemas;
 - (6) bowel and bladder retraining to regain continence;
 - (7) test urine or fecal specimens;
 - (8) use of physical or mechanical devices attached to or adjacent to the resident which restrict movement or access to one's own body used to restrict movement or enable or enhance functional abilities;
 - (9) non-sterile dressing procedures;
 - (10) force and restrict fluids;
 - (11) apply prescribed heat therapy;
 - (12) care for non-infected pressure ulcers; and
 - (13) vaginal douches.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.2012 TRAINING PROGRAM CONTENT AND APPROVAL

(a) The 20-hour training specified in Rule .2011 of this Subchapter shall consist of at least 12 hours of classroom instruction, and the remaining hours shall be supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) personal care skills;
- (2) cognitive, behavioral and social care, including mental disabilities; and
- (3) residents' rights as established by G.S. 131D-21.

(b) The 75-hour training specified in Rule .2011 of this Subchapter shall consist of at least 30 hours of classroom instruction and at least 30 hours of supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) observation and documentation;
- (2) basic nursing skills, including special health-related tasks;
- (3) personal care skills;
- (4) cognitive, behavioral and social care, including mental disabilities;
- (5) basic restorative services; and
- (6) residents' rights as established by G.S. 131D-21.

(c) The curriculum, number of hours for each content area, instructor qualifications, sites for classroom instruction and supervised practical experience, and plans for competency evaluation and documentation for the 20-hour and 75-hour training programs shall be submitted to the Department for approval.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

SECTION .3700 - RESIDENT ASSESSMENT AND CARE

.3701 RESIDENT ASSESSMENT

(a) The facility shall assure that an assessment of each resident is completed within 30 calendar days from the date of admission and annually thereafter using an assessment instrument approved by the Department. For the purposes of this Subchapter, the assessment is a functional assessment to determine a resident's level of functioning to include routines, preferences, needs, mood and psychosocial well-being, cognitive status and physical functioning in activities of daily living. Activities of daily living are personal functions essential for the health and well-being of the resident which are bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting and eating.

(b) The facility shall assure a reassessment of a resident is completed within 10 days of a significant change in the resident's condition. For the purposes of this Subchapter, reassessment is any assessment as defined in Paragraph (a) of this Rule other than the initial and annual assessments.

(c) For the purposes of this Subchapter, significant change in the resident's condition is defined as follows:

(1) Significant change is one or more of the following:

- (A) deterioration in two or more activities of daily living;
- (B) change in ability to walk or transfer;
- (C) change in the ability to use one's hands to grasp small objects;
- (D) deterioration in behavior or mood to the point where daily problems arise or relationships have become problematic;
- (E) no response by the resident to the treatment for an identified problem;
- (F) initial onset of unplanned weight loss or gain of 5 percent of body weight within a 30-day period or 10 percent weight loss or gain within a 6-month period;
- (G) threat to life such as stroke, heart condition, or metastatic cancer;
- (H) emergence of a pressure ulcer at Stage II or higher;
- (I) a new diagnosis of a condition likely to affect the resident's physical, mental, or psychosocial well-being over a prolonged period of time such as initial diagnosis of Alzheimer's disease or diabetes;
- (J) improved behavior, mood or functional health status to the extent that the established plan of care no longer matches what is needed;
- (K) new onset of impaired decision-making,
- (L) continence to incontinence or indwelling catheter; or
- (M) the resident's condition indicates there may be a need to use a restraint and there is no current restraint order for the resident.

(2) Significant change is not any of the following:

- (A) changes that suggest slight upward or downward movement in the resident's status;
- (B) short-term changes that resolve with or without intervention;
- (C) changes that arise from easily reversible causes;
- (D) a short-term acute illness or episodic event;
- (E) a well-established, predictive, cyclical pattern; or
- (F) steady improvement under the current course of care.

(d) If a resident experiences a significant change as defined in Paragraph (c) of this Rule, the facility shall refer the resident to the resident's physician or other appropriate licensed health professional such as a mental health professional, nurse practitioner, physician assistant or registered nurse in a timely manner consistent with the resident's condition but no longer than 10 days from the significant change, and document the referral in the resident's record.

(e) The assessment and reassessment shall be completed and signed by the administrator or a person designated by the administrator.

(f) The facility administrator or a person designated by the administrator to perform resident assessments and reassessments shall successfully complete Department-approved training on assessing residents by July 1, 1996. After this date, the administrator or person designated by the administrator to perform assessments and reassessments shall have successfully completed the assessment training before performing any assessments or reassessments of residents. Registered nurses are exempt from the assessment training.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.3702 RESIDENT CARE PLAN

(a) The facility shall assure a care plan is developed for each resident in conjunction with the initial resident assessment and revised as needed based on annual assessments and any reassessments of the resident. For the purposes of this Subchapter, the care plan is an individualized, written program of personal care for each resident.

(b) The care plan shall include the following:

- (1) a statement of the care or service to be provided based on the assessment or reassessment; and
- (2) frequency of the service provision.

(c) The assessor shall sign the care plan upon its completion.

(d) The facility shall assure that a physician authorizes personal care services and certifies the following:

- (1) the resident is under the physician's care; and
- (2) the resident has a medical diagnosis with associated physical or mental limitations that justify the personal care services specified in the care plan.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.3703 LICENSED HEALTH PROFESSIONAL SUPPORT

(a) The facility shall assure that a registered nurse, licensed under G.S. 90, Article 9A, participates in the on-site review and evaluation of the residents' health status and care plan within the first 45 days of admission and at least every 90 days thereafter for newly admitted residents who require one or more special health-related personal care tasks, including but not limited to the following, and at least every 90 days for current residents who require one or more special health-related personal care tasks including but not limited to the following:

- (1) applying and removing ace bandages, TED's and binders;
- (2) feeding techniques for residents with swallowing problems;
- (3) bowel or bladder retraining involving hands-on and invasive activities such as enemas, suppositories, and catheterizations;

- (4) urinary catheterizations;
- (5) chest physiotherapy or postural drainage;
- (6) clean or sterile dressing changes;
- (7) collecting or testing blood samples and taking action based on the results;
- (8) colostomy care;
- (9) decubitus care for stages I-IV wounds;
- (10) irrigations of wounds, catheters or access devices;
- (11) inhalation medication by machine;
- (12) maintaining accurate intake and output data;
- (13) medication administration through feeding tube;
- (14) medication administration through injection or vascular access;
- (15) administration of more than 10 medications;
- (16) oxygen administration and monitoring;
- (17) the monitoring of care for any residents who are restrained and the use of care practices as alternatives to restraints;
- (18) oral, pharyngeal, or tracheal suctioning;
- (19) testing urine samples and taking action based on the results;
- (20) tracheostomy care;
- (21) transferring semi-ambulatory or non-ambulatory residents;
- (22) administering and monitoring of tube feedings; or
- (23) adjusting medications as ordered based on vital signs.

(b) The facility shall assure that a registered nurse, occupational therapist licensed under G.S. 90, Article 18D or physical therapist licensed under G.S. 90-270.24, Article 18B, participates in the on-site review and evaluation of the residents' health status and care plan at least every 90 days for those residents who require one or more of the following tasks:

- (1) application of prescribed heat therapy;
- (2) application and removal of prosthetic devices;
- (3) gait training using assistive devices;
- (4) range of motion exercises; or
- (5) any other prescribed physical or occupational therapy.

(c) The facility shall assure that participation in the on-site review and evaluation of the residents' health status and care plan by a registered nurse, occupational therapist or physical therapist as specified in Paragraphs (a) and (b) of this Rule includes:

- (1) identifying the appropriate persons to provide care and perform the tasks consistent with 21 NCAC 36 .0400;
- (2) teaching or validating competencies of licensed practical nurses or non-licensed personnel who will provide care and perform the tasks;
- (3) evaluating the resident's response to care being provided;
- (4) reviewing and, if necessary, recommending changes in the care plan to meet the health-

related needs of the resident; and

- (5) documenting the activities in Subparagraphs (1) through (4) of this Paragraph.

(d) The facility shall assure that any staff who perform special health-related personal care tasks listed in Paragraph (a) of this Rule are at least annually observed providing care to residents by a licensed registered nurse or other appropriate licensed health professional who is employed by the facility or under contract or agreement, individually or through an agency, with the facility.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.3704 COOPERATION WITH CASE MANAGERS

The administrator shall cooperate with and assure the cooperation of facility staff with case managers in their provision of case management services to the appropriate residents.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

SUBCHAPTER 42D - LICENSING OF HOMES FOR THE AGED AND INFIRM

SECTION .1400 - PERSONNEL

.1409 COMPETENCY OF STAFF PROVIDING PERSONAL CARE

~~(a) The facility shall ensure that staff who provide personal care to residents perform only those personal care tasks for which they have demonstrated competency to the facility administrator or a person designated by the administrator.~~

~~(b) The facility shall maintain documentation of the competency evaluation of staff who provide personal care and their supervisors that is kept current, filed in an orderly manner and made available for review by representatives of the Department of Human Resources.~~

Authority G.S. 131D-2; 143B-153.

.1410 STAFF COMPETENCY AND TRAINING

(a) The facility shall assure that staff who perform or directly supervise staff who perform basic personal care tasks successfully complete a 40-hour training program, including competency evaluation, approved by the Department. Directly supervise means being on duty in the facility to oversee or direct the performance of staff duties.

(b) The facility shall assure that staff who perform or directly supervise staff who perform special health-related personal care tasks successfully complete a 75-hour training program, including competency evaluation, approved by the Department and comparable to the State-approved Nurse Aide I training.

(c) The facility shall assure that training specified in Paragraphs (a) and (b) of this Rule is successfully completed within one of the following time frames:

- (1) six months after implementation of a statewide training program for staff hired before such implementation; or
- (2) six months after hiring for staff hired after implementation of a statewide training program established by the Department of Community Colleges.

(d) The Department shall have the authority to extend the six-month time frame specified in Paragraph (c) of this Rule up to six additional months for a maximum allowance of 12 months for completion of training upon submittal of documentation to the Department by the facility showing good cause for not meeting the six-month time frame.

(e) Exemptions from the training requirements of this Rule are as follows:

- (1) The Department shall exempt staff from the 40-hour training requirement upon successful completion of a competency evaluation approved by the Department if staff have been employed to perform or directly supervise basic personal care tasks in a comparable long-term care setting for a total of at least twelve months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.
- (2) The Department shall exempt staff from the 75-hour training requirement upon successful completion of a 15-hour refresher training and competency evaluation program or a competency evaluation program approved by the Department if staff have been employed to perform or directly supervise special health-related personal care tasks in a comparable long-term care setting for a total of at least twelve months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.
- (3) The Department shall exempt staff from the 40 and 75-hour training and competency evaluation who are licensed health professionals or listed on the N.C. Nurse Aide Registry.

(f) The facility shall maintain documentation of the training and competency evaluations of staff required by the rules of this Subchapter. The documentation shall be filed in an orderly manner and made available for review by representatives of the Department.

(g) The facility shall assure that staff who perform or directly supervise staff who perform basic personal care tasks or special health-related personal care tasks receive on-the-job training and supervision as necessary for the performance of individual job assignments prior to meeting the training and competency requirements of this Rule.

(h) For the purposes of this Rule, basic personal care tasks include, but are not limited to the following:

- (1) assist residents with toileting and maintaining bowel and bladder continence;
- (2) assist residents with mobility and transferring;
- (3) provide care for normal, unbroken skin;
- (4) assist with personal hygiene to include mouth

care, hair and scalp grooming, care of fingernails, and bathing in shower, tub, bed basin;

- (5) trim hair;
- (6) shave resident;
- (7) provide basic first aid;
- (8) assist residents with dressing;
- (9) assist with feeding residents with special conditions but no swallowing difficulties;
- (10) assist and encourage physical activity;
- (11) take and record temperature, pulse, respiration, routine height and weight;
- (12) trim toenails for residents without diabetes or peripheral vascular disease;
- (13) perineal care;
- (14) apply condom catheters;
- (15) turn and position;
- (16) collect urine or fecal specimens;
- (17) take and record blood pressure if a registered nurse has determined and documented staff to be competent to perform this task;
- (18) apply and remove or assist with applying and removing prosthetic devices for stable residents if a registered nurse, licensed physical therapist or licensed occupational therapist has determined and documented staff to be competent to perform the task; and
- (19) apply or assist with applying ace bandages, TED's and binders for stable residents if a registered nurse has determined and documented staff to be competent to perform the task.

(i) For the purposes of this Rule, special health-related personal care tasks are as follows:

- (1) assist with feeding residents with swallowing difficulty;
- (2) assist with gait training using assistive devices;
- (3) assist with or perform range of motion exercises;
- (4) empty and record drainage of catheter bag;
- (5) administer enemas;
- (6) bowel and bladder retraining to regain continence;
- (7) test urine or fecal specimens;
- (8) use of physical or mechanical devices attached to or adjacent to the resident which restrict movement or access to one's own body used to restrict movement or enable or enhance functional abilities;
- (9) non-sterile dressing procedures;
- (10) force and restrict fluids;
- (11) apply prescribed heat therapy;
- (12) care for non-infected pressure ulcers; and
- (13) vaginal douches.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.1411 TRAINING PROGRAM CONTENT AND APPROVAL

- (a) The 40-hour training specified in Rule .1410 of this

Section shall consist of at least 20 hours of classroom instruction, and the remaining hours shall be supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) basic nursing skills;
- (2) personal care skills;
- (3) cognitive, behavioral and social care, including mental disabilities;
- (4) basic restorative services; and
- (5) residents' rights as established by G.S. 131D-21.

(b) The 75-hour training specified in Rule .1410 of this Section shall consist of at least 30 hours of classroom instruction and at least 30 hours of supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) observation and documentation;
- (2) basic nursing skills, including special health-related tasks;
- (3) personal care skills;
- (4) cognitive, behavioral and social care, including mental disabilities;
- (5) basic restorative services; and
- (6) residents' rights as established by G.S. 131D-21.

(c) The curriculum, number of hours for each content area, instructor qualifications, sites for classroom instruction and supervised practical experience, and plans for competency evaluation and documentation for the 40-hour and 75-hour training programs shall be submitted to the

Department for approval.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

SECTION .1800 - REMAINING POLICIES AND REGULATIONS

.1827 RESIDENT ASSESSMENT

10 NCAC 42C .3701 shall control for this Subchapter.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.1828 RESIDENT CARE PLAN

10 NCAC 42C .3702 shall control for this Subchapter.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.1829 LICENSED HEALTH PROFESSIONAL SUPPORT

10 NCAC 42C .3703 shall control for this Subchapter.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

.1830 COOPERATION WITH CASE MANAGERS

10 NCAC 42C .3704 shall control for this Subchapter.

Authority G.S. 131D-2; 131D-4.3; 143B-153.

TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend rules cited as 15A NCAC 2B .0224, .0227, .0303. Notice of Rule-making Proceedings was published in the Register on December 15, 1995.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 7:00 p.m. on November 21, 1996 at the Blue Ridge Auditorium, Highway 107, Cashiers, NC.

Reason for Proposed Action: The N.C. Department of Environment, Health and Natural Resources on behalf of the Environmental Management Commission (EMC) will conduct a public hearing in order to receive public comments on two management option proposals for the Thorpe Reservoir watershed. Option Number One proposes to reclassify Thorpe Reservoir, Hurricane Creek, and Laurel Branch as HQW (High Quality Waters). The HQW management requirements associated with wastewater discharges would apply to the entire watershed, but the sedimentation/erosion control requirements for HQW implemented by the Division of Land Resources would only apply to one mile and draining to the HQW designated waters (Thorpe Reservoir, Hurricane Creek and Laurel Branch). The HQW storm water requirements would not apply because existing drinking water supply watershed protection ordinances would continue to be implemented by the local governments. Option Number One would amend rules 15A NCAC 2B .0303 and 15A NCAC 2B .0224.

Option Number Two would not apply the HQW supplemental classification to Thorpe Reservoir and its tributaries, nor would it apply the sedimentation/erosion control requirements associated with HQW. Wastewater discharge requirements in Option Number Two would be identical to those in Option Number One; that is, the HQW management requirements associated with wastewater discharges would apply to the entire watershed. Storm water management requirements would be implemented by the local government through their existing drinking water supply watershed protection program. Option Number Two would amend rule 15A NCAC 2B .0227.

The following chart summarizes the two proposed options for the Thorpe Reservoir watershed:

	<u>Option 1</u>	<u>Option 2</u>
Location of management strategy in rule:	HQW rule, .0224	Water Quality Management Plan .0227
Classification:	Thorpe Res., Hurricane Creek, & Laurel Br. - WS-III HQW (proposed); other tributaries WS-III (current classification)	Thorpe Reservoir and all tributaries - WS-III (current classification)
HQW wastewater requirements applied to:	Thorpe Reservoir and all tributaries	Thorpe Reservoir and all tributaries
Div. of Land Quality HQW and sed./eros. requirements applied to:	Within one mile and draining to Thorpe Res., Hurricane Creek & Laurel Branch	None
WS-III storm water control requirements applied to:	Thorpe Reservoir watershed	Thorpe Reservoir watershed

The purpose of this announcement is to encourage those interested in this proposal to provide comments. You may either attend the public hearing and make relevant verbal comments or submit written comments, data or other relevant information by December 21, 1996. The Hearing Officer may limit the length of time that you may speak at the public hearing, if necessary, so that all those who wish to speak may have an opportunity to do so. We encourage you to submit written comments as well.

The EMC is very interested in all comments pertaining to the proposed reclassifications. It is very important that all interested and potentially affected persons or parties make their views known to the EMC whether in favor of or opposed to any and all provisions of the proposed reclassifications. The EMC may, in accordance with N.C.G.S. 150B-21-2, make changes in final rules without renounce as long as the adopted rules do not differ substantially from the proposed rules. In accordance with this authority, the EMC may adopt final management requirements or rules that are more or less stringent than those being noticed if the EMC determines that the final adopted rules do not differ substantially from the proposed rules. All interested and potentially affected persons are strongly encouraged to read the entire announcement and supporting information, and make appropriate comments on the proposal presented. The proposed effective date for the final rules pursuant to this hearing process is August 1, 1998. Written comments may be submitted to:

Liz Kovaschitz
DEHNR/Division of Environmental Management
P.O. Box 29535
Raleigh, NC 27626-0535
(919) 733-5083, extension 572

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER STANDARDS: MONITORING

SECTION .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICABLE TO SURFACE WATERS OF NORTH CAROLINA

.0224 HIGH QUALITY WATERS

High Quality Waters (HQW) are a subset of waters with quality higher than the standards and are as described by 15A NCAC 2B .0101(e)(5). The following procedures shall be implemented in order to implement the requirements of Rule .0201(d) of this Section.

- (1) New or expanded wastewater discharges in High Quality Waters shall comply with the following:

- (a) Discharges from new single family residences shall be prohibited. Those existing subsurface systems for single family residences which fail and must discharge shall install a septic tank, dual or recirculating sand filters, disinfection and step aeration.
- (b) All new NPDES wastewater discharges (except single family residences) shall be required to provide the treatment described below:
 - (i) Oxygen Consuming Wastes: Effluent limitations shall be as follows: $BOD_5 = 5 \text{ mg/l}$, $NH_3 - N = 2 \text{ mg/l}$ and $DO = 6 \text{ mg/l}$. More stringent limitations shall be set, if necessary, to ensure that the cumulative pollutant discharge of oxygen-consuming wastes shall not cause the DO of the receiving water to drop more than 0.5 mg/l below background levels, and in no case below the standard. Where background information is not readily available, evaluations shall assume a percent saturation determined by staff to be generally applicable to that hydroenvironment.
 - (ii) Total Suspended Solids: Discharges of total suspended solids (TSS) shall be limited to effluent concentrations of 10 mg/l for trout waters and PNA's, and to 20 mg/l for all other High Quality Waters.
 - (iii) Disinfection: Alternative methods to chlorination shall be required for discharges to trout streams, except that single family residences may use chlorination if other options are not economically feasible. Domestic discharges are prohibited to SA waters.
 - (iv) Emergency Requirements: Failsafe treatment designs shall be employed, including stand-by power capability for entire treatment works, dual train design for all treatment components, or equivalent failsafe treatment designs.
 - (v) Volume: The total volume of treated wastewater for all discharges combined shall not exceed 50 percent of the total instream flow under 7Q10 conditions.
 - (vi) Nutrients: Where nutrient overenrichment is projected to be a concern, appropriate effluent limitations shall be set for phosphorus or nitrogen, or both.
 - (vii) Toxic substances: In cases where complex wastes (those containing or potentially containing toxicants) may be present in a discharge, a safety factor shall be applied to any chemical or whole effluent toxicity allocation. The limit for a specific chemical constituent shall be allocated at one-half of the normal standard at design conditions. Whole effluent toxicity shall be allocated to protect for chronic toxicity at an effluent concentration equal to twice that which is acceptable under design conditions. In all instances there may be no acute toxicity in an effluent concentration of 90 percent. Ammonia toxicity shall be evaluated according to EPA guidelines promulgated in "Ambient Water Quality Criteria for Ammonia - 1984"; EPA document number 440/5-85-001; NITS number PB85-227114; July 29, 1985 (50 FR 30784) or "Ambient Water Quality Criteria for Ammonia (Saltwater) - 1989"; EPA document number 440/5-88-004; NTIS number PB89-169825. This material related to ammonia toxicity is hereby incorporated by reference including any subsequent amendments and editions and is available for inspection at the Department of Environment, Health, and Natural Resources Library, 512 North Salisbury Street, Raleigh, North Carolina. Copies may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 at a cost of forty-seven dollars (\$47.00).
- (c) All expanded NPDES wastewater discharges in High Quality Waters shall be required to provide the treatment described in Sub-Item (1)(b) of this Rule, except for those existing discharges which expand with no increase in permitted pollutant loading.
- (2) Development activities which require an Erosion and Sedimentation Control Plan in accordance with rules established by the NC Sedimentation Control Commission or local erosion and sedimentation control program approved in accordance with 15A NCAC 4B .0218, and which drain to and are within one mile of High Quality Waters (HWQ) shall be required to follow the

stormwater management rules as specified in 15A NCAC 2H .1000. Stormwater management requirements specific to HQW are described in 15A NCAC 2H .1006.

- (3) Listing of Waters Classified HQW with Specific Actions. Waters classified as HQW with specific actions to protect exceptional water quality are listed as follows: Thorpe Reservoir [Little Tennessee River Basin, Index No. 2-79-23-(1)] including all of its tributaries shall be managed with respect to wastewater discharges through Item (1) of this Rule. Item (2) of this Rule shall not be applied in association with this HQW because of the local government implementation of WS-III stormwater management requirements.

If an applicant objects to the requirements to protect high quality waters and believes degradation is necessary to accommodate important social and economic development, the applicant may contest these requirements according to the provisions of G.S. 143-215.1(e) and 150B-23.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

.0227 WATER QUALITY MANAGEMENT PLANS

(a) In implementing the water quality standards to protect the existing uses [as defined by Rule .0202 of this Section] of the waters of the state or the water quality which supports those uses, the Commission shall develop water quality management plans on a priority basis to attain, maintain or enhance water quality throughout the state. Additional specific actions deemed necessary by the Commission to protect the water quality or the existing uses of the waters of the state shall be specified in Paragraph (b) of this Rule. These actions may include anything within the powers of the Commission. The Commission may also consider local actions which have been taken to protect a waterbody in determining the appropriate protection options to be incorporated into the water quality management plan.

(b) All waters determined by the Commission to be protected by a water quality management plan are listed with specific actions as follows:

- (1) The Lockwoods Folly River Area (Lumber River Basin), which includes all waters of the lower Lockwoods Folly River in an area extending north from the Intracoastal Waterway to a line extending from Genoes Point to Mullet Creek, shall be protected by the specific actions described in ~~Subparagraphs (4) Parts (A) through (5) (E) of this Paragraph. Subparagraph.~~

- ~~(4)(A)~~ New development activities within 575' of the mean high water line which require a Sedimentation Erosion Control Plan or a CAMA major development permit must comply with the low density option of the coastal Stormwater Runoff Disposal Rules [as specified in 15A NCAC 2H

.1005(2)(a)].

- ~~(2)(B)~~ New or expanded NPDES permits shall be issued only for non-domestic, non-industrial process type discharges (such as non-industrial process cooling or seafood processing discharges). A public hearing is mandatory for any proposed (new or expanded) NPDES permit to this protected area.

- ~~(3)(C)~~ New non-discharge permits shall be required to meet reduced loading rates and increased buffer zones, to be determined on a case-by-case basis.

- ~~(4)(D)~~ New or expanded marinas must be located in upland basin areas.

- ~~(5)(E)~~ No dredge or fill activities shall be allowed where significant shellfish or submerged aquatic vegetation bed resources occur, except for maintenance dredging, such as that required to maintain access to existing channels and facilities located within the protected area or maintenance dredging for activities such as agriculture.

- (2) Thorpe Reservoir and its tributaries in the Jackson County portion of the little Tennessee River Basin shall be managed as follows to protect existing water quality which is higher than the standards:

- (A) New or expanded wastewater discharges to Thorpe Reservoir and all tributaries draining to the reservoir shall comply with the following:

- (i) Discharges from new single family residences shall be prohibited. Those that must discharge shall install a septic tank, dual or recirculating sand filters, disinfection and step aeration.

- (ii) All new NPDES wastewater discharges (except single family residences) shall be required to provide the treatment described below:

- (I) Oxygen Consuming Wastes: Effluent limitations shall be as follows: BOD=5 mg/l, NH3-N = 2mg/l and DO = 6mg/l. More stringent limitations shall be set, if necessary, to ensure that the cumulative pollutant discharge of oxygen-consuming wastes shall not cause the DO to drop more than 0.5 mg/l below background levels, and in no case below the standard. Where background information is not readily

- available, evaluations shall assume a percent saturation determined by staff to be generally applicable to that hydroenvironment.
- (II) Total Suspended Solids: Discharges of total suspended solids (TSS) shall be limited to effluent concentrations of 10 mg/l.
- (III) Disinfection: Alternative methods to chlorination shall be required, except that single family residences may use chlorination if other options are not economically feasible.
- (IV) Emergency Requirements: Failsafe treatment designs shall be employed, including stand-by power capability for entire treatment works, dual train design for all treatment designs.
- (V) Volume: The total volume of treated wastewater for all discharges combined shall not exceed 50 percent of the total instream flow under 7Q10 conditions.
- (VI) Nutrients: Where nutrient overenrichment is projected to be a concern, appropriate effluent limitations will be set for phosphorus or nitrogen, or both.
- (VII) Toxic substances: In cases where complex wastes (those containing or potentially containing toxicants) may be present in a discharge, a safety factor shall be applied to any chemical or whole effluent toxicity allocation. The limit for a specific chemical constituent shall be allocated at one-half of the normal standard at design conditions. Whole effluent toxicity shall be allocated to protect for chronic toxicity at an effluent concentration equal to twice that which is acceptable under design conditions. In all instances there may be no acute toxicity in an effluent concentration of

90 percent as measured by the North Carolina "Pass/Fail Methodology for Determining Acute Toxicity in a Single Effluent Concentration". Ammonia toxicity shall be evaluated according to EPA guidelines promulgated in the Ammonia Criteria Development Document (1986); EPA document number 440/5-85-001; NTIS number 9B85-227114; July 29, 1985 (50 FR 30784).

- (iii) All expanded NPDES wastewater discharges in High Quality Waters shall be required to provide the treatment described in Sub-Part (b)(1)(B) of this Rule, except for those existing discharges which expand with no increase in permitted pollutant loading.

- (B) Thorpe Reservoir and its tributaries are subject to the antidegradation provisions of Rule .0201(a)-(c) of this Section to protect water quality higher than the standards.

Authority G.S. 143-214.1; 143-215.8A.

.0303 LITTLE TENN RIVER BASIN AND SAVANNAH RIVER DRAINAGE AREA

- (a) The schedule may be inspected at the following places:

- (1) Clerk of Court:
Clay County
Graham County
Jackson County
Macon County
Swain County
Transylvania County
- (2) North Carolina Department of Environment, Health, and Natural Resources
Asheville Regional Office
Interchange Building
59 Woodfin Place
Asheville, North Carolina.

(b) Unnamed Streams. Such streams entering Georgia or Tennessee shall be classified "C Tr." Such streams in the Savannah River drainage area entering South Carolina shall be classified "B Tr."

(c) The Little Tennessee River Basin and Savannah River Drainage Area Schedule of Classifications and Water Quality Standards was amended effective:

- (1) February 16, 1977;
- (2) March 1, 1977;
- (3) July 13, 1980;
- (4) February 1, 1986;

- (5) October 1, 1987;
- (6) March 1, 1989;
- (7) January 1, 1990;
- (8) July 1, 1990;
- (9) August 1, 1990;
- (10) March 1, 1991;
- (11) August 3, 1992;
- (12) February 1, 1993;
- (13) August 1, 1994;
- (14) September 1, ~~1996~~ 1996;
- (15) August 1, 1998;

(d) The Schedule of Classifications of Water Quality Standards for the Little Tennessee Basin and Savannah River Drainage Area was amended effective March 1, 1989 as follows:

- (1) Nantahala River (Index No. 2-57) from source to the backwaters of Nantahala Lake and all tributary waters were reclassified from Class B-trout, Class C-trout and Class C to Class B-trout ORW, Class C-trout ORW and Class C ORW.
- (2) Chattooga River (Index No. 3) including Scotsman Creek, Overflow Creek, Big Creek, Talley Mill Creek and all tributary waters were reclassified from Class B-trout, Class C-trout and Class C to Class B-trout ORW, Class C-trout ORW and Class C ORW and Clear Creek and all tributary waters were reclassified from Class C-trout and Class C to Class B-trout and Class B.

(e) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective January 1, 1990 as follows:

- (1) North Fork Coweeta Creek (Index No. 2-10-4) and Falls Branch (Index No. 2-10-4-1) were reclassified from Class C to Class B.
- (2) Burningtown Creek (Index No. 2-38) was reclassified from C-trout to B-trout.

(f) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective July 1, 1990 by the reclassification of Alarka Creek (Index No. 2-69) from source to Upper Long Creek (Index No. 2-69-2) including all tributaries from Classes C and C Tr to Classes C HQW and C Tr HQW.

(g) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective March 1, 1991 as follows:

- (1) Cartoogechaye Creek [Index Nos. 2-19-(1) and 2-19-(16)] from Gibson Cove Branch to bridge at U.S. Hwy. 23 and 441 and from the bridge at U.S. Hwy. 23 and 441 to the Little Tennessee River was reclassified from Classes WS-III Tr and C Tr to Classes WS-III and B Tr and B Tr respectively.
- (2) Coweeta Creek (Index Nos. 2-10) from its source to the Little Tennessee River including all tribu-

taries except Dryman Fork (Index No. 2-10-3) and North Fork Coweeta Creek (Index No. 2-10-4) was reclassified from Classes C and C Tr to Classes B and B Tr.

(h) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(i) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area has been amended effective February 1, 1993 as follows:

- (1) Bearwallow Creek from its source to 2.3 miles upstream of the Toxaway River [Index No. 4-7-(1)] was revised to indicate the application of an additional management strategy (referencing 15A NCAC 2B .0201(d) to protect downstream waters; and
- (2) the Tuckasegee River from its source to Tennessee Creek [Index No. 2-79-(0.5)] including all tributaries was reclassified from Classes WS-III&B Tr HQW, WS-III HQW and WS-III to Classes WS-III Tr ORW and WS-III ORW.

(j) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective August 1, 1994 with the reclassification of Deep Creek [Index Nos. 2-79-63-(1) and 2-79-63-(16)] from its source to the Great Smokey Mountains National Park Boundary including tributaries from Classes C Tr, B Tr and C Tr HQW to Classes WS-II Tr and WS-II Tr CA.

(k) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective September 1, 1996 as follows:

- (1) Deep Creek from the Great Smoky Mountains National Park Boundary to the Tuckasegee River [Index no. 2-79-63-(21)] was reclassified from Class C Tr to Class B Tr; and
- (2) the Tuckasegee River from the West Fork Tuckasegee River to Savannah Creek and from Macks Town Branch to Cochran Branch [Index Nos. 2-79-(24), 2-79(29.5) and 2-79-(38)] was reclassified from Classes WS-III Tr, WS-III Tr CA and C to Classes WS-III&B Tr, WS-III&B

Tr CA and B.

(I) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective August 1, 1998 with the reclassifications of Thorpe Reservoir (Lake Glenville), Hurricane Creek, and Laurel Branch (Index Nos. 2-79-23-1, 2-79-23-2, and 2-79-23-2-1 respectively) from classes WS-III&B, WS-III Tr and WS-III to classes WS-III&B HQW, WS-III Tr HQW, and WS-III HQW.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

Notice is hereby given in accordance with G.S. 150B-21.2 that the DEHNR - Soil and Water Conservation Commission intends to amend rules cited as 15A NCAC 6E .0002 - .0003. Notice of Rule-making Proceedings was published in the Register on July 15, 1996.

Proposed Effective Date: April 1, 1997

Instructions on How to Demand a Public Hearing (must be requested in writing within 15 days of notice): Any person requesting that the Soil and Water Conservation Commission conduct public hearing on any of these proposed amendments must submit a written request to Vernon Cox, Division of Soil and Water Conservation, PO Box 27687, Raleigh, NC 27611 by October 16, 1996. The request must specify which rule the hearing is being requested on. Mail written requests must be postmarked no later than October 16, 1996.

Reason for Proposed Action: As the Agriculture Cost Share Program has expanded, the number of contracts processed by the staff of the Division of Soil and Water Conservation (DSWC) has increased dramatically, with a significant number of contracts arriving just before the deadline for Soil and Water Conservation Districts to encumber funds to contracts. The proposed rule change will amend the guidelines for allocating cost share funds by changing the deadline for Districts to encumber funds, request to retain unencumbered funds, and to request additional cost share funds from the Commission. Changing the dates by which these activities will occur will provide the staff of the DSWC additional time needed to process the contracts in order to meet the regulatory deadlines of the program.

Comment Procedures: All persons interested in these proposed amendments are encouraged to submit written comments. Comments must be postmarked by October 16, 1996 and submitted to Vernon Cox, Division of Soil and Water Conservation, PO Box 27687, Raleigh, NC 27611.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules

do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 6 - SOIL AND WATER CONSERVATION COMMISSION

SUBCHAPTER 6E - AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL

.0002 DEFINITIONS FOR SUBCHAPTER 6E

(a) Agriculture Nonpoint Source (NPS) Pollution means pollution originating from a diffuse source as a result of agricultural activities related to crop production, animal production units and land application of waste materials.

(b) Allocation means the annual share of the state's appropriation to participating districts.

(c) Annual Agreement (AA) means a binding agreement between the district and the applicant that provides for cost sharing for installing best management practices and maintenance of the best management practices.

(d) Applicant means a person(s) who applies for best management practice cost sharing monies from the district.

(e) Average Costs means the calculated cost, determined by averaging recent actual costs and current cost estimates necessary for best management practice implementation. Actual costs include labor, supplies, and other direct costs required for physical installation of a practice.

(f) Best Management Practice (BMP) means a structural or nonstructural management based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters.

(g) Conservation Plan of Operation (CPO) means a written plan scheduling the applicant's decisions concerning land use, and both cost shared and non-cost shared BMP's to be installed and maintained on the operating unit.

(h) Cost Share Agreement means an annual or long term agreement between the applicant and the district which defines the BMP's to be cost shared, rate and amount of payment, minimum practice life, and date of BMP installation. The agreement also states that the recipient will maintain and repair the practice(s) for the specified minimum life of the practice.

(i) Cost Share Incentive (CSI) means a predetermined fixed annual payment paid to an applicant for implementing a BMP in lieu of a full 75 percent cost share.

(j) Cost Share Rate means a cost share percentage paid to an applicant for implementing BMP's.

(k) Detailed Implementation Plan means the plan approved by the commission that specifies the guidelines for the current program year; including, BMP's that will be eligible for cost sharing and the minimum life expectancy of those practices.

(l) District BMP means a BMP designated by a district to reduce the delivery of agricultural NPS pollution and which is reviewed and approved by the Division to be technically adequate prior to funding.

(m) Encumbered Funds means monies from a district's allocation which have been committed to an applicant after initial approval of the cost share agreement.

(n) Full Time Equivalent (FTE) means 2,080 hours per annum which equals one full time technical position.

(o) In-kind Contribution means a contribution by the applicant towards the implementation of BMP's. In-kind contributions shall be approved by the district and can include but not be limited to labor, fuel, machinery use, and acceptable supplies and materials.

(p) Landowner means any natural person or other legal entity, including a governmental agency, who holds either an estate of freehold (such as a fee simple absolute or a life estate) or an estate for years or from year to year in land, but does not include an estate at will or by sufferance in land. Furthermore, a governmental or quasi-governmental agency such as a drainage district or a soil and water conservation district, or any such agency, by whatever name called, exercising similar powers for similar purposes, can be a landowner for the purposes of these Rules if the governmental agency holds an easement in land.

(q) Long Term Agreement (LTA) means a binding agreement between the district and the applicant that includes the plan of operation and which sets forth cost sharing for BMP installation and maintenance. The LTA shall have a maximum contract life of three years for BMP installation. The district must perform an annual status review during the installation period.

(r) Program Year means the period from July 1 through

June 30 for which funds are allocated to districts.

(s) Proper Maintenance means that a practice(s) is being maintained such that the practice(s) is successfully performing the function for which it was originally implemented.

(t) Soil Loss Tolerance (T) means the maximum allowable annual soil erosion rate to maintain the soil resource base, depending on soil type.

(u) Strategy Plan means the annual plan for the N.C. Agriculture Cost Share Program for Nonpoint Source Pollution Control to be developed by each district. The plan identifies pollution treatment needs and the level of cost sharing and technical assistance monies required to address those annual needs in the respective district.

(v) Technical Representative of the district means a person designated by the district to act on their behalf who participates in the planning, design, implementation and inspection of BMP's. These practices shall be technically reviewed by the Division. The district chairman shall certify that the technical representative has properly planned, designed and inspected the BMP's.

(w) Unencumbered Funds means the portion of the allocation to each district which has not been committed for cost sharing by the ~~first~~ third Wednesday of ~~March~~ February of the current fiscal year.

Authority G.S. 139-3; 143-215.74; 143B-294.

.0003 ALLOCATION GUIDELINES AND PROCEDURES

(a) The commission will allocate the cost share funds to the districts in the designated program areas. To receive fund allocations, each district designated eligible by the commission is required to submit an annual strategy plan to the commission at the beginning of each fiscal year. Funds may be allocated to each district for any or all of the following purposes: cost share payments, cost share incentive payments, technical assistance, or administrative assistance. Use of funds for technical and administrative assistance must follow the guidelines set forth in Rule .0006 of this Subchapter.

(b) Funds will be allocated to the districts at the beginning of the fiscal year. Districts will be allocated monies based on the identified level of agricultural related nonpoint source pollution problems and the respective district's BMP installation goals and available technical services as demonstrated in the district annual strategy plan. The allocation method used for disbursement of funds is based on the relative position of each respective district for those parameters established by the Division and approved by the commission. These parameters are designed to reflect the agricultural nonpoint source problems, the conservation needs, and the technical assistance available in the area of the state included in the current program year funding. Each district is assigned points for its relative position for each parameter and also for technical assistance hired under the 50:50 cost share (Rule .0006 of this Subchapter) and the points are totaled and proportioned to the total dollars available under the current program year funding.

(1)
$$\begin{array}{rcl} \text{Parameter} & + & \text{District Technical} \\ \text{Points} & & \text{Assistance Points} \end{array} = \text{Total Points}$$

(2)
$$\begin{array}{rcl} \text{Percentage Total} & & \text{Total} \\ \text{Points Each} & \times & \text{Dollars} \\ \text{District} & & \text{Available} \end{array} = \begin{array}{l} \text{Dollars Available} \\ \text{to} \\ \text{Each District} \end{array}$$

(3) Because of other program restraints or increased demands for funds a district may request fewer (Group A) or more (Group B) dollars than are available.

Thus,

Dollars		Dollars		
Available Per	-	Requested by	=	Difference
District, (2)		the District		
(A) Group A Districts request less than amount (2).				

- (B) Group B Districts request more than amount (2).
- (4) The dollars in excess of Group A District requests are apportioned to Group B Districts in the following manner:
- | | | |
|-------------------|---------------------|---------|
| Total of Those | Percentage of Total | Amount |
| Funds in Excess | Excess Requests by | Added |
| of that | each Group B | to |
| Requested by | District | Group B |
| Group A Districts | Request | |

- (5) Therefore, there are two categories of districts in the allocation method:

(A) Those receiving 100 percent of request (Group A).

(B) Those receiving less than 100 percent of requests (Group B) who receive amounts (2) plus (4).

(c) 95 percent of the total program funding will be allotted to the district accounts in the initial allocation. The Division will retain five percent of the total funding in a contingency fund to be allocated at a later date as determined by the commission.

(d) Cost share funds allocated to a district during a fiscal year that have not been encumbered to an agreement by the first third Wednesday of ~~March~~ February of that fiscal year will be subject to recall by the commission.

(e) Districts with unencumbered funds as of the first third Wednesday of ~~March~~ February of the current fiscal year may request, in writing to the commission, to retain those funds. ~~Requests must be received by the commission to retain those funds.~~ Requests must be received by the ~~commission~~ Division no later than 9:30 a.m. on the ~~second~~ first Wednesday of March of the current fiscal year.

(f) Districts may apply for additional funds to the commission by written application to be received by the Division no later than 9:30 a.m. on the ~~second~~ first Wednesday in March.

(g) The amount of recalled funds shall be divided among the eligible districts applying for reallocation based on projected needs as outlined in the written applications received by the commission as stated in Rule .0003(e) of this Subchapter. The Division will notify the commission by the third Wednesday in March of the current balance of funding and the district's requests to retain present allocation ~~and/or~~ and to obtain new funds. The commission shall decide the amount of funds reallocated to each district and the districts will be notified of their final allocation by the fourth Wednesday of March.

(h) CPO's that encumber funds under the current year must be submitted to the Division by 9:30 a.m. on the first Wednesday in June.

Authority G.S. 139-4; 139-8; 143-215.74; 143B-294.

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNR - Coastal Resources Commission intends to amend rule cited as 15A NCAC 7H .0309. Notice of Rule-making Proceedings was published in the Register on July 15, 1996.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 4:00 p.m. on November 21, 1996 at Ramada Inn, 1701 South Virginia Dare Trail, Kill Devil Hills, NC 27948.

Reason for Proposed Action: This amendment is being added in response to requests by pier owners for consideration of the hardship created by the current rules, and the benefits provided by their facilities. This Rule will allow replacement of existing pier houses in the Ocean Hazard AEC if they are destroyed. Current rules do not allow replacement of structures in the Ocean Hazard AEC that do not conform to current requirements for setbacks, etc. The new rule will make an exception for pier houses associated with piers providing public access to the beaches and ocean waters. The proposed amendment to pier house rules will in effect grandfather existing pier houses as of January 1,

1996. The new rule will allow those structures to be maintained or replaced in their current configuration, so as not to put an undue financial burden on the owner by eliminating the use of the structure.

Comment Procedures: All person interested in this matter are invited to attend the public hearings. The Coastal Resources Commission will receive mailed written comments postmarked no later than November 21, 1996. Any person desiring to present lengthy comments is requested to submit a written statement for inclusion in the record of proceedings at the public hearings. Please mail comments to the Coastal Resources Commission, c/o Preston Pate, Assistant Director, EHNR Division of Coastal Management, PO Box 769, Morehead City, NC 28557, (919) 726-7021.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .0300 - OCEAN HAZARD AREAS

.0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

(a) The following types of development may be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of the Subchapter if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campgrounds that do not involve substantial permanent structures;
- (2) parking areas with clay, packed sand or similar surfaces;
- (3) outdoor tennis courts;
- (4) elevated decks not exceeding a footprint of 500 square feet;
- (5) beach accessways consistent with Rule .0308(c) of this Subchapter;
- (6) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (7) uninhabitable, single-story storage sheds with a footprint of 200 square feet or less;
- (8) temporary amusement stands; and
- (9) swimming pools.

In all cases, this development shall only be permitted if it is landward of the vegetation line; involves no significant alteration or removal of primary or frontal dunes or the dune vegetation; has overwalks to protect any existing dunes; is not essential to the continued existence or use of an associated principal development; is not required to satisfy minimum requirements of local zoning, subdivision or health regulations; and meets all other non-setback requirements of this Subchapter.

(b) Where strict application of the oceanfront setback requirements of Rule .0306(a) of this Subchapter would preclude placement of permanent substantial structures on lots existing as of June 1, 1979, single family residential structures may be permitted seaward of the applicable setback line in ocean erodible areas, but not inlet hazard areas, if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance possible on the existing lot and the development is designed to minimize encroachment into the setback area;
- (2) The development is at least 60 feet landward of the vegetation line;
- (3) The development is not located on or in front of a frontal dune, but is entirely behind the landward toe of the frontal dune;
- (4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Subchapter.
 - (A) All pilings have a tip penetration that extends to at least four feet below mean sea level;
 - (B) The footprint of the structure be no more than 1,000 square feet or 10 percent of the

lot size, whichever is greater.

- (5) All other provisions of this Subchapter and other state and local regulations are met. If the development is to be serviced by an on-site waste disposal system, a copy of a valid permit for such a system must be submitted as part of the CAMA permit application.

(c) Reconfiguration of lots and projects that have a grandfather status under Paragraph (b) of this Rule shall be allowed provided that the following conditions are met:

- (1) Development is setback from the first line of stable natural vegetation a distance no less than that required by the applicable exception;
- (2) Reconfiguration will not result in an increase in the number of buildable lots within the Ocean Hazard AEC or have other adverse environmental consequences; and
- (3) Development on lots qualifying for the exception in Paragraph (b) of this Rule must meet the requirements of Paragraphs (1) through (5) of that Paragraph.

For the purposes of this Rule, an existing lot is a lot or tract of land which, as of June 1, 1979, is specifically described in a recorded plat and which cannot be enlarged by combining the lot or tract of land with a contiguous lot(s) or tract(s) of land under the same ownership. The footprint is defined as the greatest exterior dimensions of the structure, including covered stairways, when extended to ground level.

(d) The following types of water dependent development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) piers providing public access (excluding any pier house, office, or other enclosed areas); and
- (2) maintenance and replacement of existing state-owned bridges and causeways and accessways to such bridges.

(e) Where application of the oceanfront setback requirements of Rule .0306(a) of this Section would preclude replacement of a pier house associated with an existing ocean pier, replacement of the pier house shall be permitted if each of the following conditions are met:

- (1) The associated ocean pier provides public access for fishing or other recreational purposes whether on a commercial, public, or nonprofit basis;
- (2) The pier house is set back from the ocean the maximum feasible distance while maintaining existing parking and sewage treatment facilities and is designed to reduce encroachment into the setback area;
- (3) The pier house shall not be enlarged beyond its original dimensions as of January 1, 1996;
- (4) The pier house shall be rebuilt to comply with all other provisions of this Subchapter; and
- (5) If the associated pier has been destroyed or

rendered unusable, replacement of the pier house shall be permitted only if the pier is also being replaced and returned to its original function.

Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a.; 113A-113(b)(6)b.; 113A-113(b)(6)d.; 113A-124.

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend rule cited as 15A NCAC 10B .0113. Notice of Rule-making Proceedings was published in the Register on July 1, 1996.

Proposed Effective Date: July 1, 1997

A Public Hearing will be conducted at 10:00 a.m. on October 2, 1996 at the Archdale Building, 512 N. Salisbury Street, 3rd Floor Conference Room, Raleigh, NC.

Reason for Proposed Action: To modify big game tagging regulations and procedures.

Comment Procedures: Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from September 16, 1996 through October 16, 1996. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0100 - GENERAL REGULATIONS

.0113 BIG GAME KILL REPORTS

The carcass of each bear, wild turkey, deer [except antlerless deer harvested on areas in the Deer Management Assistance Program as described in G.S. 113-291.2(e)] ~~and wild bear~~ shall be tagged at the site of the kill with the appropriate big game tag which has been validated by cutting out the month and day of the kill. All harvested bear, deer, turkey, and wild boar must be registered at a wildlife cooperator agent or reported through the toll free Big Game Telephone Reporting System, before they are skinned or dressed or dismembered for consumption except

in those cases where the kill occurs in a remote area which prevents the animal from being transported as an entire carcass. In these cases, the carcass may be tagged, skinned, quartered, and transported to the wildlife cooperator agent for reporting or reported within 24 hours through the Big Game Telephone Reporting System. A wildlife cooperator agent located within the immediate area of open season will supply a big game kill report card in duplicate or an authorization number may be obtained through the Big Game Telephone Reporting System. The report card ~~must~~ shall be completed to show the information called for thereon. ~~All wild turkey must be registered through the toll free Big Game Telephone Reporting System, before they are skinned or dressed or dismembered for consumption.~~ The tag shall be affixed to the carcass at a location and in such manner as to be visible upon inspection from the outside, and it is unlawful to affix the tag at any location or in any manner so as to conceal it from visibility upon ordinary inspection. It is unlawful to remove the tag from the carcass prior to the kill being properly reported either through completion of the report card or through the Big Game Telephone Reporting System or at any time thereafter until the carcass is finally skinned or dressed for consumption. The authorization number given through the Big Game Telephone Reporting System or the duplicate copy of the big game kill report card must be retained by the hunter and shall thereafter constitute his permit to continue in possession of the carcass. Otherwise, the continued possession of the bear, wild turkey, deer or wild boar shall be unlawful.

Persons who are by law exempt from the big game hunting license are not required to tag the carcass but shall report each kill as above required, and, in lieu of the tag, the word "exempt" together with the reason therefor (parent's license, landowner, agricultural lessee) shall be written on the original of the big game kill report card.

Any big game tag which has been detached from the tag card issued with the big game license prior to the killing and tagging of the big game animal ~~may~~ shall be seized by a wildlife enforcement ~~officer~~ officer, if there is evidence of prior use.

Authority G.S. 113-134; 113-270.3; 113-276.1.

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend rule cited as 15A NCAC 10B .0115. Notice of Rule-making Proceedings was published in the Register on July 1, 1996.

Proposed Effective Date: March 2, 1997

Public Hearing: Not required pursuant to G.S. 113-291.1(e).

Reason for Proposed Action: *To regulate hunting of deer with shining lights in Hoke County.*

Comment Procedures: *Interested persons may present their views in writing. In addition, the record will be open for receipt of written comments from September 16, 1996 through October 16, 1996. Written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.*

Fiscal Note: *This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

SECTION .0100 - GENERAL REGULATIONS

.0115 SHINING LIGHTS IN DEER AREAS

(a) It having been found upon sufficient evidence that certain areas frequented by deer are subject to substantial unlawful night deer hunting, or that residents in such areas have been greatly inconvenienced by persons shining lights on deer, or both, the shining of lights on deer in such areas is limited by Paragraphs (b) and (c) of this Rule, subject to the exceptions contained in Paragraph (d) of this Rule.

(b) No person shall, between the hours of 11:00 p.m. and one-half hour before sunrise, intentionally shine a light upon a deer or intentionally sweep a light in search of deer in the indicated portions of the following counties:

- (1) Beaufort -- entire county;
- (2) Bladen -- entire county;
- (3) Brunswick -- entire county;
- (4) Camden -- entire county;
- (5) Chowan -- entire county;
- (6) Currituck -- entire county;
- (7) Duplin -- entire county;
- (8) Franklin -- entire county;
- (9) Gates -- entire county;
- (10) Greene -- entire county;
- (11) Hertford -- entire county;
- ~~(12) Hoke -- entire county;~~
- (12) (13) Hyde -- entire county;
- (13) (14) Jones -- entire county;
- (14) (15) Lenoir -- entire county;
- (15) (16) Martin -- entire county;
- (16) (17) Nash -- entire county;
- (17) (18) Pamlico -- entire county;
- (18) (19) Pasquotank -- entire county;
- (19) (20) Pender -- entire county;
- (20) (21) Perquimans -- entire county;
- (21) (22) Pitt -- entire county;
- (22) (23) Sampson -- entire county;
- (23) (24) Tyrrell -- entire county;
- (24) (25) Vance -- entire county;
- (25) (26) Wake -- entire county;
- (26) (27) Warren -- entire county;

(27) (28) Washington -- entire county;

(28) (29) Wayne -- entire county.

(c) No person shall, between the hours of one-half hour after sunset and one-half hour before sunrise, intentionally shine a light upon a deer or intentionally sweep a light in search of deer in the indicated portions of the following counties:

- (1) Alamance -- entire county;
- (2) Alexander -- entire county;
- (3) Alleghany -- entire county;
- (4) Anson -- entire county;
- (5) Ashe -- entire county;
- (6) Avery -- that portion south and east of Highway 221;
- (7) Buncombe County -- entire county;
- (8) Burke -- entire county;
- (9) Cabarrus -- entire county;
- (10) Caswell -- entire county;
- (11) Catawba -- entire county;
- (12) Chatham -- entire county;
- (13) Clay -- entire county;
- (14) Cleveland -- entire county;
- (15) Cumberland -- entire county;
- (16) Davidson -- entire county;
- (17) Davie -- entire county;
- (18) Durham -- entire county;
- (19) Edgecombe -- entire county;
- (20) Forsyth County -- entire county;
- (21) Gaston -- entire county;
- (22) Granville -- entire county;
- (23) Guilford -- entire county;
- (24) Halifax -- entire county;
- (25) Harnett -- entire county;
- (26) Henderson -- entire county;
- (27) Hoke -- entire county;
- (28) (27) Iredell -- entire county;
- (29) (28) Johnston -- entire county;
- (30) (29) Lee -- entire county;
- (31) (30) Lincoln -- entire county;
- (32) (31) Macon -- entire county;
- (33) (32) McDowell -- entire county;
- (34) (33) Mecklenburg -- entire county;
- (35) (34) Mitchell -- entire county;
- (36) (35) Montgomery -- entire county;
- (37) (36) Northampton -- entire county;
- (38) (37) Orange County -- entire county;
- (39) (38) Person -- entire county;
- (40) (39) Polk -- entire county;
- (41) (40) Randolph -- entire county;
- (42) (41) Robeson County -- entire county;
- (43) (42) Rockingham -- entire county;
- (44) (43) Rowan -- entire county;
- (45) (44) Rutherford -- entire county;
- (46) (45) Stanly -- entire county;
- (47) (46) Stokes -- entire county;
- (48) (47) Surry -- entire county;
- (49) (48) Swain -- entire county;

- (50) ~~(49)~~Transylvania -- entire county;
- (51) ~~(50)~~Union -- entire county;
- (52) ~~(51)~~Watauga -- entire county;
- (53) ~~(52)~~Yancey -- entire county.

(d) Paragraphs (b) and (c) of this Rule shall not be construed to prevent:

- (1) the lawful hunting of raccoon or opossum during open season with artificial lights designed or commonly used in taking raccoon and opossum at night;
- (2) the necessary shining of lights by landholders on their own lands;
- (3) the shining of lights necessary to normal travel by motor vehicles on roads or highways; or
- (4) the use of lights by campers and others who are legitimately in such areas for other reasons and who are not attempting to attract or to immobilize deer by the use of lights.

Authority G.S. 113-134; 113-291.1; S.L. 1981, Ch. 410; S.L. 1981 (Second Session 1982), Ch. 1180.

Notice is hereby given in accordance with G.S. 150B-21.2 that the DEHNR, Division of Parks and Recreation intends to adopt rule cited as 15A NCAC 12B .1206. Notice of Rule-making Proceedings was published in the Register on December 15, 1995.

Proposed Effective Date: April 1, 1997

Public Hearings will be conducted at 7:00 p.m. on the following dates and locations:

October 8, 1996
59 Woodfin Place
Asheville Regional Office
Asheville, NC

October 9, 1996
585 Waughton St.
Winston-Salem, NC

October 10, 1996
1424 Carolina Avenue
Washington Regional Office
Washington, NC

Reason for Proposed Action: The Division of Parks and Recreation fee structure was removed from the APA rules a few years ago and must be replaced. It has been a long standing division policy to keep rates charged for services in state parks comparable to those charged by other public agencies and private industry. The proposed rates are based on a survey of other public and private park and recreation service providers. The division also needs the increased revenue to support increased costs associated with operating the state parks, such as the compliance with the new federal minimum wage law and the impact of inflation on utility bill and materials and supplies for routing maintenance.

Comment Procedures: All persons interested in this matter are invited to attend the public hearings. The Division of Parks and Recreation will receive mailed written comments postmarked no later than October 16, 1996. Any person desiring to present lengthy comments is requested to submit a written statement for inclusion in the record of proceedings at the public hearings. Additional information concerning the hearings or the proposals may be obtained by contacting Ms. Carter Thompson, Division of Parks and Recreation, PO Box 27687, Raleigh, NC 27611-7687, (919) 733-4181.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 12 - PARKS AND RECREATION AREA RULES

SUBCHAPTER 12B - PARKS AND RECREATION AREAS

SECTION .1200 - MISCELLANEOUS

.1206 FEES AND CHARGES

The following fee schedule shall apply at all state parks, parkways, state lakes, state recreation areas, and natural areas under the stewardship of the Department, except for the N.C. Zoological Park. Payment of the appropriate fee shall be a prerequisite for the use of the public service facility or convenience provided.

TYPE OF FACILITY OR CONVENIENCE

FEE

(1) CAMPING

- (a) Campsites with electrical hookups, picnic table, and grill. Water, restrooms, and shower facilities also available. \$ 17.00 (per family daily)
\$ 14.00 (senior citizens daily) (62 or older)
- (b) Campsites with picnic table and grill. Water, restrooms, \$ 12.00 (per family daily)

PROPOSED RULES

	<u>and shower facilities also available.</u>	\$ 10.00 (senior citizens daily) (62 or older)
(c)	<u>Primitive, unimproved campsites with pit privies. Fresh water also available.</u>	\$ 8.00 (per family, daily)
(d)	<u>Primitive group tent camping, unimproved campsites with pit privies.</u>	\$ 1.00 (per person, with \$8.00 minimum)
(e)	<u>Improved Group Camping (water, restrooms and shower facilities available.</u>	\$ 35.00 (per day/maximum capacity 35) \$ 90.00 (per day/maximum capacity 100)
(f)	<u>Group Lodge</u> <u>William B. Umstead State Park</u>	\$ 30.00 (per day/maximum 25 people)
(g)	<u>Group Camps</u>	
	(i) <u>William B. Umstead State Park</u>	Daily April, May, Sept., Oct. \$ 30.00 One Unit per day \$ 75.00 Mess Hall per day
		Weekly Only June thru August
		\$375.00 Camp Crabtree
		\$375.00 Camp Whispering Pines
		\$425.00 Camp Lapihio
	(ii) <u>Singletery Lake State Park</u>	Daily April, May, Sept., Oct.
		\$ 95.00 Camp Ipecac or Loblolly
		\$ 40.00 Cabin Unit per day
		\$ 75.00 Mess Hall per day
		Weekly Only June thru August
		\$390.00 Camp Ipecac or Loblolly
		Nov., Dec., Feb., March
		Camp Loblolly available
		at Weekly or daily rates.
(2)	<u>Cabins (not available Dec. - Feb.) (reservation only at Hanging Rock State Park and Morrow Mountain State Park.)</u>	\$300.00 (per week only from June to Labor Day) \$320.00 (per week only from June to Labor Day, with swimming privileges) \$ 60.00 (per day - rest of year)
(3)	<u>SWIMMING/BATHHOUSE</u>	\$ 3.00 (per adult)
(4)	<u>BOAT RAMPS</u>	\$ 2.00 (per child, ages 3-12)
(5)	<u>ROWBOAT/CANOE RENTAL</u>	\$ 4.00 (per boat)
		\$ 3.00 (for first hour)
		\$ 1.00 (for each additional hour)
(6)	<u>PICNIC SHELTER RENTAL</u> (by reservation only)	\$ 20.00 (1-2 tables) \$ 35.00 (3-4 tables) \$ 50.00 (5-8 tables) \$ 75.00 (9-12 tables)
(7)	<u>ADMISSION FEE</u>	\$ 4.00 (per car) \$ 3.00 (per car-senior citizens) (62 or older) \$ 10.00 (per bus) \$ 30.00 (for 10 daily passes)
(8)	<u>HAMMOCKS BEACH FERRY</u>	\$ 2.00 (per adult)
		\$ 1.00 (per child, ages 6-12)
(9)	<u>COMMUNITY BUILDINGS</u>	\$125.00 (per day) (includes 20 car passes where appropriate)
(10)	<u>SPECIAL ACTIVITY PERMIT</u>	\$ 25.00 (permit fee plus any additional appropriate charges)
(11)	<u>CATCH AND RELEASE FISHING</u> (Stone Mountain State Park)	\$ 12.00 per day/per section
(12)	<u>SLIP RENTAL AND OTHER FEES FOR THE CAROLINA BEACH STATE PARK MARINA (All slip rental</u>	

fees shall be paid in full at the time the lease is executed.)

(a)	<u>Transient, overnight dockage (no longer than 14 consecutive days in any 30 day period.)</u>	<u>\$ 16.00</u>
(b)	<u>Slip Rental (Fees charged according to term of lease and vessel size.)</u>	
	<u>25 feet and smaller</u>	<u>\$150.00</u>
	<u>26 feet to 35 feet</u>	<u>\$226.00</u>
	<u>36 feet to 42 feet</u>	<u>\$263.00</u>
	<u>43 feet to 45 feet</u>	<u>\$300.00</u>
(c)	<u>Six month lease (runs 183 days from date executed)</u>	
	<u>25 feet and smaller</u>	<u>\$ 720.00</u>
	<u>26 to 35 feet</u>	<u>\$1080.00</u>
	<u>36 to 42 feet</u>	<u>\$1260.00</u>
	<u>43 feet to 45 feet</u>	<u>\$1440.00</u>
(d)	<u>Twelve month lease (runs 365 days from date executed)</u>	
	<u>25 feet and smaller</u>	<u>\$1080.00</u>
	<u>26 to 35 feet</u>	<u>\$1620.00</u>
	<u>36 feet to 42 feet</u>	<u>\$1890.00</u>
	<u>43 feet to 45 feet</u>	<u>\$2160.00</u>
(e)	<u>Boat Launching Fee</u>	<u>\$ 4.00</u>
(f)	<u>Holding Tank Pump Out</u>	<u>\$ 10.00</u>
(g)	<u>Battery Charging Service</u>	<u>\$ 3.00</u>

Authority G.S. 113-35(b).

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNHR - Commission for Health Services intends to adopt rules cited as 15A NCAC 18A .0183 - .0187, .0620 - .0621; amend rules cited as 15A NCAC 18A .0134, .0136 - .0137, .0159, .0168 - .0169, .0173 - .0176, .0182, .0301 - .0302, .0401, .0421, .0424 - .0425, .0614 - .0618, .0901, .1301 - .1302 and .1319. Notice of Rule-making Proceedings was published in the Register on July 15, 1996.

Proposed Effective Date: April 1, 1997

A Public Hearing will be conducted at 1:30 pm on October 3, 1996 at Room 1A 201, Parker Lincoln Bldg., Capital Blvd., Raleigh, NC 27604.

Reason for Proposed Action:

15A NCAC 18A .0134, .0136 - .0137, .0159, .0168 - .0169, .0173 - .0176, .0182 - .0187 - The agency and the crustacea industry believe that changes in the existing crustacea rules are needed so that crustacea meat from out-of-state sources can be repacked. This activity is allowed in other states and puts the industry in North Carolina at a disadvantage. Other needed changes deal with heat processing, labeling, freezing and bacteriological standards. 15A NCAC 18A .0301, .0302, .0401, .0421, .0424 - .0425, .0614 - .0618, .0620 - .0621 and .0901 - The proposed changes in the Rules Governing the Sanitation of shellfish are needed to bring North Carolina's rules into conformity with the National Shellfish Sanitation Program guidelines which are administered by the US Food and

Drug Administration.

15A NCAC 18A .1301, .1302, .1319 - Educational facilities are deemed to be inappropriately addressed in the institutional rules.

Comment Procedures: All persons interested in these matters are invited to attend the public hearing. Written comments may be presented at the public hearing or submitted to Malcolm Blalock, Deputy Director, Division of Environmental Health, PO Box 27687, Raleigh, NC 27611-7687. All written comments must be received by October 16, 1996. Persons who wish to speak at the hearing should contact Mr. Blalock at (919) 715-0929. Persons who call in advance of the hearing will be given priority on the speaker's list. Oral presentation lengths may be limited depending on the number of people that wish to speak at the public hearing. Only persons who have made comments will be allowed to speak at the Commission meeting. Comments made at the Commission meeting must either clarify previous comments or proposed changes from staff pursuant to comments made during the public hearing process.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .0100 - HANDLING: PACKING:

REPACKING: AND SHIPPING OF CRUSTACEA
AND CRUSTACEA MEAT

.0134 DEFINITIONS

The following definitions shall apply throughout this Section; however, nothing in this Section shall be construed as expanding or restricting the definitions in G.S. 106-129 and G.S. 106-130:

- (1) "Adulterated" as used in G.S. 106-129 means the following:
 - (a) Any cooked crustacea or crustacea meat that ~~have been picked, packed or re-packed in a facility which has not been permitted by the Division in accordance with these Rules; does not comply with these Rules;~~
 - (b) Any cooked crustacea or crustacea meat which exceed the bacteriological standards in Rule .0182 of this Section;
 - (c) Any cooked crustacea or crustacea meat which are putrid or unfit for human consumption;
 - (d) Any cooked crustacea or crustacea meat which have been exposed to any condition whereby it may have become contaminated; or
 - (e) Any cooked crustacea which contain any added substance, unless the substance is approved by the Division, the United States Food and Drug Administration or the North Carolina Department of Agriculture.
- (2) "Code date" means the date conspicuously placed on the container to indicate the date that the product was packed.
- (3) "Cook" means to prepare or treat raw crustacea by heating.
- (4) "Crustacea meat" means the meat of crabs, lobster, shrimp or crayfish.
- (5) "Division" means the Division of Environmental Health or its authorized agent.
- (6) "Food-contact surface" means the parts of equipment, including auxiliary equipment, which may be in contact with the food being processed, or which may drain into the portion of equipment with which food is in contact.
- (7) "Fresh crustacea" means a live, raw or frozen raw crab, lobster, shrimp or crayfish which shows no decomposition.
- (8) "Internal temperature" means the temperature of the product as opposed to the ambient temperature.
- (9) "Misbranded" as used in G.S. 106-130 means the following: any container of cooked crustacea or crustacea meat which is not labeled in compliance with these Rules.
- (a) ~~Any container of cooked crustacea or crustacea~~

~~meat which is not labeled with a valid identification number awarded by regulatory authority of the state or country of origin of the cooked crustacea or crustacea meat; or~~

- (b) ~~Any container of cooked crustacea or crustacea meat which is not labeled as required by these Rules.~~
- (10) "Operating season" means the season of the year during which a crustacea product is processed.
- (11) "Pasteurization" means the process of heating every particle of crustacea meat in a hermetically-sealed 401 by 301 one pound container to a temperature of at least 185° F (85° C) and holding it continuously at or above this temperature for at least one minute in properly operated equipment approved by the Division. The term includes any other process which has been found equally effective by the Division.
- (12) "Pasteurization date" means a code conspicuously placed on the container to indicate the date that the product was pasteurized.
- (13) "Processing" means any of the following operations when carried out in conjunction with the cooking of crustacea or crustacea meat: receiving, refrigerating, air-cooling, picking, packing, repacking, thermal processing, or pasteurizing.
- (14) "Repacker" means a facility which repacks cooked crustacea meat ~~processed by a North Carolina certified crustacea facility~~ into other containers.
- (15) "Responsible person" means the individual present in a cooked crustacea facility who is the apparent supervisor of the cooked crustacea facility at the time of the inspection. If no individual is the apparent supervisor, then any employee is the responsible person.
- (16) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.
- (17) "Thermal processing" means the heating of previously cooked crustacea or crustacea meat to a desired temperature for a specified time in properly operated equipment approved by the Division.

Authority G.S. 106-129; 106-130; 130A-230.

.0136 APPLICABILITY OF RULES

The Rules in this Section shall apply to the operation of all facilities and persons permitted in Rule .0135 of this Section and all other businesses and persons that buy, sell, transport or ship cooked crustacea or crustacea ~~meat; meat~~ which has not been transformed into another product. Foreign crustacea meat processed in North Carolina shall

comply with all applicable Federal requirements.

Authority G.S. 130A-230.

.0137 GENERAL REQUIREMENTS FOR OPERATION

(a) During the operating season the processing portion of the facility shall be used for no purpose other than the processing of cooked crustacea or crustacea meat.

(b) Retail sales of cooked crustacea or crustacea meat shall not be made from any processing portion of the facility.

(c) Accurate records of all ~~purchases and sales shall be maintained for the following cooked of~~ crustacea ~~or and~~ crustacea meat ~~products; shall be maintained for one year.~~ The records shall be available for inspection by the Division.

- ~~(1) Fresh 60 days.~~
- ~~(2) Frozen 1 year.~~
- ~~(3) Pasteurized 1 year.~~

Authority G.S. 130A-230.

.0159 SEPARATION OF OPERATIONS

(a) Facility design shall provide for continuous flow of raw materials and product to prevent contamination by exposure to areas involved in earlier processing steps, refuse or other areas subject to contamination.

(b) The following processes shall be carried out in separate rooms or areas:

- (1) Raw crustacea receiving or refrigeration.
- (2) Crustacea cooking.
- (3) Cooked crustacea air-cool.
- (4) Cooked crustacea refrigeration.
- (5) Picking.
- (6) Packing.
- (7) Picked crustacea meat refrigeration.
- (8) ~~Pasteurizing~~ Pasteurizing/thermal processing.
- (9) Machine picking.
- (10) Repacking.
- (11) ~~(10)~~ Other processes when carried out in conjunction with the cooking of crustacea or crustacea meat.

Authority G.S. 130A-230.

.0168 SINGLE-SERVICE CONTAINERS

(a) Single-service containers used for packing or repacking cooked crustacea and crustacea meat shall be made from approved materials.

(b) Containers shall not be reused for packing or repacking cooked crustacea and crustacea meat.

(c) No person shall use containers bearing a permit number other than the number assigned to the facility.

(d) Each container or lid shall be legibly impressed, embossed or lithographed with the name and address of the original packer, repacker or distributor. The original

packer's or repacker's permit number preceded by the state abbreviation shall be legibly impressed, embossed or lithographed on each container.

(e) Each container or lid shall be permanently and legibly identified with a code date.

(f) All containers or lids shall be stored and handled in accordance with these Rules, sanitized by a procedure as stated in Rule .0157 of this Section and drained prior to filling.

(g) ~~Effective April 1, 1993, all~~ All containers shall be sealed so that tampering can be detected. The words "Sealed For Your Protection" or equivalent shall be prominently displayed on the container or lid.

Authority G.S. 130A-230.

.0169 FREEZING

(a) If crustacea or crustacea meat is to be frozen, it ~~shall be frozen within 48 hours of packing and~~ the code date shall be followed by the letter "F."

(b) ~~Frozen crustacea meat shall not be thawed prior to sale.~~ Thawed crustacea or crustacea meat shall be labeled as "Previously Frozen" or equivalent.

(c) Frozen crustacea or crustacea meat shall be stored at a temperature of 0° F (-18° C) or less.

(d) The frozen storage rooms shall be equipped with an accurate, operating thermometer.

Authority G.S. 130A-230.

.0173 REPACKING

(a) Crustacea meat for repacking ~~shall be which is processed in a North Carolina crustacea facility shall permitted in compliance~~ comply with Rules .0134 through .0182 of this Section. Crustacea meat for repacking which is processed outside of North Carolina shall comply with Rule .0182 of this Section. Monthly bacteriological reports shall be provided to the Division by the repacker of all foreign crustacea meat for repacking.

(b) The repacker shall ~~have a written agreement with each facility which provides crustacea meat for repacking. The Division shall be provided a copy of this written agreement provide the Division a current written list of all sources of crustacea meat used for repacking.~~

(c) ~~Crustacea meat for repacking shall be repacked within 48 hours of the original packing.~~

(d) ~~Crustacea meat for repacking shall be in compliance with the following:~~

- ~~(1) Packed in original container or in a single service container labeled "For Repacking Only";~~
- ~~(2) Identified with original packer's certification number and code date; and~~
- ~~(3) Iced and cooled to 40° F (4.4° C) or below within two hours of receipt in packing room.~~

(e) ~~Shipping of crustacea meat for repacking shall be in compliance with the following:~~

- ~~(1) Vehicles used to transport crustacea meat for repacking shall be mechanically refrigerated, enclosed, tightly constructed and equipped with an operating thermometer.~~
- ~~(2) Crustacea meat for repacking shall be stored and transported between 33° F (0.5° C) and 40° F (4.4° C).~~
- ~~(3) The interior shipping compartment of the vehicle shall be cleaned prior to shipment of crustacea meat for repacking.~~
- ~~(4) The shipment shall consist only of processed and packaged crustacea meat.~~
- ~~(5) Vehicles shall be approved as part of the facility certification.~~
- (c) ~~(f)~~ Repacking of crustacea meat:
 - (1) Crustacea meat shall not exceed 45° F (7.1° C) during the repacking process.
 - (2) Repacking shall be conducted separately by time or space from the routine crustacea meat picking and packing process.
 - (3) The food contact surfaces and utensils utilized in the repacking process shall be cleaned and sanitized prior to repacking and thereafter on 30 minute intervals during repacking.
 - (4) Repacked crustacea meat shall be maintained at or below between 33° F (0.5° C) and 40° F (4.4° C).
 - (5) Blending or combining of any of the following shall be prohibited:
 - (A) Fresh crustacea meat.
 - (B) Frozen crustacea meat.
 - (C) Pasteurized crustacea meat.
 - (D) Crustacea meat packed in another facility.
 - (6) Crustacea meat shall not be repacked more than one time.
 - (7) All empty containers shall be rendered unusable.
- (d) ~~(g)~~ Labeling of repacked crustacea meat:
 - (1) Each container shall be legibly embossed, impressed or lithographed with the repacker's or the distributor's name and address.
 - (2) Each container shall be legibly embossed, impressed or lithographed with the repacker's certification number followed by the letters "RP."
 - (3) Each container shall be permanently and legibly identified with a code indicating the repack date.
 - (4) Each container shall be sealed so that tampering can be detected.
 - (5) Each container of thawed crustacea meat which has been repacked shall be labeled as "Previously Frozen" or equivalent.
 - (6) Each container of pasteurized crustacea meat which has been repacked shall be labeled as "Previously Pasteurized" or equivalent.

- (7) Each container of foreign crustacea meat which has been repacked shall be labeled in accordance with Federal labeling requirements.

(e) ~~(h)~~ Repacked crustacea meat shall meet bacteriological and contamination standards in Rule .0182 of this Section.

(f) ~~(i)~~ Records shall be kept for all purchases of crustacea meat for repacking and sales of repacked meat for one year. The records shall be available for inspection by the Division.

Authority G.S. 130A-230.

.0174 PASTEURIZATION PROCESS CONTROLS - THERMOMETERS

(a) All pasteurizing equipment shall have a time-temperature recording thermometer with a temperature controller (combined or separately) and an indicating thermometer. The thermometers shall be located to give a true representation of the operating temperature of the water bath. The recording thermometer chart shall be at least a 12-hour chart and at least 10 inches in diameter.

(b) The recording thermometer shall be installed so that it will be protected from vibration and from striking by loading operations or facility traffic. The thermometer mechanism shall be protected from moisture under prevailing conditions. The thermometer case shall not be opened during the pasteurizing cycle, except for temperature check or for emergency or repair. A record shall be made when the thermometer case has been opened.

(c) The recording thermometer shall have a range of at least 120-220° F (48.9-104.4° C). It shall be accurate within plus or minus 1° F between 160° F (71° C) and 200° F (93° C). The chart shall be scaled at a maximum of 2° F intervals in the range of 160° F (71° C) and 200° F (93° C).

(d) The indicating thermometer shall be a thermometer with an accuracy and readability of plus or minus 1° F between 160° F (71° C) and 200° F (93° C). The thermometer shall be protected against damage.

(e) The recording thermometer shall be equipped with a spring-operated or electrically operated clock. The recorded elapsed time as indicated by the chart rotation shall not exceed the true elapsed time as shown by an accurate watch. The rotating chart support shall be provided with pins upon which the chart shall be affixed by puncturing the chart.

(f) The pasteurization unit shall not be operated without a recording thermometer chart in place, the pen in contact with the chart and an inked record being made of the operating time-temperature cycle. Any indication of falsification of a thermometer chart shall constitute a violation. A permanent file of the used thermometer charts shall be maintained by the pasteurizer and kept available for inspection by the Division for a period of one year. The following information shall be recorded within the confines of the pen markings after the pasteurization cycle has been

completed:

- (1) Date of pasteurization.
- (2) Quantity of each batch pasteurized (pounds of crustacea meat or number and size of containers).
- (3) Processor's code of each pack.
- (4) If the pasteurizer processes crustacea meat for someone else, then the packer's name, address and permit number must be recorded. A copy of the recording chart shall be provided to the owner of the crustacea meat.
- (5) Notation of mechanical or power failure or opening of the recording thermometer case for adjustment or repair during the pasteurizing cycle.
- (6) After the optimum temperature in the water bath has been reached and during the holding time, the reading of the indicating thermometer and the time of reading shall be recorded on the chart.
- (7) Signature of the pasteurizer operator.
- (g) A constant flow steam control valve is required, if steam is used as a source of heat.
- (h) The water bath shall be provided with effective agitation to maintain a uniform temperature.
- (i) Other technologies that provide the data, information and records as required in this Rule may be used if approved by the Division.

Authority G.S. 130A-230.

.0175 PREPARATION OF CRUSTACEA MEAT FOR PASTEURIZATION

The preparation of crustacea meat for pasteurization shall be in compliance with the following:

- (1) Crustacea meat shall be prepared in compliance with Rules .0134 through ~~.0182~~ .0183 of this Section.
- (2) The containers of crustacea meat shall be sealed as quickly as possible after the crustacea meat is picked.
- (3) The sealed container of crustacea meat shall be placed immediately in ice and refrigerated until pasteurized.

Authority G.S. 130A-230.

.0176 PASTEURIZATION OF CRUSTACEA MEAT

The pasteurization of crustacea meat shall be in compliance with the following:

- (1) ~~Crustacea meat for pasteurization shall be pasteurized within 48 hours of the time it is picked.~~ The minimum pasteurization specifications shall be the raising of the internal temperature of the container of crustacea meat to 185° F (85° C) and holding at that temperature

for at least one minute at the geometric center of a container. Each set of pasteurizing equipment shall be standardized so that the minimum pasteurization procedure in this Subparagraph can be obtained. The pasteurization procedure shall be performed in accordance with the standardization report. This process shall also be posted adjacent to the pasteurization vat. The pasteurizer shall keep on file the standardization report and shall provide the Division a copy of such report.

- (2) Alteration of the equipment or loading of containers shall require the procedure be restandardized.
- (3) The containers of crustacea meat shall be cooled to 50° F (10° C) or below within three hours.
- (4) Refrigerated storage shall be provided for the cooled crustacea meat and shall maintain a storage temperature at or below 36° F (2.2° C). ~~(2.2° C) but above 32° F (0° C).~~

Authority G.S. 130A-230.

.0182 BACTERIOLOGICAL AND CONTAMINATION STANDARDS

(a) Cooked crustacea or crustacea meat shall not exceed *Escherichia coli* Most Probable Number (MPN) of 36 per 100 grams of sample or exceed a standard plate count of 100,000 per gram.

(b) Pasteurized crustacea meat shall contain no *Escherichia coli* or fecal coliform. Samples of pasteurized crustacea meat, taken within 24 hours of pasteurizing, shall not have a standard plate count of more than 3,000 per gram.

(c) Thermally processed crustacea or crustacea meat shall not exceed *Escherichia coli* MPN of 36 per 100 grams of sample or exceed a standard plate count of 100,000 per gram.

(d) ~~(e)~~ Cooked crustacea or crustacea meat shall not contain pathogenic organisms in sufficient numbers to be hazardous to the public health.

(e) ~~(d)~~ Cooked crustacea or crustacea meat shall not be contaminated by any other substance which renders it unsafe for human consumption.

(f) ~~(e)~~ Cooked crustacea or crustacea meat found not complying with the standards as stated in Paragraph (a), (b), ~~(c)~~, or (d) or (e) of this Rule may be deemed adulterated by the Division.

Authority G.S. 130A-230.

.0183 ALTERNATIVE LABELING

A durable label, approved by the Division, permanently affixed to the container may be used to meet any labeling requirement in this Section.

Authority G.S. 130A-230.

**.0184 THERMAL PROCESSING
CONTROLS - THERMOMETERS**

(a) All thermal processing equipment shall have a time-temperature recording thermometer with a temperature controller (combined or separately) and an indicating thermometer. The thermometers shall be located to give a true representation of the operating temperature of the process. The recording thermometer chart shall be at least a 12-hour chart and at least 10 inches in diameter.

(b) The recording thermometer shall be installed so that it will be protected from vibration and from striking by loading operations or facility traffic. The thermometer mechanism shall be protected from moisture under prevailing conditions. The thermometer case shall not be opened during the thermal processing cycle, except for temperature check or for emergency or repair. A record shall be made when the thermometer case has been opened.

(c) The recording thermometer shall have a range of at least 120-220° F (48.9-104.4° C). It shall be accurate within plus or minus 1° F between 160° F (71° C) and 200° F (93° C). The chart shall be scaled at a maximum of 2° F intervals in the range of 160° F (71° C) and 200° F (93° C).

(d) The indicating thermometer shall be a thermometer with an accuracy and readability of plus or minus 1° F between 160° F (71° C) and 200° F (93° C). The thermometer shall be protected against damage.

(e) The recording thermometer shall be equipped with a spring-operated or electrically operated clock. The recorded elapsed time as indicated by the chart rotation shall not exceed the true elapsed time as shown by an accurate watch. The rotating chart support shall be provided with pins upon which the chart shall be affixed by puncturing the chart.

(f) The thermal processing unit shall not be operated without a recording thermometer chart in place, the pen in contact with the chart and an inked record being made of the operating time-temperature cycle. Any indication of falsification of a thermometer chart shall constitute a violation. A permanent file of the used thermometer charts shall be maintained by the thermal processor and kept available for inspection by the Division for a period of one year. The following information shall be recorded within the confines of the pen markings after the thermal processing cycle has been completed:

- (1) Date of thermal processing.
- (2) Quantity of each batch thermally processed (pounds of crustacea meat or number and size of containers).
- (3) Thermal processor's code of each pack.
- (4) If the thermal processor processes crustacea meat for someone else, then the packer's name, address and permit number must be recorded. A copy of the recording chart shall be provided to the owner of the crustacea meat.

(5) Notation of mechanical or power failure or opening of the recording thermometer case for adjustment or repair during the thermal processing cycle.

(6) After the optimum temperature in the thermal process has been reached and during the holding time, the reading of the indicating thermometer and the time of reading shall be recorded on the chart.

(7) Signature of the thermal process operator.

(g) A constant flow steam control valve is required, if steam is used as a source of heat.

(h) The thermal processing unit shall be provided with effective and uniform temperature.

(i) Other technologies that provide the data, information and records as required in this Rule may be used if approved by the Division.

Authority G.S. 130A-230.

**.0185 THERMAL PROCESSING OF
CRUSTACEA AND CRUSTACEA MEAT**

The thermal processing of crustacea or crustacea meat shall be in compliance with the following:

(1) The minimum thermal processing specifications shall be the raising of the internal temperature of the container of crustacea or crustacea meat to a desired temperature and time at the geometric center of a container. Each set of thermal processing equipment shall be standardized so that the minimum procedure can be obtained. The thermal process procedure shall be performed in accordance with the standardization report. This process shall also be posted adjacent to the thermal processing unit. The thermal processor shall keep on file the standardization report and shall provide the Division a copy of such report.

(2) Alteration of the equipment or loading of containers shall require the procedure be restandardized.

(3) The containers of crustacea or crustacea meat shall be cooled to 50° F (10° C) or below within three hours.

(4) Refrigerated storage shall be provided for the cooled crustacea or crustacea meat and shall maintain a storage temperature at or below 36° F (2.2° C).

Authority G.S. 130A-230.

**.0186 LABELING OF THERMALLY
PROCESSED CRUSTACEA OR
CRUSTACEA MEAT**

Labeling of thermally processed crustacea or crustacea meat shall be in compliance with the following:

(1) The label used shall clearly identify the con-

tents of the container as thermally processed crustacea or crustacea meat.

- (2) Each container shall be permanently and legibly identified with a code indicating the batch and day of processing.
- (3) The words "Perishable-Keep Under Refrigeration" or equivalent shall be prominently displayed on the container.
- (4) The original packer's or repacker's permit number preceded by the state abbreviation shall be legibly impressed, embossed or lithographed on each container. Each container shall be legibly impressed, embossed or lithographed with the name and address of the original packer, repacker or distributor.

Authority G.S. 130A-230.

.0187 INTERFACILITY THERMAL PROCESSING PROCEDURES

No person shall initiate interfacility thermal processing of crustacea or crustacea meat without prior written approval by the Division. Interfacility thermal processing of crustacea or crustacea meat shall be in conjunction with the following:

- (1) Crustacea or crustacea meat shall be packed, labeled and refrigerated in compliance with Rules .0134 through .0187 of this Section. Records shall be maintained to identify each batch of crustacea or crustacea meat thermally processed.
- (2) Crustacea or crustacea meat shall be shipped in an enclosed, easily cleanable vehicle at a temperature between 33° F (0.5° C) and 40° F (4.4° C).
- (3) Crustacea or crustacea meat shall be thermally processed in compliance with Rules .0184 through .0187 of this Section. The thermal processor shall provide a copy of each thermal processing chart to the original packer.

Authority G.S. 130A-230.

SECTION .0300 - SANITATION OF SHELLFISH - GENERAL

.0301 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) "Adulterated" means the following:
 - (a) Any shellfish that have been harvested from prohibited areas;
 - (b) Any shellfish that have been shucked, packed, or otherwise processed in a plant which has not been permitted by the Division in accordance with these Rules;

- (c) Any shellfish which exceed the bacteriological standards in Rule .0430 of this Subchapter;
- (d) Any shellfish which are putrid or unfit for human consumption;
- (e) Any shellfish which have been exposed to any unsanitary conditions; or
- (f) Any shellfish which contain any added substance, unless the substance is approved by the Division or the United States Food and Drug Administration.
- (2) "Approved area" means an area determined suitable for the harvest of shellfish for direct market purposes.
- (3) "Bulk shipment" means a shipment of loose shellstock.
- (4) "Buy boat or buy truck" means any approved boat or truck that is used by a person permitted under these Rules to transport shellstock from one or more harvesters to a facility permitted under these Rules.
- (5) "Certification number" means the number assigned by the state shellfish control agency to each certified shellfish dealer. It consists of a one to five digit number preceded by the two letter state abbreviation and followed by the two letter symbol designating the type of operation certified.
- (6) ~~(5)~~ "Depuration" means mechanical purification or the removal of adulteration from live shellstock by any artificially controlled means.
- (7) ~~(6)~~ "Depuration facility" means the physical structure wherein depuration is accomplished, including all the appurtenances necessary to the effective operation thereof.
- (8) ~~(7)~~ "Division" means the Division of Environmental Health or its authorized agent.
- (9) ~~(8)~~ "Heat shock process" means the practice of heating shellstock to facilitate removal of the shellfish meat from the shell.
- (10) ~~(9)~~ "Misbranded" means the following:
 - (a) Any shellfish which are not labeled with a valid identification number awarded by regulatory authority of the state or territory of origin of the shellfish; or
 - (b) Any shellfish which are not labeled as required by these Rules.
- (11) ~~(10)~~ "Operating season" means the season of the year during which a shellfish product is processed.
- (12) ~~(11)~~ "Person" means an individual, corporation, company, association, partnership, unit of government or other legal entity.
- (13) ~~(12)~~ "Prohibited area" means an area unsuitable for the harvesting of shellfish for direct market purposes.
- (14) ~~(13)~~ "Relaying or transplanting" means the act

of removing shellfish from one growing area or shellfish grounds to another area or ground for any purpose.

- (15) (14) "Repacking plant" means a shipper, other than the original shucker-packer, who repacks shucked shellfish into containers for delivery to the consumer.
- (16) (15) "Reshipper" means a shipper who ships shucked shellfish in original containers, or shellstock, from permitted shellstock dealers to other dealers or to consumers.
- (17) (16) "Sanitary survey" means the evaluation of factors having a bearing on the sanitary quality of a shellfish growing area including sources of pollution, the effects of wind, tides and currents in the distribution and dilution of polluting materials, and the bacteriological quality of water.
- (18) (17) "Sanitize" means the approved bactericidal treatment by a process which provides sufficient accumulative heat or concentration of chemicals for sufficient time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.
- (19) (18) "SELL BY date" means a date conspicuously placed on a container or tag by which a consumer is informed of the latest date the product will remain suitable for sale.
- (20) (19) "Shellfish" means oysters, mussels, scallops and all varieties of clams. However, the term shall not include scallops when the final product is the shucked adductor muscle only.
- (21) (20) "Shellstock" means any shellfish which remain in their shells.
- (22) (21) "Shellstock conveyance" means all trucks, trailers, or other conveyances used to transport shellstock.
- (23) (22) "Shellstock dealer" means a person who buys, sells, stores, or transports or causes to be transported shellstock which was not obtained from a person permitted under these Rules.
- (24) (23) "Shellstock plant" means any establishment where shellstock are washed, packed, or otherwise prepared for sale.
- (25) (24) "Shucking and packing plant" means any establishment or place where shellfish are shucked and packed for sale.
- (26) (25) "Wet storage" means the temporary placement of shellstock from approved sources, ~~in approved natural sea water, in containers or floats in natural bodies of water or in tanks containing natural sea water.~~

Authority G.S. 130A-230.

.0302 PERMITS

- (a) No person shall operate any of the following

facilities without a permit issued by the Division:

- (1) Depuration facilities;
- (2) Shellstock plants;
- (3) Shucking and packing plants;
- ~~(4) Wet storage areas;~~
- (4) (5) Repacking plants.
- (b) No person shall operate as a shellstock dealer without a permit issued by the Division.
- (c) A permit may be issued to a reshipper when required for out of state shipment.
- (d) Approval for wet storage of shellstock shall be granted only to persons permitted in this Rule.
- (e) (4) Application for a permit shall be submitted in writing to the Division at the Shellfish Sanitation Office, Fisheries Building, Arendell Street, Morehead City, North Carolina, 28557. Application forms are available from the Division.
- (f) (5) No permit shall be issued by the Division until an inspection shows that the facilities and equipment comply with all applicable rules of this Subchapter.
- (g) (6) All permits shall be posted in a conspicuous place in the facilities. All permits shall expire on April 30 of each year.
- (h) (7) Plans and specifications for proposed new construction or remodeling shall be submitted to the Division for review and approval.
- (i) (8) A permit may be revoked or suspended pursuant to G.S. 130A-23.

Authority G.S. 130A-230.

SECTION .0400 - SANITATION OF SHELLFISH - GENERAL OPERATION STANDARDS

.0401 APPLICABILITY OF RULES

The Rules in this Section shall apply to the operation of all facilities and persons permitted in Rule .0302 and all other businesses and persons that buy, sell, transport, or ship shellfish. These Rules do not apply to persons possessing shellfish for personal use.

Authority G.S. 130A-230.

.0421 DAILY RECORD

All permitted persons who conduct any ~~wholesale~~ business of buying, selling, or shipping shellfish shall keep an accurate, daily record which shall show the names and addresses of all persons from whom shellfish are received, the location of the source of shellfish, and the names and addresses of all persons to whom shellfish are sold or shipped. These records shall be recorded in a permanently bound ledger and maintained in a manner approved by the Division and shall be kept on file for one year. All records shall be open to inspection by the Division at any time during business hours.

Authority G.S. 130A-230.

.0424 SHELLFISH RECEIVING

No person shall receive or accept any shellfish unless the container or package bears the tag or label required by these Rules. ~~This rule does not apply to the receipt of shellstock from a harvester to a permitted dealer.~~

Authority G.S. 130A-230.

.0425 TAGGING

(a) In order that information may be available to the Division with reference to the origin of shellstock, containers holding shellstock shall be identified with a uniform tag or label. The tag shall be durable, waterproof and measure at least 2-5/8 by 5-1/4 inches (6.7 by 13.3 centimeters). The tag shall contain legible information arranged in specific order as follows:

- (1) the dealer's name, address and certification number assigned by the appropriate shellfish control agency;
- (2) the original shipper's certification number; ~~number, including the country or state abbreviation;~~
- (3) the harvest date;
- (4) the harvest ~~location~~; location, including the country or state abbreviation;
- (5) when the shellstock has been in wet storage, the statement "THIS PRODUCT WAS IN WET STORAGE AT (FACILITY CERTIFICATION NUMBER) FROM (DATE) TO (DATE)";
- (6) ~~(5)~~ the type and quantity of shellfish; and
- (7) ~~(6)~~ the following statement shall appear in bold capitalized type "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS."

(b) The uniform tag or label shall remain attached to the shellstock container until the container is empty and thereafter shall be kept on file for 90 days.

(c) All shellstock from a depuration facility must be identified as having been cleansed by a depuration facility identified by a name and permit number on the tag.

Authority G.S. 130A-230.

SECTION .0600 - OPERATION OF SHELLFISH SHUCKING AND PACKING PLANTS AND REPACKING PLANTS

.0614 CONTAINERS

(a) Containers used for transporting shucked shellfish shall be approved by the Division. These containers shall not be reused for packing shellfish.

(b) Shucked shellfish shall be packed and shipped in approved containers, sealed so that tampering can be

detected. Each individual container shall have permanently recorded on the container, so as to be conspicuous, the shucker-packer's, repacker's, or distributor's name and address, and the shucker-packer's or repacker's certification number. ~~permit number preceded by the state abbreviation.~~

(c) Any container of shucked shellfish which has a capacity of ~~more than~~ 64 fluid ounces or more shall be dated as of the date shucked on both the lid and sidewall or bottom. Any container of shucked shellfish which has a capacity of less than 64 fluid ounces ~~or less~~ shall indicate a SELL BY date.

(d) No person shall use containers bearing a permit certification number other than the number assigned to him.

Authority G.S. 130A-230.

.0615 SHELLFISH COOLING

Shucked shellfish shall be cooled to an internal temperature of 45°F (7°C) or less within two hours after delivery to the packing room. Storage temperatures shall be ~~32°—40°F (0°—4°C)~~ 40° F (4° C) or below. No ice or other foreign substance shall be allowed to come into contact with the shellfish after processing has been completed.

Authority G.S. 130A-230.

.0616 SHELLFISH FREEZING

(a) If shellfish are to be frozen, they shall be frozen within three days of shucking and packing and the shucked date shall be preceded by the letter (F).

~~(b) Frozen shellfish shall not be thawed for resale or be repacked.~~

~~(b)~~ ~~(e)~~ A temperature of 0° F (-18° C) or less shall be maintained in the frozen storage rooms.

Authority G.S. 130A-230.

.0617 SHIPPING

(a) Shucked shellfish shall be stored and shipped at ~~temperatures between 32°—40°F (0°—4°C)~~ 40° F (4° C).

(b) Shipments shall be tagged or labeled to show the name and address of the consignee, the name and address of the shipper, the name of the state or territory of origin, and the permit number of the shipper.

Authority G.S. 130A-230.

.0618 HEAT SHOCK METHOD OF PREPARATION OF SHELLFISH

(a) Facilities. If a shucking and packing plant uses the heat shock process, it shall be done in an separate room adjacent to the shellstock storage room and the shucking room, approved by the Division for such purpose.

(b) Tank construction. The heat shock tank shall be constructed of smooth, non-corrosive metal, designed to drain quickly and completely and to be easily and thoroughly cleaned.

(c) Booster heaters. All heat shock tanks shall be equipped with suitable booster heaters that are thermostatically controlled.

(d) Shellstock washing. All shellstock subjected to the heat shock process shall be thoroughly washed with flowing potable water immediately prior to the heat shock operation.

(e) Water temperature. During the heat shock process the water shall be maintained at not less than 145°F (63°C) or more than 150°F (65°C). An accurate thermometer shall be available and used to determine the temperature during the heat shock process. All water shall be completely drained from heat shock tanks and the tanks cleaned at least once in each three hour operational period or more often if necessary.

(f) Time requirements. Shellstock subjected to the heat shock process shall not be immersed in the heat shock water longer than three and one half minutes. An accurate timing device shall be available and used to determine the immersion time.

(g) Alternatives to heat shock method. Nothing in these Rules shall be construed to prohibit any other process which has been found equally effective and has been approved by the Division.

(h) Water requirements. At least eight gallons of heat shock water shall be maintained in the tank for each one half bushel of shellstock being treated. All water used in the heat shock process shall be from a source approved by the Division under Rule .0913 of this Subchapter.

(i) Cooling. Immediately after the heat shock process, all treated shellstock shall be subjected to a cool-down with potable tap water. All heat shocked shellstock shall be handled in a manner to prevent adulteration of the product. Shellfish which have been subjected to the heat shock process shall be cooled to an internal temperature of 45°F (7°C) or below within two hours after this process and shall be placed in storage at ~~32°—40°F (0°—4°C)~~, 40° F (4° C) or below.

(j) Cleaning. At the close of each day's operation, the heat shock tank shall be completely emptied of all water, mud, detritus, and thoroughly cleaned and then rinsed with flowing potable water. Water, mud, detritus, and other by-products shall be disposed of in a manner approved by the Division.

(k) Sanitizing. All heat shock tanks shall be sanitized immediately before starting each day's operation.

(l) Records. Records of heat shock processes shall be kept as required by the Division.

Authority G.S. 130A-230.

.0620 SHELLFISH THAWING AND REPACKING

(a) Frozen shellfish shall be thawed under temperatures not to exceed 45° F (7° C).

(b) Shellfish held for thawing shall be separated from other shellfish.

(c) Thawed shellfish shall not exceed 45° F (7° C)

during the repacking process.

(d) Containers of repacked, thawed shellfish shall be labeled as required in Rule .0619 of this Section and shall also be labeled as "PREVIOUSLY FROZEN", or equivalent.

(e) Thawed shellfish, which remain in original containers, shall be labeled as required in Rule .0614 of this Section and shall also be labeled as "PREVIOUSLY FROZEN", or equivalent.

Authority G.S. 130A-230.

.0621 RECALL PROCEDURE

Each owner of a shellfish facility shall keep on file a written shellfish recall procedure. A copy of this procedure shall be provided to the Division.

Authority G.S. 130A-230.

SECTION .0900 - CLASSIFICATION OF SHELLFISH GROWING WATERS

.0901 DEFINITIONS

The following definitions shall apply throughout this Section.

- (1) "Approved area" means an area determined suitable for the harvesting of shellfish for direct market purposes.
- (2) "Closed - system marina" means a marina constructed in canals, small basins, small tributaries or any other area with restricted tidal flow.
- (3) "Commercial marina" means marinas that offer one or more of the following services: fuel, transient dockage, haul-out facilities, or repair services.
- (4) "Conditionally approved area" means an area subject to predictable intermittent pollution that may be used for harvesting shellfish for direct market purposes when management plan criteria are met.
- (5) "Depuration" means mechanical purification or the removal of adulteration from live shellstock by any artificially controlled method.
- (6) "Division" means the Division of Environmental Health or its authorized agent.
- (7) "Fecal coliform" means bacteria of the coli-form group which will produce gas from lactose in a suitable multiple tube procedure liquid medium (EC or A-1) within 24 plus or minus two hours at 44.5°C plus or minus 0.2°C in a water bath.
- (8) "Growing waters" means waters which support or could support shellfish life.
- (9) "Marina" means any water area with a structure (dock, basin, floating dock, etc.) which is utilized for docking or otherwise mooring

vessels and constructed to provide temporary or permanent docking space for more than ~~ten~~ 10 boats.

- (10) "Marine biotoxins" means a poisonous substance accumulated by shellfish feeding upon dinoflagellates containing toxins.
- (11) "Most probable number (MPN)" means a statistical estimate of the number of bacteria per unit volume and is determined from the number of positive results in a series of fermentation tubes.
- (12) "Open - system marina" means a marina constructed in an area where tidal currents have not been impeded by natural or man-made barriers.
- (13) "Private marina" means any marina that is not a commercial marina as defined in these Rules.
- (14) "Prohibited area" means an area unsuitable for the harvesting of shellfish for direct market purposes.
- (15) "Public health emergency" means any condition that may immediately cause shellfish waters to be unsafe for the harvest of shellfish for human consumption.
- (16) "Relaying" means the act of removing shellfish from one growing area or shellfish grounds to another area or ground for any purpose.
- (17) "Restricted area" means an area from which shellfish may be harvested only by permit and subjected to an approved depuration process or relayed to an approved area.
- (18) "Sanitary survey" means the evaluation of factors that affect the sanitary quality of a shellfish growing area including sources of pollution, the effects of wind, tides and currents in the distribution and dilution of polluting materials, and the bacteriological quality of water.
- (19) "Shellfish" means oysters, mussels, scallops and all varieties of clams. However, the term shall not include scallops when the final product is the shucked adductor muscle only.
- (20) "Shoreline survey" means a visual inspection of the environmental factors that affect the sanitary quality of a growing area and identifies sources of pollution when possible.

Authority G.S. 130A-230.

SECTION .1300 - SANITATION OF HOSPITALS: NURSING AND REST HOMES: SANATORIUMS: SANATORIUMS

.1301 DEFINITIONS

The following definitions shall apply throughout this Section in the interpretation and enforcement of this Section:

- (1) "Institution" includes the following establishments providing room or board and for which a license or certificate of payment must be obtained from the Department of Human Resources, other than those operated exclusively by the State of North Carolina:
 - (a) hospital, as defined in G.S. 131E-76 including doctors' clinics with food preparation facilities;
 - (b) nursing home, as defined in G.S. 131E-101;
 - (c) sanitarium, sanatorium, and any similar establishment, other than hospital and nursing home, for the recuperation and treatment of 13 or more persons suffering from physical or mental disorders;
 - (d) rest home, providing custodial care on a 24-hour basis for 13 or more persons, including homes for the aged;
 - (e) orphanage, or children's home providing care on a 24-hour basis for 13 or more ~~children;~~ children.
 - ~~(f) educational institution, providing dormitory or similar living quarters and meals in whole or in part to students, faculty, or others in attendance, including boarding schools and colleges;~~
~~However, the term shall not include a child day care facility or a residential care facility as defined in 15A NCAC 18A-1600.~~
- (2) "Department of Environment, Health, and Natural Resources" shall mean the Secretary, or his authorized representative.
- (3) "Local health director" shall mean local health director as defined in G.S. 130A-2(6) or his authorized representative.
- (4) "Sanitarian" shall mean a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and regulations.
- (5) "Person" shall mean an individual, firm, association, organization, partnership, business trust, corporation, or company.
- (6) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
- (7) "Sanitize" means the approved bactericidal treatment by a process which meets the temper-

ature and chemical concentration levels in 15A NCAC 18A .2619.

Authority G.S. 130A-235.

.1302 APPROVAL OF PLANS

Plans and specifications for new construction or modifications may be submitted to the agency designated by state licensure regulations and to the local health department for review before beginning construction. ~~Plans for food service facilities of educational institutions shall be submitted to the Division of Environmental Health.~~

Authority G.S. 130A-235.

.1319 BEDROOM AND LOBBY FURNISHINGS

(a) All furniture, bed springs, mattresses, draperies, curtains, shades, venetian blinds, or other furnishings shall be kept clean and in good repair.

(b) Clean bed linen in good repair shall be provided for each individual and shall be changed when soiled. Clean linen shall be stored and handled in a sanitary manner. Soiled linen shall be stored and handled in such a manner as not to spread contamination, as by the use of suitable bags or closed hampers. Suitable rooms or spaces shall be provided for the separate storage of clean and soiled linens.

~~(c) The provisions regarding linen do not apply to educational institutions in which linens are provided by students.~~

Authority G.S. 130A-235.

TITLE 17 - DEPARTMENT OF REVENUE

Notice is hereby given that the North Carolina Department of Revenue intends to amend rules cited as 17 NCAC 7B .0118, .1602, .1702, .1802, .3103, .3106, .4202, .4501.

Editor's Note: G.S. 150B-1(d)(4) exempts the Department of Revenue from Part 2 Article 2A of Chapter 150 with respect to the notice and hearing requirements. The Department will however publish the text of proposed rules in the North Carolina Register prior to the scheduled time of review by the Rules Review Commission.

Proposed Effective Date: April 1, 1997

Reason for Proposed Action:

17 NCAC 7B .0118 - To conform to the ITAS (Integrated Tax Administration System) standards and computer requirements of the Department of Revenue.

17 NCAC 7B .1602, .1702, .1802 - To make technical changes.

17 NCAC 7B .3103, .3106 - For clarification purposes.

17 NCAC 7B .4202 - To add two new prefixes used on credit cards used by the United States Government.

17 NCAC 7B .4501 - For clarification purposes.

Comment Procedures: Written public comment should be addressed to Jack L. Harper, Assistant Secretary for Tax Administration, PO Box 871, Raleigh, NC 27602-0871. Comments must be received by October 16, 1996.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 7 - SALES AND USE TAX

SUBCHAPTER 7B - STATE SALES AND USE TAX

SECTION .0100 - GENERAL PROVISIONS

.0118 CHANGE IN OWNERSHIP

When a partnership dissolves and ~~each one or both of the former partners begins begin~~ operating a business on an individual basis, ~~one of the partners may retain the sales and use tax registration number of the partnership and the other partner can be assigned a new registration number without an additional registration fee.~~ each person operating a business shall complete an application for registration and pay the registration fee. When a partnership or proprietorship is succeeded by a corporation, ~~a new registration fee is required for the corporation.~~ corporation shall complete an application for registration and remit the fee.

Authority G.S. 105-164.4; 105-262.

SECTION .1600 - SALES TO OR BY HOSPITALS: EDUCATIONAL: CHARITABLE OR RELIGIOUS INSTITUTIONS: ETC., AND REFUNDS THERETO

.1602 REFUNDS TO NONPROFIT ENTITIES AND MEDICINES AND DRUGS PURCHASED BY HOSPITALS

(a) The refund provisions contained in this Rule do not apply to the tax on taxable sales by the nonprofit entities named in G.S. 105-164.14(b) and no part thereof shall be refunded or claimed as a refund. Nonprofit entities registered for sales and use tax purposes may purchase the tangible personal property which they resell without paying tax thereon to their suppliers provided they have furnished such suppliers with properly executed Certificates of Resale, Form E-590. Certificates of resale may not be used by any nonprofit entity in making purchases of tangible personal property to be used or consumed by such purchaser.

(b) All refund claims shall be substantiated by proper documentary proof and only the taxes actually paid by the claimant during the period for which the claim for refund is filed may be included in the claim. Any local sales or

use taxes included in the claim shall be separately stated in the claim for refund. In cases where more than one county's tax has been paid, a breakdown shall be attached to the claim showing the amount of each county's local tax separately.

(c) As to taxes paid on the claimant's purchases for use, other than those made by contractors performing work for the claimant, invoices or copies of invoices showing the property purchased, the cost thereof, the date of purchase and the amount of state and local sales or use tax paid during the refund period will constitute proper documentary proof.

(d) To substantiate a refund claim for sales or use taxes paid on purchases of building materials, supplies, fixtures and equipment by its contractor, the claimant shall secure from such contractor certified statements setting forth the cost of the property purchased from each vendor and the amount of state and local sales or use taxes paid thereon. In the event the contractor makes several purchases from the same vendor, such certified statement shall indicate the invoice numbers, the inclusive dates of the invoices, the total amount of the invoices and the sales and use taxes paid thereon. Such statement shall also include the cost of any tangible personal property withdrawn from the contractor's warehouse stock and the amount of state and local sales or use tax paid thereon by the contractor. Similar certified statements by his subcontractors shall be obtained by the general contractor and furnished to the claimant. Any local sales or use taxes included in the contractor's statements shall be shown separately from the state sales or use taxes. The contractor's statements shall not contain sales or use taxes paid on purchases of tangible personal property by such contractors for use in performing the contract which does not annex to, affix to or in some manner become a part of the building or structure being erected, altered or repaired which is owned or leased by a nonprofit entity for use by a nonprofit entity named in G.S. 105-164.14(b) for carrying on its nonprofit activities. Examples of property on which sales or use tax has been paid by the contractor and which shall not be included in the contractor's statement are scaffolding, forms for concrete, fuel for the operation of machinery and equipment, tools, equipment repair parts, equipment rentals and blueprints.

(e) The refund provisions set forth in this Rule apply only to the nonprofit entities described in G.S. 105-164.14(b), but do not apply to nonprofit fraternal, civic or patriotic organizations, notwithstanding that such organizations may perform certain charitable functions. The refund provisions set forth in this Rule do not apply to nonprofit entities which are owned and controlled by the United States, the state or a unit of local government except hospitals and medical accommodations created under the Hospital Authorities Law, Article 2 of Chapter 131E of the General Statutes and nonprofit hospitals owned and controlled by a unit of local government that elect to receive semiannual refunds under G.S. 105-164.14(b) instead of

annual refunds under G.S. 105-164.14(c). Any nonprofit hospital owned and controlled by a unit of local government may submit a written request to receive semiannual refunds under G.S. 105-164.14(b) instead of annual refunds under G.S. 105-164.14(c). The request shall be effective beginning with the six-months refund period following the date of the request and applies to sales or use taxes paid on or after the first day of the refund period for which the request is effective.

(f) The refund provisions of this Rule are not applicable to sales taxes incurred by employees on purchases of food, lodging or other taxable travel expenses paid by employees and reimbursed by the type of nonprofit entities named in G.S. 105-164.14(b). Such expenses are personal to the employee since the contract for food, shelter and travel is between the employee and the provider and payment of the tax is by the employee individually and personally. Such nonprofit entities have not incurred and have not paid any sales tax liability. In such cases, it has chosen to reimburse a personal expense of the employee. The refund provisions of this Rule do not apply to sales tax paid by the nonprofit entities named in G.S. 105-164.14(b) on charges by a utility for electricity, piped natural gas and local, toll or private telecommunications services; to the occupancy taxes levied and administered by certain counties and cities in this state; to the prepared food and beverage taxes levied by various local governments in North Carolina; to the highway use taxes paid on the purchase, lease or rental of motor vehicles; to the scrap tire disposal tax levied on new ~~motor vehicle~~ tires; or to the white goods disposal tax levied on new white goods. Such taxes shall not be included in any claim for refund filed by such nonprofit entities.

Authority G.S. 105-164.14; 105-262; 105-264.

SECTION .1700 - SALES TO OR BY THE STATE: COUNTIES: CITIES: AND OTHER POLITICAL SUBDIVISIONS

.1702 REFUNDS TO COUNTIES: CITIES: ETC.

(a) Governmental entities, as defined by G.S. 105-164.14(c), are entitled to an annual refund of sales and use taxes paid by them on their direct purchases of tangible personal property, subject to the terms and conditions hereafter set forth. The refund provisions of this Rule are not applicable to sales taxes incurred by employees on purchases of food, lodgings or other taxable travel expenses paid by employees and reimbursed by governmental entities. Such expenses are personal to the employee since the contract for food, shelter and travel is between the employee and the provider and payment of the tax is by the employee individually and personally. The governmental entity has not paid any sales tax liability. In such cases, it has chosen to reimburse a personal expense to the employee. The refund provisions of this Rule do not apply to

sales taxes paid by the governmental entities named in G.S. 105-164.14(c) on charges by a utility for electricity, piped natural gas and local, toll or private telecommunications services; to the occupancy taxes levied and administered by counties and cities in this state; to the prepared food and beverage taxes levied by various local governments in North Carolina; to the highway use taxes paid on the purchase, lease or rental of motor vehicles; to the scrap tire disposal tax levied on new ~~motor vehicle~~ tires; or to the white goods disposal tax levied on new white goods. Governmental entities, as defined, and the Federal Government are entitled to annual refunds of sales and use taxes paid in North Carolina by their contractors on purchases of building materials, supplies, fixtures and equipment which become a part of or are annexed to any building or structure being erected, altered or repaired under contract with such governmental entities which is owned or leased by such governmental entities for their use.

(b) Nonprofit hospitals owned and controlled by a unit of local government may file claims for refund of sales and use taxes on a semiannual basis under the provisions of G.S. 105-164.14(b) rather than file annually as a part of the local government. In order to file semiannually, the hospital shall submit a written request to the Secretary of Revenue and the request shall be effective beginning with the six-month refund period following the date of the request and applies to sales and use taxes paid on or after the first day of the refund period for which the request is effective.

(c) All refund claims must be substantiated by proper documentary proof and only those taxes actually paid by the claimant during the fiscal year covered by the refund claim may be included in the claim. Any local sales or use taxes included in the claim must be separately stated in the claim for refund. In cases where more than one county's sales and use tax has been paid, a breakdown must be attached to the claim for refund showing the amount of each county's local tax separately.

(d) As to taxes paid by governmental entities on purchases for use, other than those made by contractors performing work for the claimant, invoices or copies of invoices showing the property purchased, the cost thereof, the date of purchase, the amount of state and local sales or use tax paid thereon and a record reflecting the date of payment will constitute proper documentary proof.

(e) To substantiate a refund claim for sales or use taxes paid on purchases of building materials, supplies, fixtures, and equipment by its contractor, the claimant shall secure from such contractor certified statements setting forth the cost of the property purchased from each vendor and the amount of state and local sales or use taxes paid thereon. In the event the contractor makes several purchases from the same vendor, such certified statement shall indicate the invoice numbers, the inclusive dates of the invoices, the total amount of the invoices, and the state and local sales and use taxes paid thereon. Such statement shall also include the cost of any tangible personal property

withdrawn from the contractor's warehouse stock and the amount of state and local sales or use tax paid thereon by the contractor. Similar certified statements by his subcontractors shall be obtained by the general contractor and furnished to the claimant. Any local sales or use taxes included in the contractor's statements shall be shown separately from the state sales or use taxes. The contractor's statements shall not contain sales or use taxes paid on purchases of tangible personal property purchased by such contractors for use in performing the contract which does not annex to, affix to or in some manner become a part of the building or structure being erected, altered or repaired that is owned or leased by a governmental entity for use by the governmental entity as defined by G.S. 105-164.14(c). Examples of property on which sales or use tax has been paid by the contractor and which shall not be included in the contractor's statement are scaffolding, forms for concrete, fuel for the operation of machinery and equipment, tools, equipment repair parts, equipment rentals and blueprints.

Authority G.S. 105-164.14; 105-262.

SECTION .1800 - HOSPITALS AND SANITARIUMS

.1802 REFUNDS TO HOSPITALS: ETC.

(a) Hospitals, sanitariums, religious institutions and organizations, charitable nursing homes, and charitable rest homes not operated for profit are entitled to semiannual refunds of sales and use taxes paid by them on their direct purchases of tangible personal property, including medicines and drugs, for use in carrying on their work. For the purpose of the refund, sales or use taxes paid by contractors on their purchases of building materials, supplies, fixtures and equipment which become a part of or are annexed to a building or structure being erected, altered or repaired under contract with such hospitals, sanitariums, charitable nursing homes and charitable rest homes that is owned or leased by such institutions and used in carrying on their nonprofit activities are deemed to be taxes paid on direct purchases.

(b) As to taxes paid on purchases for use other than those made by contractors performing work for the claimant, invoices or copies of invoices showing the property purchased, the cost thereof, the date of purchase and the amount of sales or use tax paid thereon during the refund period will constitute proper documentary proof. To substantiate a refund claim for sales or use taxes paid on purchases of building materials, supplies, fixtures and equipment by its contractor, the claimant shall secure from such contractor certified statements setting forth the cost of the property purchased from each vendor and the amount of sales and use taxes paid thereon. In the event the contractor makes several purchases from the same vendor, the certified statements may indicate the invoice numbers, the inclusive dates of the invoices, the total amount of the

invoices and the sales or use taxes paid thereon in lieu of an itemized listing of each separate invoice. The statements shall also include the cost of any tangible personal property withdrawn from the contractor's warehouse stock and the amount of sales or use tax paid thereon by the contractor. Similar certified statements by his subcontractors shall be obtained by the general contractor and furnished to the claimant.

(c) Sales and use taxes paid by hospitals, sanitariums, charitable nursing homes and charitable rest homes which are agencies of counties and incorporated cities and towns on their direct purchases of tangible personal property, including medicines and drugs, and by their contractors on purchases of building materials, supplies, fixtures and equipment becoming a part of or annexing to a building or structure being erected, altered or repaired under contract with such institutions that is owned or leased by such institutions for their own use are also refundable; however, such refund shall be included in the claim filed by the county or incorporated city or town which is to be filed within six months after the close of the claimant's fiscal year. The documentary proof as explained in Paragraph (b) of this Rule shall be submitted to the county or incorporated city or town filing the claim. The refund provisions are not applicable to hospitals, sanitariums, charitable nursing homes and charitable rest homes which are agencies of the state or any political subdivisions thereof other than counties and incorporated cities and towns. Nonprofit hospitals owned and controlled by a unit of local government may file for a refund on a semiannual basis under G.S. 105-164.14(b) rather than file annually as a part of the local government unit. In order to file semiannually, the institution shall submit a written request to do so to the Secretary of Revenue and the request is effective beginning with the six-months refund period following the date of the request and applies to sales and use tax paid on or after the first day of the refund period for which the request is effective.

(d) The refund provisions set forth in Paragraphs (a), (b) and (c) of this Rule are not applicable to taxes paid by hospitals, sanitariums, religious institutions and organizations, charitable nursing homes and charitable rest homes on their taxable sales and these taxes shall not be refunded or claimed as a refund. The refund provisions are not applicable to sales tax incurred by employees on purchases of food, lodgings or other taxable travel expenses paid by employees and reimbursed by the institution. Such expenses are personal to the employee since the contract for food, shelter and travel is between the employee and the provider and payment of the tax is by the employee individually and personally and such tax shall not be refunded under the provisions of this Rule. The institution has incurred and paid no sales tax liability. In such cases, it has chosen to reimburse a personal expense of the employee.

(e) The refund provisions set forth in Paragraphs (a), (b) and (c) of this Rule are not applicable to sales taxes

paid by hospitals, sanitariums, charitable nursing homes and charitable rest homes on charges by a utility for electricity, piped natural gas and local, toll or private telecommunications services; to the occupancy taxes levied and administered by certain counties and cities in this state; to the prepared food and beverage taxes levied by various local governments in North Carolina; to the highway use taxes paid on the purchase, lease or rental of motor vehicles; to the scrap tire disposal tax levied on new ~~motor vehicle~~ tires; or to the white goods disposal tax levied on white goods.

Authority G.S. 105-164.14; 105-262; 105-264.

SECTION .3100 - RADIO AND TELEVISION STATIONS: MOTION PICTURE THEATRES

.3103 RENTAL OF FILMS: RECORDINGS

Receipts derived from the lease or rental of motion picture film or prerecorded videotape cassettes to theaters or similar businesses for exhibition to the public and receipts derived from the lease or rental of such film or prerecorded videotape cassettes to schools, churches, hospitals, prisons and similar institutions and organizations for exhibition to students, congregations, patients and inmates are exempt from sales or use tax. Receipts derived from the lease or rental of motion picture film or prerecorded videotape cassettes to businesses, individuals, organizations and other lessees for any use other than for public exhibition are subject to the four percent state and any applicable local sales or use tax. ~~The sale, lease or rental of motion picture film or videotape cassettes to users or consumers other than to television companies for use in broadcasting are subject to the applicable state and local sales or use tax regardless of whether the film or videotape cassette is publicly or privately exhibited.~~ Projection equipment, screens, advertising matter and other tangible personal property which are leased, rented or sold at retail for use in showing film or videotape cassettes are subject to the applicable state and local sales or use tax regardless of whether the film or videotape is privately or publicly exhibited.

Authority G.S. 105-164.4; 105-164.13; 105-262.

.3106 COMMERCIAL CABLE TELEVISION COMPANIES

(a) For the purpose of applying the maximum tax of eighty dollars (\$80.00) per article, a television tower is a single article when the complete tower is sold by the same vendor. The tower antenna is considered to be a separate single article. Sales of antenna cable, transmission cable and trunk, feeder and drop cable to cable television companies for use in broadcasting are subject to a one percent rate of tax without any maximum tax applicable thereto. The term "commercial cable television company," as used in this Rule, means a cable television company that receives

consideration from its subscribers and uses broadcasting equipment and parts and accessories and/or a tower to receive and prepare signals for transmission over their cable systems and also is regulated and supervised by the Federal Communications Commission.

(b) ~~Charges~~ The sale of developed movie film to commercial cable television stations which operate under the regulation and supervision of the Federal Communications Commission ~~for developed film~~ for use by them in broadcasting and telecasting programs ~~are~~ is subject to the one percent rate of tax.

(c) Taxable tangible personal property purchased by cable television companies other than towers, antennas and purchases of broadcasting equipment and parts and accessories thereto are subject to the four percent state tax and any applicable local sales or use tax.

Authority G.S. 105-164.4; 105-164.6; 105-262.

SECTION .4200 - SALES TO THE UNITED STATES GOVERNMENT OR AGENCIES THEREOF

.4202 EXEMPT SALES TO THE UNITED STATES GOVERNMENT

(a) Purchase Requisitions: A vendor making sales directly to the United States Government, or any agency or instrumentality thereof, that issues purchase requisitions or affidavits must obtain and keep copies of such purchase requisitions or affidavits signed by the purchasing officer stating that such sales are being made directly to the United States Government or an agency or instrumentality thereof. Copies of such purchase requisitions or affidavits must be retained by the vendor in his files for three years following the date of sale and must be available for inspection by the Secretary of Revenue or her agents upon request.

(b) VISA I.M.P.A.C. Credit Card: All departments and agencies within the Federal Government are authorized to use the United States Government VISA I.M.P.A.C. (International Merchant Purchase Authorization Card) card in connection with their purchases. This card is a purchasing card and may not be used by employees for travel or entertainment. The United States Government obtains title to the property purchased by the use of the card and pays the bank directly for the property. The first four digits of the account number (4716) identify it as a United States Government card. The card is printed with the legend "US GOVT TAX EXEMPT" and "FOR OFFICIAL USE ONLY" on its face along with the name of the card holder. Copies of credit card receipts must be retained by the vendor in his files for three years following the date of sale and must be available for inspection by the Secretary of Revenue or her agents upon request.

(c) American Express Credit Cards: The United States Government and its employees also use American Express Credit Cards in connection with authorized travel and lodging expense. The card is printed with the legend

"United States Government" and "For Official U.S. Government Travel Only" on its face. It also bears the inclusive dates during which the card is effective, the name of the government employee and their employing agency. The account number on a credit card indicates whether it is an individually billed or centrally billed account. Account numbers with a prefix of 37837 or 37856 are assigned to military personnel and account numbers with a prefix of 37838 or 37855 are assigned to civilian employees. Charges incurred on cards bearing the aforementioned prefixes are subject to the applicable state and county sales tax since the transactions do not constitute sales directly to the United States Government. The individual to whom the card is assigned must pay the charges and seek reimbursement from their agency. Cards bearing a prefix of 37839 are centrally billed accounts and are not subject to sales tax since the charges on the card are paid directly by the Government. Such transactions constitute direct sales to the United States Government. Copies of credit card receipts must be retained by the vendor in his files for three years following the date of sale and must be available for inspection by the Secretary of Revenue or her agents upon request.

Authority G.S. 105-164.13; 105-262.

SECTION .4500 - LAUNDRIES: DRY CLEANING PLANTS: LAUNDERETTES: LINEN RENTALS: AND SOLICITORS FOR SUCH BUSINESSES

.4501 RECEIPTS OF LAUNDRIES: ETC.

(a) The gross receipts derived from the following are subject to the four percent state tax and any applicable local sales or use tax:

- (1) services rendered by pressing clubs, cleaning plants, hat blocking establishments, dry cleaning plants, laundries, including wet or damp wash laundries and businesses known as launderettes and launderalls, and all similar type businesses;
- (2) the rental of clean linen, towels, wearing apparel and similar items;
- (3) soliciting cleaning, pressing, hat blocking and laundry or linen rental business;
- (4) rug cleaning services performed by persons operating rug cleaning plants or performed by any of the businesses named in this Rule when the rug cleaning service is performed at the plant. Receipts from rug cleaning services performed at the customer's location by any of the businesses included in this Rule are not subject to sales and use tax;
- (5) charges for laundering or dry cleaning linen, towels, wearing apparel and similar items owned by lessors which is held for lease or rental.

Retail sales of detergents, bleaches and other taxable items of tangible personal property through vending machines continue to be subject to the four percent state tax and any applicable local sales or use tax.

(b) Charges by the businesses named in (a) of this Rule for alterations or storage of garments are not a part of the gross receipts subject to tax when such charges are separately stated on their invoices and in their records. When such charges are not separately stated, the total charge is subject to the four percent state tax and any applicable local sales or use tax. ~~Sales of thread, buttons, zippers, pockets, and other similar tangible personal property to such businesses for use or consumption in making repairs and alterations to garments being laundered, cleaned or pressed are subject to the four percent state tax and any applicable local sales or use tax.~~

(c) Sales to the businesses named in Paragraph (a) of this Rule, other than lessors, of thread, buttons, zippers, pockets and other similar tangible personal property for use or consumption in making repairs or alterations to garments being laundered, cleaned or pressed are subject to the 4% state and any applicable local sales or use tax. Sales to lessors of such items for use or consumption in making repairs or alterations to garments held for lease or rental which are being laundered, cleaned or pressed are exempt from sales or use tax.

(d) ~~(e)~~When in addition to the services named in Paragraph (a) of this Rule, the herein-named businesses make retail sales of tangible personal property for which a separate charge is made, such sales are subject to the four percent state tax and any applicable local sales tax. Any charge for labor or services rendered in applying or installing such property are not subject to tax provided such charges are segregated from the charge for the tangible personal property sold on the invoice given to the customer at the time of the sale and in the vendor's records; otherwise, the total amount is subject to tax.

(e) ~~(d)~~Retailers of the services named in Paragraph (a) of this Rule are liable for the four percent state tax and any applicable local sales or use tax on the gross receipts derived from their services; however, the tax does not apply to gross receipts from such services performed for resale by retailers that pay the tax on their receipts from the services.

Authority G.S. 105-164.4; 105-262.

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES**

Rule-making Agency: *EHNR - Soil and Water Conservation Commission*

Rule Citation: *15A NCAC 6E .0002 and .0005*

Effective Date: *September 23, 1996*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 139-3; 139-4; 139-8; 143-215.74; 143B-294*

Reason for Proposed Action: *The purpose of this rulemaking is to adopt rules consistent with the directives of the North Carolina General Assembly with regard to the use of Agriculture Cost Share funds for animal operations. The proposed rules will allow the Soil and Water Conservation Commission to allocate funding for animal waste management so as to have the greatest impact in improving water quality.*

Comment Procedures: *Comments, statements, data and other information may be submitted in writing within 60 days after the date of publication of this issue of the North Carolina Register. Copies of the proposed rules and information package may be obtained by contacting the Division of Soil and Water Conservation at (919) 715-6109. Written comments may be submitted to Vernon Cox, Division of Soil and Water Conservation, P.O. Box 27687, Raleigh, North Carolina 27611-7687.*

**CHAPTER 6 - SOIL AND WATER
CONSERVATION COMMISSION**

**SUBCHAPTER 6E - AGRICULTURE COST SHARE
PROGRAM FOR NONPOINT SOURCE POLLUTION
CONTROL**

.0002 DEFINITIONS FOR SUBCHAPTER 6E

(a) Agricultural Nonpoint Source (NPS) Pollution means pollution originating from a diffuse source as a result of agricultural activities related to crop production, animal production units and land application of waste materials.

(b) Allocation means the annual share of the state's appropriation to participating districts.

(c) Annual Agreement (AA) means a binding agreement between the district and the applicant that provides for cost sharing for installing best management practices and maintenance of the best management practices.

(d) Applicant means a person(s) who applies for best management practice cost sharing monies from the district. Multiple owners of a farming operation may apply under their individual names in the same program year as long as the total cumulative requests do not exceed the limits established in Rule .0005(e) of this Section or in the approved Average Cost Guide.

(e) Average Costs means the calculated cost, determined by averaging recent actual costs and current cost estimates necessary for best management practice implementation. Actual costs include labor, supplies, and other direct costs required for physical installation of a practice.

(f) Best Management Practice (BMP) means a structural or nonstructural management based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters.

(g) Conservation Plan of Operation (CPO) means a written plan scheduling the applicant's decisions concerning land use, and both cost shared and non-cost shared BMP's to be installed and maintained on the operating unit.

(h) Cost Share Agreement means an annual or long term agreement between the applicant and the district which defines the BMP's to be cost shared, rate and amount of payment, minimum practice life, and date of BMP installation. The agreement also states that the recipient will maintain and repair the practice(s) for the specified minimum life of the practice.

(i) Cost Share Incentive (CSI) means a predetermined fixed annual payment paid to an applicant for implementing a BMP in lieu of a full 75 percent cost share.

(j) Cost Share Rate means a cost share percentage paid to an applicant for implementing BMP's.

(k) Detailed Implementation Plan means the plan approved by the commission that specifies the guidelines for the current program year; including, BMP's that will be eligible for cost sharing and the minimum life expectancy of those practices.

(l) District BMP means a BMP designated by a district to reduce the delivery of agricultural NPS pollution and which is reviewed and approved by the division to be technically adequate prior to funding.

(m) Encumbered Funds means monies from a district's allocation which have been committed to an applicant after initial approval of the cost share agreement.

(n) Full Time Equivalent (FTE) means 2,080 hours per annum which equals one full time technical position.

(o) In-kind Contribution means a contribution by the applicant towards the implementation of BMP's. In-kind contributions shall be approved by the district and can include but not limited to labor, fuel, machinery use, and acceptable supplies and materials.

(p) Landowner means any natural person or other legal entity, including a governmental agency, who holds

either an estate of freehold (such as a fee simple absolute or a life estate) or an estate for years or from year to year in land, but does not include an estate at will or by sufferance in land. Furthermore, a governmental or quasi-governmental agency such as a drainage district or a soil and water conservation district, or any such agency, by whatever name called, exercising similar powers for similar purposes, can be a landowner for the purposes of these rules if the governmental agency holds an easement in land.

(q) Long Term Agreement (LTA) means a binding agreement between the district and the applicant that includes the plan of operation and which sets forth cost sharing for BMP installation and maintenance. The LTA shall have a maximum contract life of three years for BMP installation. The district must perform an annual status review during the installation period.

(r) Program Year means the period from July 1 through June 30 for which funds are allocated to districts.

(s) Proper Maintenance means that a practice(s) is being maintained such that the practice(s) is successfully performing the function for which it was originally implemented.

(t) Soil Loss Tolerance (T) means the maximum allowable annual soil erosion rate to maintain the soil resource base, depending on soil type.

(u) Strategy Plan means the annual plan for the N. C. Agriculture Cost Share Program for Nonpoint Source Pollution Control to be developed by each district. The plan identifies pollution treatment needs and the level of cost sharing and technical assistance monies required to address those annual needs in the respective district.

(v) Technical Representative of the district means a person designated by the district to act on their behalf who participates in the planning, design, implementation and inspection of BMP's. These practices shall be technically reviewed by the division. The district chairman shall certify that the technical representative has properly planned, designed and inspected the BMP's.

(w) Unencumbered Funds means the portion of the allocation to each district which has not been committed for cost sharing by the first Wednesday of March of the current fiscal year.

History Note: Authority G.S. 139-3; 143-215.74;

143B-294;

Eff. May 1, 1987;

Temporary Amendment Eff. September 23, 1996.

.0005 COST SHARE AND INCENTIVE PAYMENTS

(a) Cost share and incentive payments can be made through LTA's or AA's between the district and the applicant. It shall be the policy of the commission to encourage the use of LTA's over the use of AA's.

(b) For all practices except those eligible for CSI, the state will provide 75 percent and the applicant 25 percent of the average cost for BMP installation. In-kind contribu-

tions by the applicant shall be included in the applicants' cost share contribution. In-kind contributions shall be specified in the agreement for cost sharing and shall be approved by the district.

(c) Payments for BMP's restricted to the CSI shall be limited to a maximum of three years per farm.

(d) Average installation costs for each comparative area or region of the state and the amount of cost share incentive payments will be updated and revised annually by the division for approval by the commission.

(e) The maximum total cost share payments to an applicant shall be limited to fifteen thousand dollars (\$15,000) per year for non-animal agricultural operations and abandoned animal operations. The maximum total cost share payments for active animal agricultural operations shall be limited to seventy-five thousand dollars (\$75,000) per year per applicant. Active animal agricultural operations shall be limited to a cumulative total of one hundred fifty thousand dollars (\$150,000) as computed from June 21, 1996.

(f) Cost share payments to implement BMP's under this program can be combined with other funding programs, as long as the combined cost share rate does not exceed the amount set forth in Rules .0005 (b) and (e) of this Subchapter.

(g) Use of cost share payments is restricted to land located within the county approved for funding by the commission. In the situation where an applicant's farm is not located solely within a county, the entire farm, if contiguous, will be eligible for cost share payments.

(h) Cost share payments shall not be used on or for local, state or federal government land unless approved by the commission.

(i) Districts are not authorized to approve cost share contracts on agricultural operations that are not in place, and therefore are not causing an offsite water quality problem.

(j) Districts are not authorized to approve cost share contracts on animal operations that have been abandoned for four years or more prior to repopulation with animals.

(k) The Commission has the sole authority to approve cost share contracts developed for the proper closure of abandoned confined animal operations.

(l) The Commission has the sole authority to approve cost share contracts developed for agricultural operations that were established after May 31, 1992.

(m) On animal operations that expand after May 31, 1992, the cost share contract amount must be limited to the animal waste design treatment and storage capacity necessary to provide animal waste treatment and storage at the pre-expansion level.

History Note: Authority G.S. 139-4; 139-8; 143-215.74;

143B-294;

Eff. May 1, 1987;

Temporary Amendment Eff. September 23, 1996.

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of August 15, 1996 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

These rules will become effective on the 31st legislative day of the 1997 Regular Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.

APPROVED RULE CITATION

**REGISTER CITATION TO THE
NOTICE OF TEXT**

15A NCAC 10F .0104 *	11:01 NCR 19
15A NCAC 10F .0105 *	Not Required, G.S. 150B-21.5(a)
15A NCAC 10F .0105 *	11:01 NCR 19
19A NCAC 02D .0425 *	Not Required, G.S. 150B-21.5(a)(2)
19A NCAC 02D .1101	11:05 NCR 270
19A NCAC 02D .1103 *	11:05 NCR 270
19A NCAC 02D .1104 *	11:05 NCR 270
19A NCAC 02D .1105 *	11:05 NCR 270
19A NCAC 02D .1106	11:05 NCR 270
19A NCAC 02D .1107	11:05 NCR 270
19A NCAC 02D .1109 *	11:05 NCR 270
19A NCAC 02D .1110 *	11:05 NCR 270
19A NCAC 02D .1112	11:05 NCR 270
19A NCAC 06B .0401	11:05 NCR 270
19A NCAC 06B .0402	11:05 NCR 270
19A NCAC 06B .0403	11:05 NCR 270
19A NCAC 06B .0404	11:05 NCR 270
19A NCAC 06B .0405	11:05 NCR 270
19A NCAC 06B .0406	11:05 NCR 270
19A NCAC 06B .0407	11:05 NCR 270
19A NCAC 06B .0408	11:05 NCR 270
19A NCAC 06B .0409	11:05 NCR 270
19A NCAC 06B .0410	11:05 NCR 270
19A NCAC 06B .0411	11:05 NCR 270
19A NCAC 06B .0413	11:05 NCR 270
19A NCAC 06B .0414	11:05 NCR 270
19A NCAC 06B .0415	11:05 NCR 270
19A NCAC 06B .0416	11:05 NCR 270
19A NCAC 06B .0417	11:05 NCR 270

**TITLE 15A
DEPARTMENT OF ENVIRONMENT, HEALTH,
AND NATURAL RESOURCES**

**CHAPTER 10 - WILDLIFE RESOURCES AND
WATER SAFETY**

**SUBCHAPTER 10F - MOTORBOATS AND WATER
SAFETY**

SECTION .0100 - MOTORBOAT REGISTRATION

.0104 CERTIFICATE OF NUMBER

(a) General. Upon receipt of a ~~properly~~ completed application, together with ~~appropriate~~ fee, the Wildlife Resources Commission shall issue to the applicant a certificate of vessel number which shall ~~include the following information:~~ authorize the operation of the vessel. The certificate of vessel number shall be carried while operating the vessel and shall be presented for inspection to any law

enforcement officer upon request. The certificate of vessel number shall include the following information:

- (1) name of ~~owner~~; owner(s);
- (2) address of owner, including zip code;
- (3) state of principal use of vessel;
- (4) number awarded to vessel;
- (5) expiration date of certificate;
- (6) use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing, other);
- (7) make of vessel (if known);
- (8) year of manufacture or model year (if known);
- (9) manufacturer's hull identification number (if any);
- (10) overall length of vessel;
- (11) type of vessel (open, cabin, house, other);
- (12) hull material (wood, steel, aluminum, fiberglass, plastic, other);
- (13) type of propulsion (inboard, outboard, inboard-outdrive, sail);
- (14) type of fuel (gasoline, diesel, other);
- (15) notice to owner that he shall report within 15 days changes of address or ownership, and destruction or abandonment of vessel;
- (16) notice to the owner that the operator shall:
 - (A) always carry this certificate on vessel when in use;
 - (B) report every accident involving injury or death to persons, or property damage over one hundred dollars (\$100.00);
 - (C) stop and render assistance if involved in boating accident.

(b) Livery Motorboat Vessel Owners. The certificate of number awarded to a livery ~~motorboat~~ vessel shall be plainly marked "livery ~~motorboat~~ vessel" and in any case where the motor is not rented with the vessel, the description of the motor and type of fuel shall be omitted from the certificate.

(c) Dealers and Manufacturers. The certificate of vessel number awarded to dealers and manufacturers shall be plainly marked "dealer" or "manufacturer" in lieu of the description of the boat, motor and type of fuel. Any dealer or any permittee of a dealer demonstrating or testing a vessel may utilize a set of dealer's numbers and the corresponding dealer's certificate of vessel number to operate any vessel held for sale, but only for demonstration or testing purposes. Vessels owned or possessed by dealers for personal use or for any use whatsoever other than for demonstration and testing purposes must be individually registered in the name of the dealer in accordance with Paragraph (a) of this Rule.

(d) Vessel Registration Agents. In order to make certificates of vessel number readily available throughout the State, vessel dealers, manufacturers, and other related businesses which operate from established locations within North Carolina may be appointed as agents of the Wildlife Resources Commission and authorized to issue and renew

certificates of vessel number and handle related transactions. To be appointed as a Vessel Registration Agent, a business shall enter into a written agreement with the Wildlife Resources Commission through which the agent agrees to conduct the Vessel Registration Agency as a public service and to comply with governing statutes and rules. Upon ratification of the agreement by the Executive Director, the agent is authorized to purchase blocks of at least five certificates of number for three-year vessel registrations only, to be issued to owners of new vessels and to owners of vessels not previously registered in North Carolina.

History Note: Legislative Objection Lodged Eff. December 16, 1980;

Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 33 C.F.R. 174.19;

Eff. February 1, 1976;

Amended Eff. March 1, 1997; July 1, 1988; August 31, 1980; January 1, 1980.

.0105 NUMBERING PATTERN

(a) The motorboat number assigned shall consist of the symbol "NC" identifying the state, followed by not more than four Arabic numerals and two capital letters, in sequence, separated by a hyphen or equivalent space, in accordance with the serials, numerically and alphabetically. As examples: NC-1-A or NC-1234-AA.

(b) Since the letters "I," "O," and "Q" may be mistaken for Arabic numerals, they shall not be used in the letter sequences. Letters, or letters and numbers, forming objectionable words or combinations will not be used.

(c) The single letter "P" shall be reserved for use following the numerals of motorboats numbered by governmental entities ~~as provided by Rule .0104(a)(5) of this Section.~~

History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 33 C.F.R. 174.23;

Eff. February 1, 1976;

Amended Eff. September 1, 1996; August 31, 1980.

.0105 NUMBERING PATTERN

(a) The ~~motorboat~~ vessel number assigned shall consist of the symbol "NC" identifying the state, followed by not more than four ~~Arabic~~ arabic numerals and two capital letters, in sequence, separated by a hyphen or equivalent space, in accordance with the serials, numerically and alphabetically. As examples: NC-1-A or NC-1234-AA.

(b) Since the letters "I," "O," and "Q" may be mistaken for ~~Arabic~~ arabic numerals, they shall not be used in the letter sequences. Letters, or letters and numbers, forming objectionable words or combinations ~~will~~ shall not be used.

(c) The single letter "P" shall be reserved for use following the numerals of ~~motorboats~~ vessels numbered by governmental entities.

History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 33 C.F.R. 174.23;
Eff. February 1, 1976;
Amended Eff. March 1, 1997; September 1, 1996; August 31, 1980.

TITLE 19A - DEPARTMENT OF STATE TRANSPORTATION

CHAPTER 2 - DIVISION OF HIGHWAYS

SUBCHAPTER 2D - HIGHWAY OPERATIONS

SECTION .0400 - FIELD OPERATIONS - MAINTENANCE AND EQUIPMENT

.0425 FEDERAL DISASTER ASSISTANCE

The ~~Manager of the Maintenance and Equipment Branch~~ Deputy Chief Engineer-Operations shall execute applications, assurances and agreements and other documents on behalf of the Department of Transportation necessary to receive Federal Disaster Assistance from the Federal Emergency Management Agency.

History Note: Authority G.S. 136-18; 136-4; 143B-350;
Eff. October 1, 1991;
Amended Eff. April 1, 1997; November 1, 1993.

SECTION .1100 - DISADVANTAGED BUSINESS ENTERPRISE, MINORITY BUSINESS ENTERPRISE AND WOMEN BUSINESS ENTERPRISE PROGRAMS FOR HIGHWAY AND BRIDGE CONSTRUCTION CONTRACTS

.1103 CERTIFICATION OF FIRMS

(a) Any Disadvantaged Business Enterprise, Minority Business Enterprise, or Women Business Enterprise firms wishing to participate in the goals programs of the Department shall be certified by the Department.

(b) The Department shall conduct a certification review after it receives a completed Schedule A and checklist which is available at no cost from the Civil Rights and Business Development Section of the Contractual Services Unit, P.O. Box 25201, Raleigh, NC, telephone 919-733-2300. The certification review shall be conducted in accordance with the Code of Federal Regulations, 49 CFR 23. The standards of eligibility shall be those prescribed by the Code of Federal Regulations, 49 CFR 23.53, which is hereby incorporated by reference including all subsequent amendments and editions. This publication is available at a cost of twenty-three dollars (\$23.00) from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328, telephone 202-512-1800.

History Note: Authority G.S. 136-28.4; 143B-348;

Eff. April 30, 1997.

.1104 ANNUAL RENEWAL OF CERTIFICATION

(a) Each firm certified as a Disadvantaged Business Enterprise, Minority Business Enterprise, or Women Business Enterprise shall renew its certification annually. The annual review shall be conducted in accordance with the Code of Federal Regulations, 49 CFR 23.

(b) In the event a firm fails to renew its certification within 15 months of the issuance of its most recent certification, that firm's name shall be removed from the Department's Disadvantaged/Minority/Women Business Enterprise Directory which shall be published monthly and may be obtained at no cost from the Division of Highways, P.O. Box 25201, Raleigh, NC 27611, telephone 919-733-2300.

History Note: Authority G.S. 143B-348;
Eff. April 30, 1997.

.1105 CHANGE IN OWNERSHIP OR CONTROL

(a) At any time there shall be a change of ownership or control of a firm certified with the Department, that firm shall submit a revised Schedule A which shall be available at no cost from the Civil Rights and Business Development Section of the Contractual Services Unit, P.O. Box 25201, Raleigh, NC 27611, telephone 919-733-2300.

(b) The Department shall evaluate the firm using standards of eligibility as prescribed in the Code of Federal Regulations, 49 CFR 23.53.

History Note: Authority G.S. 143B-348;
Eff. April 30, 1997.

.1109 COUNTING PARTICIPATION TOWARD MEETING THE GOAL

(a) All bidders, at the time a bid proposal is submitted, shall also submit a listing of participation on the appropriate form, contained in the proposal, in order for the bid to be considered responsive. For a firm to be counted toward meeting the goal, the firm shall be certified by the Department as evidenced by a current letter of certification or by its listing on the current Disadvantaged/Minority/Women Business Enterprise Directory, which shall be published monthly by the department and shall be available at no cost from the Civil Rights & Business Development Section, P.O. Box 25201, Raleigh, NC 27611, telephone 919-733-2300.

(b) If a firm is determined to be an eligible firm and certified by the Department, the total dollar value of the participation provided by the firm shall be counted toward the goal. The total dollar value of participation by the certified firm shall be based upon unit or lump sum prices agreed upon by the prime contractor and the certified firm.

(c) The Contractor may count toward its appropriate goal a portion of the total dollar value of participation with a joint venture eligible under the standards of this Rule equal to the percentage of the ownership and control of the

eligible partner in the joint venture.

(d) The Contractor may count toward its goal only the expenditures to the certified eligible firm that perform a commercially useful function in the work of a contract. An eligible firm is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether an eligible firm is performing a commercially useful function, the Department shall evaluate the amount of work subcontracted, industry practices, and other relevant factors.

(e) A contractor may count toward its goal 60 percent of its expenditures for materials and supplies required to complete the contract and obtained from an eligible regular dealer, and 100 percent of such expenditures to an eligible manufacturer.

(f) A contractor may count toward its goal the following expenditures to eligible firms that are not manufacturers or regular dealers:

- (1) The fees and commissions charged for providing a bona fide service such as professional, technical, consultant, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, or supplies required for the performance of the contract, provided that the fee or commission is determined by the Department to be reasonable and not excessive as compared to fees customarily allowed for similar services.
- (2) The fees charged for the delivery of materials and supplies required on a job site (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer of or a regular dealer in the materials and supplies, provided that the fee is determined by the Department to be reasonable and not excessive as compared with fees customarily allowed for similar services.
- (3) The fees or commissions charged for providing any bonds or insurance specifically required for the performance of the contract provided that the fee or commission is determined by the Department to be reasonable and not excessive as compared with the fees customarily allowed for similar services.

(g) For a given contract line item or contracts financed with non-federal funds, the Contractor shall designate the goal to which the total dollar value of participation awarded to a firm owned and controlled by a minority woman shall be credited. The total dollar value for such firms shall be credited to one goal only and shall not be split or duplicated between the Minority Business or Women Business goals.

(h) On projects funded entirely with non-federal funds, should the contractor submit with his bid submittal participation in excess of the goal(s) by an amount equal to or greater than one thousand dollars (\$1,000), then the Department shall place on deposit for future use by the

contractor the amount of participation in excess of the goal(s). Separate accounts shall be maintained by the Department for minority and women goals. The contractor may accumulate excess participation for a period not to exceed 24 months.

History Note: Authority G.S. 136-28.4; 143B-348; Eff. April 30, 1997.

.1110 NON-ATTAINMENT OF GOALS

(a) When the low bidder fails to obtain the participation required to satisfy goals established in the project proposal, he shall submit information to demonstrate to the Department he has made sufficient reasonable good faith efforts to satisfy the goals. The submission shall be received by the Department on or prior to the date and time specified in the project proposal. The following factors shall be evaluated by the Department prior to determining whether the contractor has demonstrated good faith efforts:

- (1) Whether the bidder attended any pre-bid meetings that were scheduled by the Department to inform eligible firms of subcontracting opportunities;
- (2) Whether the bidder provided written notice to a reasonable number of eligible firms that their interest in the contract was being solicited;
- (3) Whether the bidder followed up initial solicitations of interest by contacting eligible firms to determine with certainty they were interested;
- (4) Whether the bidder selected portions of the work to be performed by eligible firms in order to increase the likelihood of meeting the contract goals;
- (5) Whether the bidder provided interested eligible firms with adequate information about the plans, specifications, and requirements of the contract;
- (6) Whether the bidder negotiated in good faith with interested eligible firms not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities;
- (7) Whether quotations were received from interested eligible firms but rejected as unacceptable without sound reasons why the quotations were considered unacceptable. For projects funded in whole or part with Federal funds, the fact that the DBE firm's quotation for the work is not the lowest quotation received shall not in itself be considered a sound reason for rejecting the quotation as unacceptable. Nothing in this Rule shall be construed to require the Contractor to accept unreasonable quotes in order to satisfy the goals;
- (8) Whether the bidder made efforts to assist interested eligible firms in obtaining any required insurance;
- (9) Whether the bidder specifically negotiated with subcontractors to assume part of the responsibility to meet the contract goals.

(b) In the event one bidder is the apparent low bidder on

two projects within the same letting and located in the same geographic area of the state, as a part of the good faith effort, the Department shall consider allowing the bidder to combine participation in like goals programs as long as the overall goal value of both projects is achieved.

(c) In the event the apparent low bidder on a project funded entirely with non-federal funds fails to meet the goal(s) required by the proposal, he may as a part of his good faith effort, request the Department to consider the withdrawal of sufficient in-kind participation previously deposited by him in accordance with Rule .1109(h) of this Section to satisfy the goal(s) requirement.

(d) If the apparent low bidder fails to submit sufficient participation by eligible firms to satisfy the contract goals and upon determination by the Department based upon the information submitted that the apparent lowest responsive bidder failed to make sufficient reasonable efforts to meet the contract goals, the Board of Transportation may reject the bid.

(e) In the event the Board of Transportation does not award the contract to the lowest responsive bidder, the Board of Transportation may award the contract to the next lowest responsive bidder that can satisfy the Department that the contract goals have been met or demonstrated a reasonable good faith effort to do so.

*History Note: Authority G.S. 136-28.4; 143B-348;
Eff. April 30, 1997.*

The List of Rules Codified is a listing of rules that were filed with OAH in the month indicated and have been entered into the Code.

Key:

Citation = Title, Chapter, Subchapter and Rule(s)
 AD = Adopt
 AM = Amend
 RP = Repeal
 With Chgs = Final text differs from proposed text
 Corr = Typographical errors or changes that requires no rulemaking
 Temp. = Rule was filed as a temporary rule
 Eff. Date = Date rule becomes effective

NORTH CAROLINA ADMINISTRATIVE CODE

AUGUST 96

TITLE	DEPARTMENT	TITLE	DEPARTMENT
10	Human Resources	21	Occupational Licensing Boards
13	Justice	37	- Nursing Home Administrators
15A	Environment, Health, and Natural Resources	46	- Pharmacy
		54	- Practicing Psychologist
		58	- Real Estate Commission

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
10	NCAC	50B	.0202		✓				✓	08/22/96
			.0404		✓				✓	08/22/96
			.0409		✓				✓	08/22/96
13	NCAC	7F	.0101		✓					09/01/96
			.0201		✓					09/01/96
			.0301		✓					09/01/96
			.0501		✓					09/01/96
15A	NCAC	2B	.0303		✓		✓			09/01/96
			.0308		✓		✓			09/01/96
			.0310		✓		✓			09/01/96
			.0315 - .0316		✓		✓			09/01/96
	2C		.0201 - .0210		✓		✓			09/01/96
			.0215	✓						09/01/96
			.0216	✓			✓			09/01/96
	2D		.0501					✓		
			.0954					✓		

LIST OF RULES CODIFIED

RULE CITATION		AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
	.1205					✓		
	.1301		✓					09/01/96
	.1302		✓		✓			09/01/96
	.1304		✓					09/01/96
2Q	.0202					✓		
	.0204					✓		
3M	.0202		✓				✓	09/01/96
	.0504		✓				✓	09/01/96
	.0507		✓				✓	09/01/96
	.0511		✓				✓	09/01/96
6E	.0002		✓				✓	09/23/96
	.0005		✓				✓	09/23/96
10F	.0105		✓					09/01/96
18A	.3103					✓		
	.3106		✓		✓			09/01/96
21 NCAC	37D .0202		✓				✓	08/15/96
	37G .0102		✓				✓	08/15/96
	37G .0102					✓		
	37H .0102		✓		✓			09/03/96
46	.2602					✓		
54	.1610	✓			✓			09/01/96
	.1703		✓		✓			09/01/96
	.2201			✓				09/01/96
58E	.0302		✓		✓			09/01/96

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, September 19, 1996 at 10:00 a.m. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, September 16, 1996, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
 Vernice B. Howard
 Teresa L. Smallwood
 Charles H. Henry
 Philip O. Redwine - Vice Chairman

Appointed by House
 Jennie J. Hayman - Chairman
 Bill Graham
 Paul Powell
 Ed Shelton

RULES REVIEW COMMISSION MEETING DATES

September 19, 1996
 October 17, 1996

November 21, 1996
 December 19, 1996

MEETING DATE: SEPTEMBER 19, 1996

FOLLOW UP MATTERS:

DHR Social Services Commission - Insurance -	10 NCAC 41F .0707, .0813, .0814 11 NCAC 20 .0101, .0402, .0404, .0406, .0501, .0502, .0505, .0701
EHNR Environmental Management Commission -	15A NCAC 2B .0101, .0103, .0109, .0201, .0202, .0231 (Rule .0231 was Noticed as Rule .0220) 15A NCAC 2C .0211, .0213, .0214 15A NCAC 2H .0501, .0502, .0503, .0504, .0506, .0507 17 NCAC 1C .0504
Revenue - Transportation	
Division of Highways -	19A NCAC 2D .1102, .1108, .1111
Public Transportation and Rail Division -	19A NCAC 6B .0412
Psychology Board -	21 NCAC 54 .1901

LOG OF FILINGS

RULES SUBMITTED: JULY 23, 1996 THROUGH AUGUST 20, 1996

AGENCY/DIVISION	RULE NAME	RULE	ACTION
DEHNR/COASTAL RESOURCES COMMISSION			
	General Definitions	15A NCAC 7H .0106	Amend
DEHNR/WILDLIFE RESOURCES COMMISSION			
	Beaufort County	15A NCAC 10F .0303	Amend
	Dare County	15A NCAC 10F .0310	Amend
	Definitions and Procedures	15A NCAC 10I .0001	Repeal
DEHNR/COMMISSION FOR HEALTH SERVICES			
	Definitions	15A NCAC 13C .0301	Adopt
	General Provisions	15A NCAC 13C .0302	Adopt

Approval	15A NCAC 13C .0303	Adopt
Minimum Qualifications	15A NCAC 13C .0304	Adopt
Standards of Conduct	15A NCAC 13C .0305	Adopt
Technical Standards	15A NCAC 13C .0306	Adopt
Departmental Audits	15A NCAC 13C .0307	Adopt
Cleanup Levels	15A NCAC 13C .0308	Adopt

TRANSPORTATION/DIVISION OF MOTOR VEHICLES

Certificate	19A NCAC 3E .0501	Amend
Purchase of For Hire License Tags	19A NCAC 3E .0502	Amend
Interstate Carriers	19A NCAC 3E .0510	Amend
Registration	19A NCAC 3E .0511	Amend
Registration & Identification	19A NCAC 3E .0512	Amend
Evidence of Liability Security	19A NCAC 3E .0513	Amend
Issuance of Identification Stamps	19A NCAC 3E .0514	Amend
Designation of Process Agent	19A NCAC 3E .0515	Amend
Registration	19A NCAC 3E .0518	Amend
Registration Required	19A NCAC 3E .0519	Amend
Evidence of Liability Security	19A NCAC 3E .0522	Amend

NC STATE BOARD OF DENTAL EXAMINERS

Approved Education	21 NCAC 16H .0104	Amend
Specific Permitted Functions	21 NCAC 16H .0202	Amend
Permitted Functions	21 NCAC 16H .0203	Amend
Record Content	21 NCAC 16T .0001	Adopt
Transfer of Records	21 NCAC 16T .0002	Adopt
Secretary-Treasurer	21 NCAC 16U .0101	Adopt
Investigative Panel	21 NCAC 16U .0102	Adopt
Processing	21 NCAC 16U .0201	Adopt
Disposition	21 NCAC 16U .0202	Adopt
Pre-hearing Conferences	21 NCAC 16U .0203	Adopt
Settlement Conferences	21 NCAC 16U .0204	Adopt

NC STATE BOARD OF EXAMINERS OF FEE-BASED PRACTICING PASTORAL COUNSELORS

Approved Supervision	21 NCAC 45 .0801	Adopt
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NC BOARD FOR LICENSING OF SOIL SCIENTISTS

Authority	21 NCAC 69 .0101	Adopt
Duties of Officers	21 NCAC 69 .0102	Adopt
Seal of the Board	21 NCAC 69 .0103	Adopt
Fees	21 NCAC 69 .0104	Adopt
Application Procedure	21 NCAC 69 .0201	Adopt
Expirations and Renewals	21 NCAC 69 .0202	Adopt
Introduction	21 NCAC 69 .0301	Adopt
Definitions	21 NCAC 69 .0302	Adopt
Requirements	21 NCAC 69 .0303	Adopt
Units	21 NCAC 69 .0304	Adopt
Determination of Credit	21 NCAC 69 .0305	Adopt
Recordkeeping	21 NCAC 69 .0306	Adopt
Exemptions	21 NCAC 69 .0307	Adopt
Reinstatement	21 NCAC 69 .0308	Adopt
Code	21 NCAC 69 .0401	Adopt
Rules of Conduct	21 NCAC 69 .0402	Adopt
Improper Practice	21 NCAC 69 .0501	Adopt

RULES REVIEW OBJECTIONS

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Environmental Management

15A NCAC 2B .0101 - General Procedures	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2B .0103 - Analytical Procedures	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2B .0109 - Waters Affected by Dredge and Fill Activities	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2B .0201 - Antidegradation Policy	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2B .0202 - Definitions	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2B .0231 - Wetland Standards (Rule .0231 was Noticed as Rule .0220)	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2C .0211 - Permits	RRC Objection	08/15/96
15A NCAC 2C .0213 - Additional Criteria and Standards Applicable to Class 5 Wells	RRC Objection	08/15/96
15A NCAC 2C .0214 - Abandonment and Change-of-Status of Wells	RRC Objection	08/15/96
15A NCAC 2D .0501 - Compliance with Emission Control Standards	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96
15A NCAC 2D .0608 - Program Schedule	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96
15A NCAC 2D .0901 - Definitions	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96
15A NCAC 2D .0926 - Bulk Gasoline Plants	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96
15A NCAC 2D .0934 - Coating of Miscellaneous Metal Parts and Products	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96
15A NCAC 2D .1109 - Case-by-Case Maximum Achievable Control Technology	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96
15A NCAC 2H .0501 - Purpose	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2H .0502 - Application	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2H .0503 - Public Notice	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2H .0504 - Hearing	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2H .0506 - Criteria for Review of Applications	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
15A NCAC 2H .0507 - Issuance of Certification	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96

Commission for Health Services

15A NCAC 18A .3106 - Abatement	RRC Objection	07/18/96
Agency Revised Rule	Obj. Removed	08/15/96

Wildlife Resources Commission

15A NCAC 10F .0104 - Certificate of Number	RRC Objection	07/18/96
Agency Revised Rule	Obj. Removed	08/15/96
15A NCAC 10F .0105 - Numbering Pattern	RRC Objection	07/18/96
Agency Revised Rule	Obj. Removed	08/15/96
15A NCAC 10F .0342 - Catawba County		
Rule Withdrawn by Agency		07/18/96

HUMAN RESOURCES

Social Services Commission

10 NCAC 41F .0707 - Criminal Histories	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
10 NCAC 41F .0813 - Criminal History Checks	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96
10 NCAC 41F .0814 - Training Requirements	RRC Objection	07/18/96
No Response from Agency	Obj. Cont'd	08/15/96

INSURANCE

11 NCAC 20 .0101 - Definitions	RRC Objection	08/15/96
11 NCAC 20 .0402 - Organization Structure	RRC Objection	08/15/96
11 NCAC 20 .0404 - Application	RRC Objection	08/15/96
11 NCAC 20 .0406 - Provider Files	RRC Objection	08/15/96
11 NCAC 20 .0501 - Program	RRC Objection	08/15/96
11 NCAC 20 .0502 - Structure	RRC Objection	08/15/96
11 NCAC 20 .0505 - Quality of Care Complaints	RRC Objection	08/15/96
11 NCAC 20 .0701 - Accessibility of Providers	RRC Objection	08/15/96

MEDICAL BOARD

21 NCAC 32H .0702 - Requests	RRC Objection	04/18/96
No Response from Agency	Obj. Cont'd	05/16/96
Rule Returned to Agency for Failure to Respond Pursuant to G.S. 150B-21.12	Obj. Cont'd	06/20/96

EXAMINERS FOR NURSING HOME ADMINISTRATORS

21 NCAC 37H .0102 - Continuing Education Programs of Study	RRC Objection	07/18/96
Agency Revised Rule	Obj. Removed	08/15/96

BOARD OF PHARMACY

21 NCAC 46 .1601 - Pharmacy Permits	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96
21 NCAC 46 .1607 - Out-of-State Pharmacies		06/20/96
Rule Withdrawn by Agency		06/20/96
21 NCAC 46 .1811 - Excessive Dispensing of Prescription Drugs	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96
21 NCAC 46 .2502 - Responsibilities of Pharmacist-Manager	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96
21 NCAC 46 .2504 - Patient Counseling	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96

PSYCHOLOGY BOARD

21 NCAC 54 .1901 - Types	RRC Objection	08/15/96
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REAL ESTATE COMMISSION

21 NCAC 58A .0104 - Agency Agreements and Disclosure	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	07/18/96
21 NCAC 58A .0113 - Reporting Criminal Convictions	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	07/18/96
21 NCAC 58A .0502 - Business Entities	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	06/20/96
21 NCAC 58A .0610 - Subpoenas	RRC Objection	06/20/96
Agency Revised Rule	Obj. Removed	07/18/96
21 NCAC 58E .0302 - Elective Course Component	RRC Objection	06/20/96
Agency Responded	Obj. Cont'd	07/18/96
Agency Revised Rule	Obj. Removed	08/15/96

REVENUE

17 NCAC 1C .0504 - EFT General Requirements

RRC Objection

08/15/96

TRANSPORTATION

Division of Highways

19A NCAC 2D .1102 - Definitions

RRC Objection

08/15/96

19A NCAC 2D .1108 - Goals

RRC Objection

08/15/96

19A NCAC 2D .1111 - Performance Related Replacement of Eligible Firms

RRC Objection

08/15/96

Public Transportation and Rail Division

19A NCAC 6B .0412 - Procurements

RRC Objection

08/15/96

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton
Sammie Chess Jr.
Beecher R. Gray
Meg Scott Phipps

Robert Roosevelt Reilly Jr.
Dolores Nesnow Smith
Thomas R. West

DECISION	CASE		DATE OF DECISION	PUBLISHED	
	<u>AGENCY</u>	<u>NUMBER</u>	<u>ALJ</u>	<u>REGISTER</u>	<u>CITATION</u>
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Douglas J. Register v. Department of Administration		96 DOA 0172	Reilly	08/16/96	
ALCOHOLIC BEVERAGE CONTROL COMMISSION					
Osama Arafat Sadar v. Alcoholic Beverage Control Commission		95 ABC 0721	Gray	07/09/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles		95 ABC 0883*7	Gray	07/10/96	
Cole Entertainment, Inc. v. Alcoholic Beverage Control Commission		95 ABC 0917	West	08/21/96	11:12 NCR 1027
Fuad Saif Murshed v. Alc. Bev. Ctl. Comm. & Durham Mem. Bapt. Ch.		95 ABC 0922	Chess	04/24/96	
Alcoholic Beverage Control Commission v. Tremik, Inc.		95 ABC 0925	Morrison	03/25/96	
Alcoholic Beverage Control Commission v. Maria Virginia Tramontano		95 ABC 1200	West	04/23/96	
Alcoholic Beverage Control Commission v. Huffman Oil Co., Inc.		95 ABC 1251	West	04/03/96	11:03 NCR 166
Pinakin P. Talate v. Alcoholic Beverage Control Commission		95 ABC 1329	West	04/10/96	
Alcoholic Beverage Control Commission v. Entrepreneur, Inc.		95 ABC 1363	Reilly	05/02/96	
Alcoholic Beverage Control Commission v. Zell, Inc.		95 ABC 1366	West	06/17/96	
Alcoholic Beverage Control Commission v. Henry Franklin Gurganus		95 ABC 1389	West	04/01/96	
Andrew Parker v. Alcoholic Beverage Control Commission		95 ABC 1402	Phipps	03/27/96	
Barrag Sabri Alquza v. Alcoholic Beverage Control Commission		95 ABC 1424	Phipps	04/03/96	
Alcoholic Beverage Control Comm. v. Partnership T/A T & L Groceries		95 ABC 1443	West	03/26/96	
Alcoholic Beverage Control Commission v. Cashion's Food Mart, Inc.		95 ABC 1444	Gray	03/13/96	
Alcoholic Beverage Control Commission v. E.K.'s II, Inc. Carl E. Collins		95 ABC 1458	Chess	08/12/96	
Bro Bee, Inc. v. Alcoholic Beverage Control Commission		95 ABC 1480	West	04/15/96	
Alcoholic Beverage Control Commission v. Donald Ray Doak		95 ABC 1488	West	03/29/96	
Alcoholic Beverage Control Commission v. Janice Lorraine Jeter		96 ABC 0013	Reilly	04/26/96	
Alcoholic Beverage Control Commission v. Well Informed, Inc.		96 ABC 0016	Chess	05/28/96	
Alcoholic Beverage Control Commission v. Kubbard, Inc.		96 ABC 0017	Reilly	05/20/96	
Alcoholic Beverage Control Commission v. Stemmermans's, Inc.		96 ABC 0018	Chess	05/28/96	
George Wright and Alice Ramsuer v. Alcoholic Beverage Control Comm.		96 ABC 0058	Becton	04/16/96	
Alcoholic Beverage Control Commission v. Bayron Green		96 ABC 0097	Becton	08/23/96	
Alcoholic Beverage Control Commission v. Robert Montgomery McKnight		96 ABC 0135	Phipps	05/09/96	
Gerald Audry Sellars v. Alcoholic Beverage Control Commission		96 ABC 0160	Becton	06/25/96	11:08 NCR 564
Alcoholic Beverage Control Commission v. Jacqueline Robin Anthony		96 ABC 0184	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Factory Night Club, Inc.		96 ABC 0226	Phipps	08/02/96	

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Alcoholic Beverage Control Commission v. C.N.H. Enterprises, Inc.	96 ABC 0232	Becton	07/09/96	
Alcoholic Beverage Control Commission v. Millicent J. Green	96 ABC 0234	Nesnow Smith	06/13/96	
Ghassan Hasan Issa v. Alcoholic Beverage Control Commission	96 ABC 0256	Morrison	05/23/96	
Alcoholic Beverage Control Commission v. Abdelhakeem Muraweh Saleh	96 ABC 0381	Chess	08/27/96	
Alcoholic Beverage Control Commission v. Triangle Drive-In	96 ABC 0443	Reilly	06/11/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0448	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0449	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0450	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Clifton Franklin Smith	96 ABC 0474	Reilly	08/12/96	
Dilhra Smith Patton v. Alcoholic Beverage Control Commission	96 ABC 0505	Morrison	08/06/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles	96 ABC 0526*	Gray	07/10/96	
Alcoholic Beverage Control Commission v. Albert S. Carter	96 ABC 0534	Morrison	08/05/96	
Alcoholic Beverage Control Comm. v. Centergrove Entertainment Ent.	96 ABC 0583	Reilly	08/12/96	
COMMISSION FOR AUCTIONEERS				
John W. Foster v. Auctioneer Licensing Board	96 CFA 0201	Phipps	05/06/96	
CRIME CONTROL AND PUBLIC SAFETY				
Roland Lee Kelly, Jr. v. United Family Services, Victim Assistance/Crime Victims Compensation Comm.	95 CPS 0568	Morrison	05/29/96	
Robert F. Bronsdon v. Crime Victims Compensation Commission	95 CPS 1216	Chess	05/28/96	
Helen B. Hunter-Reid v. Crime Victims Compensation Commission	95 CPS 1336	Nesnow Smith	03/29/96	11:02 NCR 93
Deborah C. Passarelli v. Crime Victims Compensation Commission	95 CPS 1399	Reilly	07/18/96	11:09 NCR 814
Kenneth Saunders v. Victims Compensation Commission	95 CPS 1445	Chess	03/26/96	
Franklin McCoy Jones v. Crime Victims Compensation Commission	96 CPS 0056	Nesnow Smith	07/03/96	
Ruby H. Ford v. Crime Victims Compensation Commission	96 CPS 0110	Reilly	04/18/96	
Manuel Cervantes v. Victims Compensation Fund	96 CPS 0118	Chess	03/19/96	
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Anthony P. Dawkins v. Crime Victims Compensation Commission	96 CPS 0716	Reilly	08/16/96	
Shirley M. King v. Crime Victims Compensation	96 CPS 0802	West	08/08/96	
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Wilton Evans v. Environment, Health, & Natural Resources	95 EHR 0843	Reilly	07/17/96	
David Martin Shelton v. Rockingham County Dept/Public Health, EHN	95 EHR 0941	West	05/01/96	
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1198*	Nesnow Smith	03/27/96	11:02 NCR 97
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1199*	Nesnow Smith	03/27/96	11:02 NCR 97
Elsie & Tony Cecchini v. Environment, Health, & Natural Resources	95 EHR 1240	Reilly	04/22/96	
United Organics Corporation v. Environment, Health, & Natural Res.	96 EHR 0064	Nesnow Smith	07/01/96	
Gerald Mac Clamrock v. Environment, Health, & Natural Resources	96 EHR 0168	Phipps	05/06/96	
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Environmental Health				
Forest Gate Motel v. Environment, Health, and Natural Resources	96 EHR 0076	West	06/17/96	
Paradise Ridge Home Owners by Anne Norburn v. EHN, Env. Health	96 EHR 0162	Phipps	05/06/96	
Environmental Management				
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Conover Lumber Co., Inc. v. EHN, Division of Environmental Mgmt.	95 EHR 1081	Reilly	04/12/96	
Jack West d/b/a Jack West Tree Service v. Environmental Mgmt. Comm.	95 EHR 1421	Morrison	04/08/96	
The Smithfield Packing Co., Inc., v. EHN, Environmental Mgmt. and Citizens for Clean Industry, Inc. and Bladen Environment	95 EHR 1474	West	07/03/96	

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R. Donald Phillips v. EHNHR, Solid Waste Management Division	96 EHR 0554*4	Gray	05/22/96	
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Hani Sader v. Nutrition Services, Div/Maternal & Child Health, EHNHR	96 EHR 0054	West	05/22/96	
Bob's Quick Mart, Bobby D. Braswell v. Env., Health, & Natural Res.	96 EHR 0091	Nesnow Smith	04/02/96	
Larry E. Mis v. USDA-Food/Cons Svc, Cory Mences-WIC Prog., EHNHR	96 EHR 0164	Phipps	03/19/96	
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Cassandra M. Deshazo v. Christine E. Carroll, Chf Chld Abuse/Neg. Sec.	95 DHR 1410	Phipps	03/28/96	
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Harry Martin Bastian v. DHR, Division of Facility Services	96 DHR 0287	West	08/21/96	
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Pitt Cty Mem. Hospital, Inc. v. DHR, Div/Facility Sries, Cert/Need Sect.	95 DHR 1177*5	Phipps	05/23/96	11:06 NCR 389
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Addie & Major Short v. Department of Human Resources	95 DHR 1063	Morrison	03/19/96	
Mr. and Mrs. Jessie Stevenson v. DHR, Division of Social Services	95 DHR 1072	Phipps	03/15/96	
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John William White v. Department of Human Resources	96 CSE 0558	Reilly	08/14/96	
Hazel L. Walker v. Department of Human Resources	96 CSE 0559	West	06/24/96	
Tayloria Y. Manns v. Department of Human Resources	96 CSE 0564	Nesnow Smith	08/15/96	
Carl S. McNair v. Department of Human Resources	96 CSE 0568	Becton	06/24/96	
David Agurs v. Department of Human Resources	96 CSE 0580	Chess	06/13/96	
King Sanders Jr. v. Department of Human Resources	96 CSE 0581	Phipps	08/22/96	
Sandra Kay Carpenter v. Department of Human Resources	96 CSE 0595	Gray	08/29/96	
Christopher Clyde Barrino Jr. v. Department of Human Resources	96 CSE 0603	Morrison	08/26/96	
Clinton Sutton v. Department of Human Resources	96 CSE 0629	Reilly	08/29/96	
Dave L. James v. Department of Human Resources	96 CSE 0638	West	07/15/96	
Jonathan Bernard Copper v. Department of Human Resources	96 CSE 0642	Phipps	09/03/96	
Franklin D. Deese v. Department of Human Resources	96 CSE 0690	Mann	07/23/96	
Renee G. Arriola v. Department of Human Resources	96 CSE 0790	Becton	08/14/96	
Melinda S. Tunner v. Department of Human Resources	95 DCS 0921	Morrison	05/09/96	
Jeanne G. Bishop v. Department of Human Resources	95 DCS 0958	West	04/04/96	
Rebecca Beaver v. Department of Human Resources	95 DCS 1114	Reilly	04/26/96	
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Mary R. Mahon v. Department of Human Resources	95 DCS 1137*6	Chess	06/11/96	
Mary R. Mahon v. Department of Human Resources	95 DCS 1142*5	Chess	06/11/96	
Laura Heidorf v. Department of Human Resources	96 DCS 0065	Reilly	03/22/96	
Lois Floyd Barber v. Department of Human Resources	96 DCS 0176	Gray	07/30/96	

INSURANCE

Carol M. Hall v. Teachers & State Employees Comp. Major Medical Plan	95 INS 1141	Phipps	04/01/96	
Arthur Wayne Dempsey v. Department of Insurance	95 INS 1255	Nesnow Smith	04/22/96	
Deborah B. Beavers v. Teachers & St. Emp. Comp. Major Med. Plan	95 INS 1411	Nesnow Smith	05/10/96	11:05 NCR 308
Nadia A. Hakim v. Department of Insurance	95 INS 1422	Nesnow Smith	03/26/96	
Mary Alice Casey v. Department of Insurance	96 INS 0148	Reilly	08/14/96	

JUSTICE

Wendy Atwood v. Department of Justice (Company Police Program)	96 DOJ 0111	Chess	08/07/96	
Deborah K. Torrance v. Company Police Program Administrator	96 DOJ 0363	Becton	08/14/96	

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<i>Education and Training Standards Division</i>				
Freddie Lavern Thompson v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 0731	Chess	02/29/96	
Shane Douglas Crawford v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 0943	Reilly	05/17/96	
Charles Henry Daniels v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 1070	West	06/12/96	
Valerie Maxine Brewington v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 1129	Nesnow Smith	04/12/96	
Patricia Josephine Bonanno v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1152	Chess	03/25/96	
Douglas Allan Stuart v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1189	Morrison	06/06/96	
Rick M. Evoy v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1235	Chess	03/25/96	
Windefl Daniels v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1320	Gray	07/24/96	
Gregory Lee Daughtridge v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0027	Reilly	03/19/96	
Sherrie Ann Gainey v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0028	Becton	08/09/96	
Stuart Hugh Rogers v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0029	West	06/18/96	
Brian Thomas Craven v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0036	Gray	07/09/96	
Larry D. Weston v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0037	Nesnow Smith	06/12/96	
Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0068	Gray	03/26/96	
Ken Montie Oxendine v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0071	West	03/28/96	
James Leon Hunt v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0077	Phipps	07/25/96	
David Kent Knight v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0115	West	03/28/96	
Demetrius Arnez Brown v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0138	Becton	08/09/96	
Claude F. Nunnery v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0305	Gray	08/28/96	
John Charles Maloney v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0306	Nesnow Smith	08/16/96	
Jimmie L. Cooper v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0352	Morrison	07/12/96	
Jerry Glenn Monette v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0420	Morrison	07/26/96	11:10 NCR 874
Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0432	Becton	08/07/96	
Warren Scott Nail v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0576	Becton	08/07/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Morrison	08/02/96	

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Timothy A. Hawkins v. Private Protective Services Board	95 DOJ 1419	West	04/12/96	
William F. Combs v. Private Protective Services Board	96 DOJ 0022	West	03/22/96	
Randy C. Hoyle v. Private Protective Services Board	96 DOJ 0024	Nesnow Smith	06/10/96	
Robert A. Gihson v. Private Protective Services Board	96 DOJ 0386	Nesnow Smith	07/03/96	
Jimmy D. Matthews v. Private Protective Services Board	96 DOJ 0676	Reilly	07/11/96	
Johnnie Lee King v. Private Protective Services Board	96 DOJ 0677	Reilly	07/11/96	
Thomas R. Harris v. Private Protective Services Board	96 DOJ 0761	Reilly	07/11/96	
Private Protective Services Board v. Henry E. Byrd, Jr.	96 DOJ 0796	Mann	08/19/96	
Private Protective Services Board v. Charles T. Mathis	96 DOJ 0798	Mann	08/27/96	

MEDICAL BOARD

Medical Board v. Martin A. Hatcher, M.D.	92 BME 0510	Gray	06/28/96	11:08 NCR 555
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PUBLIC INSTRUCTION

Lavern K. Suggs v. NC Board of Education	95 EDC 0383	Nesnow Smith	03/13/96	11:01 NCR 50
J.T.S. & T.S., Parents of E.M.S. v. Chapel Hill-Carrboro City Schl. Sys.	95 EDC 1194	Mann	04/12/96	
L.O. v. Charlotte-Mecklenburg Board of Education	96 EDC 0285	Mann	05/31/96	
Candyce Ewanda Newsome v. Hertford County Board of Education	96 EDC 0344	Chess	05/15/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0613	Chess	08/14/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0614	Chess	08/14/96	
John Barlow v. Watauga County Board of Education	96 EDC 0623	Reilly	07/24/96	
John L. Archer v. Department of Public Instruction	96 EDC 0678	Nesnow Smith	08/02/96	
Pamela F. Cummings v. Department of Public Instruction	96 EDC 0742	Nesnow Smith	08/16/96	

STATE PERSONNEL

Department of Administration

Jimmie A. Hughes, Jr. v. Department of Administration	96 OSP 0008	Reilly	07/23/96	
Jonathan L. Fann v. Department of Administration, Admin. Personnel	96 OSP 0042	Gray	05/24/96	
Carlton Gerald v. State Capitol Police, Department of Administration	96 OSP 0116	Gray	04/25/96	

Administrative Office of the Court

Ethel R. Tyson v. NC Judicial Dept., Administrative Office of the Court	96 OSP 0080	Nesnow Smith	03/15/96	
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<i>Appalachian State University</i>				
Janice S. Walton v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0062	West	03/13/96	
Janice S. Carroll v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0063	West	03/07/96	
<i>Caldwell County</i>				
Blake C. Pace v. Caldwell County	96 OSP 0047	Morrison	04/01/96	
<i>NC Central University</i>				
Francina Y. Tate v. Chancellor Julius L. Chambers, NC Central Univ.	95 OSP 1432	Nesnow Smith	04/22/96	
<i>Central North Carolina School for the Deaf</i>				
Felicia S. Milton v. Central North Carolina School for the Deaf	95 OSP 1241	Chess	05/17/96	
<i>Department of Correction</i>				
Haydee Craver v. Department of Correction, Pender Correctional Inst.	95 OSP 1046	Gray	03/12/96	
Gregory Allen Jones v. Department of Correction, Supt. Bonnie Boyette	95 OSP 1290	Phipps	05/14/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	95 OSP 1460	Gray	05/17/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0092	Gray	06/03/96	
Brenda Propst v. Foothills Correctional Institution	96 OSP 0199	Morrison	04/09/96	
Delon D. Solomon v. Department of Correction	96 OSP 0258	West	07/02/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0261	Morrison	08/05/96	
Haydee C. Craver v. Department of Correction, Christopher Phillips	96 OSP 0348	Phipps	05/15/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0372* ⁸	Nesnow Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0373* ⁸	Nesnow Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0374* ⁸	Nesnow Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0375* ⁸	Nesnow Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0376* ⁸	Nesnow Smith	07/05/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	96 OSP 0397	Gray	08/15/96	
Tony R. Broffman v. Department of Correction	96 OSP 0625	Becton	08/29/96	
Timothy L. Willis v. Caswell Correctional Center	96 OSP 0715	West	07/30/96	
<i>Department of Crime Control and Public Safety</i>				
Jerry Lee Fields v. State Highway Patrol	94 OSP 1174* ¹⁰	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 0249* ⁹	Nesnow Smith	07/23/96	
Jerry Lee Fields v. State Highway Patrol	95 OSP 0836* ¹⁰	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 1050* ⁹	Nesnow Smith	07/23/96	
<i>Durham County Health Department</i>				
Lyila D. Stockton v. Durham County Health Department	95 OSP 0176	West	07/02/96	
<i>East Carolina University</i>				
Bela E. Karvaly, Ph.D. v. ECU Bd. of Trustees, Ch. Richard R. Eakin	96 OSP 0150	Chess	05/08/96	
<i>Employment Security Commission</i>				
Gene S. Baker v. Gov. James B. Hunt, Jr., Ann Q. Duncan, Chairman, Employment Security Commission	93 OSP 0707	Becton	05/16/96	11:05 NCR 300
William Herbert Allen v. Employment Security Commission	94 OSP 1688	West	06/11/96	
Patricia Gary v. Employment Security Commission	95 OSP 0793	Chess	05/14/96	
Tonderlier Lynch v. Emp. Security Comm., Austin Quality Foods, Inc.	96 OSP 0275	Chess	05/21/96	
<i>Department of Environment, Health, and Natural Resources</i>				
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<i>Fayetteville State University</i>				
William C. Neal v. Fayetteville State University	95 OSP 0392	Nesnow Smith	04/22/96	
<i>Guilford County Area Mental Health, Developmental Disabilities and Substance Abuse</i>				
Stuart Klatte v. Guilford Cty Area MH/DD/SAS, St. Per Comm, OSP	95 OSP 1179	Nesnow Smith	07/19/96	11:10 NCR 865
<i>Department of Human Resources</i>				
Ophelia Webb v. Edard R. Inman, Dir. Alamance Cty DSS, Alamance Cty DSS, Alamance County, and DHR	96 OSP 0112	Gray	03/13/96	
Gail Marie Rodgers Lincoln v. DHR, DMH/DD/SAS-Cherry Hosp., Cherry Hospital	96 OSP 0159	Chess	06/17/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0217	Reilly	08/13/96	
Mary A. Boogaerts v. Cherry Hospital, Goldsboro, NC	96 OSP 0269	Becton	05/29/96	
Kelvin Parter v. Dorothea Dix Hospital	96 OSP 0294	Chess	08/07/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0543	Reilly	07/09/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0590	Reilly	07/09/96	
<i>Buncombe County Department of Social Services</i>				
Kathy Davis v. Buncombe County Department of Social Services	95 OSP 1487	West	08/09/96	
<i>Caswell Center</i>				
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	89 OSP 0411	Becton	03/26/96	
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	91 OSP 0522	Becton	03/26/96	11:02 NCR 89
Franklin D. Sutton v. Department of Human Resources, Caswell Center	94 OSP 0766	Nesnow Smith	03/21/96	
<i>Durham County Department of Social Services</i>				
Jan E. Smith v. Durham County Department of Social Services	95 OSP 1121	Morrison	05/24/96	
<i>Halifax County Department of Social Services</i>				
Clairbel Thomas v. Halifax County DSS & Director, Halifax County DSS	95 OSP 0905	West	05/29/96	11:06 NCR 395
<i>Division of Medical Assistance</i>				
Harold Wiggins v. Division of Medical Assistance	95 OSP 1482	West	06/11/96	
<i>O'Berry Center</i>				
Samuel Geddie v. O'Berry Center	96 OSP 0414	Morrison	06/13/96	
<i>Rockingham County Department of Social Services</i>				
Lorretta Lawson v. Rockingham County DSS	96 OSP 0471	West	06/13/96	
<i>Wake County Department of Social Services</i>				
Phylis Gilbert v. Wake County Department of Social Services	95 OSP 1238	Phipps	06/27/96	
<i>Department of Insurance</i>				
Larry W. Creech v. Department of Insurance	95 OSP 0631	Reilly	06/06/96	11:07 NCR 434
<i>Department of Labor</i>				
Kevin P. Kolbe, Sr. v. Department of Labor	95 OSP 0968	Morrison	03/14/96	11:01 NCR 58
<i>New Hanover County Board of Health</i>				
Tabandeh Zand v. New Hanover County Board of Health	95 OSP 1035	Nesnow Smith	03/01/96	

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<i>Sandhill Community College</i>				
Earl Levon Womack v. Sandhill Community College Bd. of Trustees	96 OSP 0573	Phipps	07/25/96	
<i>Office of the State Controller</i>				
Angela M. Terry v. Office of the State Controller	96 OSP 0402	Becton	08/07/96	
<i>North Carolina State University</i>				
Vernell Mitchell v. North Carolina Cooperative Extension	96 OSP 0132	Gray	05/10/96	
<i>Department of Transportation</i>				
Pearlie M. Simuel-Johnson v. Department of Transportation	94 OSP 0589* ¹	Gray	03/01/96	
Dorothy J. Grays v. Div. of Motor Vehicles, Dept. of Transportation	94 OSP 1044	Reilly	04/12/96	11:03 NCR 173
Pearlie M. Simuel-Johnson v. Department of Transportation	95 OSP 0837* ¹	Gray	03/01/96	
Lisa Ann Lee v. Department of Transportation	95 OSP 1099	Reilly	07/31/96	
Melvin Duncan v. Department of Transportation	95 OSP 1462	Morrison	03/08/96	
Greg Brown v. Department of Transportation	96 OSP 0048	Reilly	05/02/96	
Jesse Wayne Castle v. State Highway Maint., Guess Rd., Durham, NC	96 OSP 0087	Gray	04/15/96	
Archie Brooks v. W. F. Rosser, Department of Transportation	96 OSP 0239	Nesnow Smith	05/17/96	
Jessie L. Allen et al. v. DMV Enforcement Section	96 OSP 0408	Becton	08/12/96	
R.L. Singleton v. Department of Transportation	96 OSP 0683	Becton	08/12/96	
<i>Tri-County Mental Health Complex</i>				
Deborah Heil v. Tri-County Mental Health Complex	95 OSP 1100	Nesnow Smith	03/22/96	
<i>University of North Carolina</i>				
Pamela B. Edwards v. University of North Carolina at Chapel Hill	95 OSP 0842	Chess	06/28/96	
Keith R. Cameron v. University of North Carolina at Chapel Hill	95 OSP 1060	Morrison	06/24/96	
Jerel H. Bonner v. School of Nursing UNC at Chapel Hill	96 OSP 0026	Gray	03/12/96	11:01 NCR 61
Bela E. Karvaly, Ph.D. v. UNC Bd. of Gov., Pres. C.D. Spangler, Jr.	96 OSP 0151	Chess	05/08/96	
Carl E. Whigham v. UNC Hospitals at Chapel Hill	96 OSP 0248	Chess	06/11/96	
J. Scott Spears v. Ralph Pederson and UNC-C	96 OSP 0548	Chess	08/30/96	
STATE TREASURER				
Donald B. Durham v. Teachers' & St. Employees Retirement Sys.	92 DST 1066	Chess	07/17/96	11:09 NCR 810
UNIVERSITY OF NORTH CAROLINA				
Sylvia Jeffries v. University of NC Hospitals at Chapel Hill	96 UNC 0067	Gray	04/16/96	
James E. Boudwin v. University of NC Hospitals at Chapel Hill	96 UNC 0343	Chess	07/22/96	
Rufus T. Moore Jr. v. UNC Hospital	96 UNC 0470	Reilly	08/12/96	
Marcia Spruill v. UNC Hospitals - Patient Accounts	96 UNC 0500	Becton	07/10/96	
Charles E. Houlk v. UNC Hospitals	96 UNC 0588	Morrison	08/09/96	

* Consolidated cases.

2. The Petitioner's application for permanent ABC permits was rejected on July 11, 1995 on the basis that "This business cannot be considered suitable to hold ABC permits in that the noise, litter, traffic and violence associated with the operation of this business are detrimental to the neighborhood. G.S. §18B-901(c)."

3. The Petitioner gave timely notice of its appeal from the ABC Commission's rejection of its application.

4. The property upon which Sugar Shack is located is properly zoned for use as a nightclub/private club.

5. The building in which Sugar Shack is located complies with all applicable building codes and requirements of the State of North Carolina and the County of Mecklenburg. (See North Carolina Alcoholic Beverage Control Commission Inspection Report For Building and Zoning Compliance, and Respondent's Answers to Petitioner's First Request for Admissions, Section A, Number 2).

6. As of the date of this Recommended Decision, the Sugar Shack has complied with all applicable fire codes and requirements of the State of North Carolina and the County of Mecklenburg. (See North Carolina Alcoholic Beverage Control Commission Inspection Report For Building and Zoning Compliance, and Respondent's Answers to Petitioner's First Request for Admissions, Section A, Number 3).

7. The parking lots designated for patrons of the Sugar Shack are well lighted. (See Respondent's Answers to Petitioner's First Request for Admissions, Section A, Number 4).

8. There are two working restrooms available for patrons at the Sugar Shack. (See Respondent's Answers to Petitioner's First Request for Admissions, Section A, Number 7).

9. As of the date of this Recommended Decision, Mr. Mark Olin Jacobs has not been tried or convicted, pled guilty to, forfeited bond or admitted responsibility for any criminal or traffic offenses, within the last ten (10) years for which the potential punishment was greater than 60 days confinement. (See Respondent's Answers to Petitioner's First Request for Admissions, Section A, Number 8, and Certified Criminal Record Report for Mark Olin Jacobs).

10. As of the date of this Recommended Decision, Ms. Deanna Marie Rothgeb has not been tried or convicted, pled guilty to, forfeited bond or admitted responsibility for any criminal or traffic offenses, within the last ten (10) years for which the potential punishment was greater than 60 days confinement. (See Respondent's Answers to Petitioner's First Request for Admissions, Section A, Number 9, and Certified Criminal Record Report for Ms. Deanna Marie Rothgeb).

11. As of the date of this Recommended Decision, Mr. Mark Olin Jacobs, Ms. Deanna Marie Rothgeb and Cole Entertainment, Inc., T/A Sugar Shack are suitable applicants for a permanent ABC license.

12. The following list of permittees have held permits at 4120 and/or 4220 East Independence Boulevard, Charlotte, North Carolina, within the last fifteen (15) years:

- a. Johnny B. Goode's
- b. Connections
- c. Silver Screen Cafe
- d. Zipper's Entertainment Complex
- e. Rocky's Cowboys
- f. 4220 East Sports Deli (see Respondent's Answers to Petitioner's First Request For Admissions, Section A, Number 10)
- g. 2001.

13. According to ABC records, the ABC Commission issued permanent ABC permits for the on-premise sale of malt beverages, fortified wine, unfortified wine and mixed beverages to Tommy Knockers located at 4416 East Independence Boulevard on May 31, 1995. According to ABC records, the ABC Commission issued permanent ABC permits to Vintage on the Boulevard located at 4220 East Independence Boulevard for the on-premise sale of malt beverages, fortified wine and unfortified wine on November 10, 1994 and for mixed beverages on June 16, 1994. This business is located in the same building as the Sugar Shack.

14. The Sugar Shack is not located within 50 feet of a church. (See Respondent's Answers to Petitioner's First Request for Admissions, Section A, Number 15).

15. The Sugar Shack is not located within 50 feet of a school. (See Respondent's Answers to Petitioner's First Request for Admissions, Section A, Number 16).

16. The Sugar Shack has never received a notice of violation from the North Carolina ABC Commission. (See Respondent's Answers to Petitioner's First Request for Admissions, Section A, Number 21).

17. No objection to the issuance of ABC permits to Respondent was received pursuant to N.C.G.S. §18B-901(b) from the local governing body of the City of Charlotte.

18. The parties stipulate to the genuineness of the following documents:

a. The North Carolina ABC Commission inspections report for building code compliance relating to the Sugar Shack (see Respondent's Answers to Petitioner's First Request for Admissions, Section B, Number 1).

b. The North Carolina ABC Commission inspection for zoning compliance relating to the Sugar Shack (see Respondent's Answers to Petitioner's First Request for Admissions, Section B, Number 2).

c. The North Carolina ABC Commission investigative report prepared by Alcohol Law Enforcement Agent B. P. Lail dated March 11, 1995 (see Respondent's Answers to Petitioner's First Request for Admissions, Section B, Number 3).

19. The parties stipulate to the genuineness of the North Carolina ABC Commission file concerning Cole Entertainment, Inc., T/A Sugar Shack and if admissible shall be allowed as evidence.

FINDINGS OF FACT

1. Burden of Proof and Miscellaneous Preliminary Findings.

a. Petitioner has the burden of proof in this case to show that Sugar Shack is not detrimental to the neighborhood in terms of noise, litter, traffic and violence.

b. The relevant time period includes March 6, 1995 until the present.

c. The Respondent presented no convincing evidence that the operation of Sugar Shack has any detrimental impact upon the Amity Gardens neighborhood, Sims Plaza or the B-2 zone with regard to increased or excessive litter and/or traffic. Accordingly, these two alleged bases upon which the Respondent relied in denying Sugar Shack a permanent ABC license are unsubstantiated.

d. The Respondent presented evidence of the number of calls for service to the Charlotte-Mecklenburg Police Department which list Sugar Shack as the location of the problem. This data was subjected to extensive cross-examination. The actual number of calls for service as presented by Respondent is unreliable for reasons including:

i. repeatedly Sugar Shack was listed when another business or address was the source of the complaint;

ii. a large number of calls were never substantiated by the police officers responding;

iii. a number of calls were false;

iv. a large number of the calls were in no way related to the operation of Sugar Shack; and

v. many duplicate calls were included.

2. Location and Surroundings.

- a. Sugar Shack is located at 4220 East Independence Boulevard in Charlotte, North Carolina.
- b. 80,000 vehicles per day travel past the 4200 block of East Independence Boulevard in Charlotte, North Carolina.
- c. The Sugar Shack is located in a B-2 (General Business) district.
- d. According to the Charlotte City Code §9.801, the purpose of the B-2 general business district is "to create and protect business areas for the retailing of merchandise, the provision of professional and business services, and, in some cases, wholesaling services to serve a large population. This district will generally be located adjacent to major thoroughfares, because establishments within this district are more likely to serve a larger trade area than establishments within the B-1 district [Neighborhood Business District]."
- e. Sugar Shack's patrons are predominantly African-American.

3 The Amity Gardens Neighborhood.

- a. There are approximately 260 homes in the Amity Gardens neighborhood. The majority of residents are Caucasian.
- b. The Sugar Shack abuts the Amity Gardens neighborhood and is separated from it by a 7 foot chain link fence with slats in it.
- c. Several Amity Gardens residents testified in this administrative hearing. All of the residents live in close proximity to the fence which separates the Amity Gardens neighborhood from the Sugar Shack. Some of the residents are greatly disturbed by the noise in the parking lots, gunfire, and the need for a high level of armed security so close to their home. Some of the residents are not bothered.
- d. There is no evidence on record in this case indicating that any resident of the Amity Gardens neighborhood has been a victim of any crime directly associated with the operation of Sugar Shack.
- e. There is no evidence on record in this case that any resident of the Amity Gardens neighborhood has heard of any crime in the Amity Gardens neighborhood directly associated with the operation of Sugar Shack.
- f. All of the Amity Gardens neighborhood witnesses who testified for and against the Sugar Shack testified that the Amity Gardens neighborhood is a safe neighborhood.
- g. There is no evidence which suggests that property values in the Amity Gardens neighborhood have been affected by the operation of Sugar Shack.
- h. The credible evidence on record indicates that property values in the Amity Gardens neighborhood have increased since March 6, 1995, as testified to by Chet Show, a licensed real estate broker who has his office in the Amity Gardens neighborhood.

- i. Currently the vast majority of homes for sale in the Amity Gardens neighborhood sell within 45 days.
- j. One home in the Amity Gardens neighborhood, adjacent to Sugar Shack, sold for more than the "asking price" a short time before the last week of this hearing.
- k. No duly authorized or appointed spokesperson testified on behalf of the Amity Gardens neighborhood.

4 Security at Sugar Shack.

- a. At all times relevant to this case Sugar Shack employed a large number of security guards on the interior and exterior of Sugar Shack.
- b. Currently, outside security is provided by Boss Security, a professional security agency whose employees

are well qualified in the field of nightclub security

c. The inside security personnel at Sugar Shack include Jimmy Buffett's personal body guard, a guard who previously guarded the United States Air Force One airplane which transports the President, and another guard who retired from the Army Security Agency. Jim Munden, a sound technician who has provided sound service for many nightclubs, testified that Sugar Shack security is exemplary.

d. Sugar Shack is the only tenant of Sims Plaza which provides outside security, despite repeated suggestions by the Charlotte Police Department that Vintage on the Boulevard, an adjacent nightclub, employ outside security.

e. Boss Security uses barriers, radio headsets and flashlights to control the patrons and noise levels in the Sugar Shack lot. Boss Security officers are also armed with pistols or shotguns.

5. Sims Plaza.

a. Sugar Shack is located in Sims Plaza.

b. Other businesses such as Vintage on the Boulevard and Silver Screen Cafe in Sims Plaza are open for business during much of the time that Sugar Shack is open on weekend evenings.

c. Nightclubs have operated on the site at which the Sugar Shack is currently located at Sims Plaza for the past 15 years.

d. Vintage on the Boulevard is located in the 4200 block of East Independence Boulevard, Charlotte, North Carolina. Vintage on the Boulevard is located in the same building complex as Sugar Shack.

e. Vintage on the Boulevard received its ABC license a few months before the Sugar Shack received its temporary ABC license.

f. Sugar Shack controls the parking lot immediately in front of its front door extending to Independence Boulevard and forward to the chain link fence between the Olive Garden and Sugar Shack. This lot was referred to as the "west lot" during the hearing.

g. Sugar Shack shares the parking lot behind its building, between the Sugar Shack's back wall and the 7 foot fence dividing the B-2 district from the Amity Gardens neighborhood, with the other tenants of Sims Plaza including but not limited to Vintage on the Boulevard (hereinafter referred to as "the back parking lot").

h. Vintage on the Boulevard is open on Monday nights, for Monday night football.

i. Sugar Shack provides security for the west lot.

j. The west lot and the back lot are swept and cleaned each morning after the Sugar Shack has been open.

k. No business tenant in either the B-2 zone or Sims Plaza testified that they had any employee or customer who reported being a victim of either crime or violence directly associated with the operation of Sugar Shack. The management of The Olive Garden has fenced off its parking lot from the west lot to keep patrons of the Sugar Shack from using its lot.

6. Relevant Statutory Language and Definitions.

a. The statute which governs issuance of permanent ABC permits is N.C.G.S. §18B-901.

b. The following terms are not defined in N.C.G.S. §18B-901: "suitable;" "neighborhood;" "detrimental;" "violence."

c. Respondent claims that Sugar Shack is not a suitable location for a permanent ABC license based upon "noise, litter, traffic and violence."

- d. A neighborhood is "a group of residential units joined by a common geographic plan, circumscribed by natural or artificial barriers and united by the common purpose of family living."
- e. "Violence" is "the actual or threatened exertion of force, directed toward the person of another which endangers the health and safety of the other."
- f. The factors the Commission shall consider in issuing a permanent ABC license are as follows:
1. Before issuing a permit, the Commission shall be satisfied that the applicant is a suitable person to hold an ABC permit (see preceding recitation of Stipulations, 9, 10 and 11);
 2. Before issuing a permit, the Commission shall be satisfied that the location is a suitable location to hold a permit (see preceding recitation of Stipulations, 16, 18(c) and 19).
- g. In order to be a suitable place, the establishment shall comply with applicable building and fire codes. (See preceding recitation of Stipulations, 5, 6, 18(a)).
- h. Other factors the Commission shall consider in determining whether the applicant and the business location are suitable include:
1. Reputation, character and criminal record of the applicant (see preceding recitation of Stipulations, 9, 10 and 11);
 2. The number of places already holding ABC permits within the neighborhood (see preceding recitation of Stipulations, 12(a)-(g), 13);
 3. Parking facilities and traffic conditions in the neighborhood (see preceding recitation of Stipulations, 4, 12(a)-(g), 13 and 18(b));
 4. Kinds of businesses already in the neighborhood (see preceding recitation of Stipulations, 4, 12(a)-(g), 13 and 18(b));
 5. Whether the establishment is located within 50 feet of a church or public school or church school (see preceding recitation of Stipulations, 14, 15, 18(a));
 6. Zoning laws (see preceding recitation of Stipulations, 4, 18(b));
 7. The recommendations of the local governing body (see preceding recitation of Stipulations, 17);
 8. Any other evidence that would tend to show whether the applicant would comply with ABC laws and whether operation of this business at the location would be detrimental to the neighborhood (see preceding recitation of Stipulations).
7. Noise.
- a. On numerous nights when the Sugar Shack has been open for business, residents of the Amity Gardens neighborhood who testified during Respondent's case have been disturbed and often awakened by the activities occurring in the back and west parking lots of the Sugar Shack. These activities include loud music emanating from car stereos, people yelling, screeching tires and gunfire.
 - b. The activities mentioned in the above Finding #7a occurred substantially more on Friday and Saturday nights when the Sugar Shack has been open than on weeknights when the Sugar Shack has not been open. The noise occurs when the Sugar Shack opens and when it closes after 2:00 a.m.
 - c. The activities mentioned in the above Finding #7a occurred substantially more when the Sugar Shack was closing and its patrons were disbursing into the west and back parking lots.

- d. On many nights when the Sugar Shack has been open for business, patrons of the Sugar Shack "cruise" or drive their vehicles around and through the west and back parking lots and play their car stereos loudly.
 - e. On many nights when the Sugar Shack has been open for business, patrons of the Sugar Shack have parked their cars and loitered in the back and west parking lots, played their car stereos loudly and yelled loudly.
 - f. On many nights when the club has been open for business, the Charlotte-Mecklenburg Police Department has written numerous noise citations to patrons of the Sugar Shack for violating the City's noise ordinance by playing their vehicle stereos too loudly.
 - g. Around 7:00 a.m. on many Saturday and Sunday mornings after Sugar Shack has been open, some Amity Gardens residents have been awakened by the loud noise produced as a commercial sweeper cleans the back and west parking lots.
 - h. The noise caused by the sweeper occurred primarily on Saturday and Sunday mornings when the club has been open and not on weekday mornings when the club has not been open.
 - i. The noise activity mentioned in Findings #7a-h can be heard inside the homes of some residents in the Amity Gardens neighborhood.
 - j. On many nights when the Sugar Shack has been open for business, residents of the Amity Gardens neighborhood have been awakened by gunfire coming from the direction of the west parking lot.
 - k. There is no measurable noise coming from the interior of the Sugar Shack building during its hours of operation.
 - l. There is no detrimental impact on the other tenants of the B-2 business zone or Sims Plaza as a result of the noise associated with the operation of Sugar Shack.
 - m. The Sugar Shack's outside security has a policy which they adhere to with regard to noise in the Sugar Shack parking lot: when a car enters the lot with loud music playing, its driver is immediately approached by a security guard and told to turn down the music, and if the music is turned up again the person driving the car is instructed to remove it from the lot.
 - n. Noise coming from the back lot is not assignable exclusively to Sugar Shack patrons.
8. Traffic.
- a. Sugar Shack has no impact on vehicular traffic in the Amity Gardens neighborhood.
 - b. Sugar Shack has no detrimental impact on vehicular traffic in the B-2 zone or Sims Plaza except for a period of time of less than fifteen minutes when the club closes.
 - c. Sugar Shack has no detrimental impact on traffic on Independence Boulevard except for a period of time of less than fifteen minutes when the club closes.
9. Litter.
- a. No witness testified to having observed any litter in the Amity Gardens neighborhood which could be associated with the operation of Sugar Shack.
 - b. People walking through the parking lot and the neighborhood during the day (when Sugar Shack is closed) throw beer bottles in Amity Gardens' yards.
 - c. The operation of Sugar Shack has no detrimental impact on the amount of litter in the Amity Gardens neighborhood.

10. Violence.

a. Between March 4, 1995 and January 28, 1996, the Charlotte-Mecklenburg Police received many calls for service from the immediate area around the Sugar Shack.

b. The types of complaints in these calls ranged from assaults, assaults with a deadly weapon, man with a gun, shots fired, fight or other disturbance, public affray, stolen vehicle, trespass, and damage to property.

c. Approximately 75% of the calls occurred on a Friday or Saturday night when the Sugar Shack was open for business. Approximately 25% occurred on a weeknight when the Sugar Shack was not open for business.

d. On many nights when the club has been open and a call for service was received by the police, the reason for the call, such as loud music or gunshots fired, has abated by the time the police arrived on the scene to respond to the call.

e. On April 16, 1995, Early T. Fairly was shot by patrons while inside the Sugar Shack. Mr. Fairly subsequently died from the gunshot wound he received that night.

f. The weapon used in the shooting was brought into the club by a patron sitting on the weapon while in a wheelchair.

g. The club's inside security did not search the patron in the wheelchair by removing him from the chair.

h. On April 16, 1995, Sugar Shack had security working inside the club and at the entrance to the club. The security procedures required all patrons to undergo pat-down searches and pass a metal detector test before entering the club.

i. As of the hearing date, these inside security procedures were still being used. However, now even people in wheelchairs and their chairs are searched.

11. Noise and Violence.

a. On April 16, 1995, the club had 2-3 security guards patrolling the west parking lot area every night the club was open.

b. Some time after the April 16, 1995 incident, Sugar Shack took the following steps to tighten security at the club:

1. Boss Security was hired to provide outside security in the west parking lot area;

2. The number of outside security guards patrolling the west parking lot increased to 6-8 guards every night the club was open;

3. All of the Boss Security guards wore uniforms, carried large black flashlights and were armed with some type of firearm. One guard carried a pistol-grip shotgun, while another guard carried a full-stock shotgun. This same security was in effect as of the date of the hearing;

4. Temporary mobile barricades of different types were placed at the club's entrance, thus dividing the west and back parking lots.

c. The barricades have significantly reduced cruising between the two lots. Boss Security is a professional company which has attempted to control the cruising, yelling, loitering and playing loud music, and violence in the west parking lot.

d. Boss Security has reduced the cruising, yelling, loitering, playing of loud music and violence.

e. Each security guard who testified for the Petitioner admitted that the loud music, yelling, loitering, fights and violence continue, and that Boss Security constantly has to remind patrons in the west parking lots to either turn their

stereos down or off.

f. On numerous occasions, either Sugar Shack's inside security or Boss Security has called the police for assistance with matters such as fights, disturbances, shootings or crowd control.

g. On January 28, 1996, a fight between patrons of the club began while they were inside the establishment. After the inside security escorted the patrons outside the club, the patrons continued their fight in the west parking lot by firing guns at each other, even though the club's outside security was patrolling the west parking lot.

h. Sugar Shack has made conscious, consistent efforts to control noise and violence. However, many Amity Gardens residents have continued to be significantly disturbed by noise and violence occurring in the west and back parking lots.

i. The Sugar Shack has not and did not, as of the date of the hearing, provide any security in the back parking lot.

CONCLUSIONS OF LAW

1. The operation of Sugar Shack does not create a detriment to the B-2 business zone or the other tenants of Sims Plaza.

2. The operation of Sugar Shack does not significantly increase the amount of litter in the Amity Gardens neighborhood.

3. There is no credible evidence on record indicating that the operation of Sugar Shack significantly increases the amount of litter in the Sims Plaza parking lot except for the early morning hours of Saturday and Sunday.

4. The litter which does exist during the early morning hours of Saturday and Sunday is cleaned promptly and causes no significant detriment to the other tenants of Sims Plaza.

5. There is no credible evidence on record indicating that noise directly associated with the operation of Sugar Shack significantly impacts the other tenants of Sims Plaza.

6. There is no credible evidence on record indicating that any crime has occurred in the Amity Gardens neighborhood as a direct or indirect result of the operation of Sugar Shack.

7. There is no credible evidence on record indicating that the operation of Sugar Shack has resulted in any crime directed toward any of the tenants of Sims Plaza, their employees or patrons.

8. There is no credible evidence on record indicating that the operation of Sugar Shack significantly increases the amount of traffic in the Amity Gardens neighborhood.

9. There is no credible evidence on record indicating that the operation of Sugar Shack significantly increases the amount of traffic on Independence Boulevard, except for approximately fifteen minutes after 2:00 a.m. on Saturday and Sunday mornings.

10. The noise in the back and west parking lots occurs in the early morning hours and disturbs residents of the Amity Gardens neighborhood while they are sleeping or trying to sleep. Sleeping is a major life activity, particularly between midnight and 7:00 a.m. It is detrimental to the residents of the Amity Gardens neighborhood when they cannot sleep in their homes.

11. The violence in the west parking lot is so close and of such a nature as to create a reasonable belief in the residents of the Amity Gardens neighborhood that there is an exertion of force and threatened exertion of force directed toward the neighborhood, which endangers their health and safety. Specifically, it is reasonable for residents to fear that they or a member of their family will be struck by a bullet.

12. The fact that a high level of security is needed outside the Sugar Shack in order to maintain order and that

the security guards carry pistols and shotguns creates a reasonable fear in the residents of the Amity Gardens neighborhood that force will be directed towards them which endangers their health and safety.

13. The noise in the parking lots and the noise and violence in the west parking lot is directly attributable to patrons of the Sugar Shack. The noise and violence is detrimental to the Amity Gardens neighborhood.

14. No factors other than the factor set forth in Finding of Fact #6(h)(8) are at issue.

RECOMMENDED DECISION

In accordance with the preceding Stipulations of the parties, Findings of Fact and Conclusions of Law, it is hereby RECOMMENDED that no permanent ABC license be issued to Sugar Shack for the on-premises sale of malt beverages, fortified wine, unfortified wine and mixed beverages.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney of record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the North Carolina ABC Commission.

This the 21st day of August, 1996.

Thomas R. West
Administrative Law Judge

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
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14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
20	Treasurer	Midwifery Joint Committee	33
*21	Occupational Licensing Boards	Mortuary Science	34
22	Administrative Procedures	Nursing	36
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24	Independent Agencies	Occupational Therapists	38
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Note: Title 21 contains the chapters of the various occupational licensing boards.

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This index provides information related to notices, rules and other documents published in the Register. The information provided below includes notices and rules published on or after December 1, 1995 and will be cumulative through March 1997. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

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15A NCAC 07H .1904 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .2004 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .2104 11:04 NCR 183			11:11 NCR 907	*						

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15A NCAC 07J .0102	10:24 NCR 3045		11:04 NCR 190	*						
15A NCAC 07K .0203	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07M .0301	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0302	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0303	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0304	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0305	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0306	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0307	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0308	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0309	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0401	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0402	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0403	10:16B NCR 1921		11:11 NCR 907	*						
Environmental Management Commission										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0224	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0229	11:03 NCR 109		11:09 NCR 572	*						
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824	LSE						
15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824	L						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L						
15A NCAC 02B .0234	11:02 NCR 75		11:10 NCR 824	*						
15A NCAC 02B .0235	11:02 NCR 75		11:10 NCR 824	*						

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15A NCAC 02B .0236	11:02 NCR 75		11:10 NCR 824	L						
15A NCAC 02B .0303	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0315	11:02 NCR 75		11:09 NCR 572	L						
15A NCAC 02D .0518	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0524	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0530	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0902	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0907	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0909	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0910	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0911	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0946	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0954	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .1100	11:08 NCR 442		11:08 NCR 472	*						
15A NCAC 02D .1110	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .1111	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .1402	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .1403	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02H .0610	11:08 NCR 442		11:08 NCR 472	*						
15A NCAC 02L .0106		10:19 NCR 2508								
15A NCAC 02L .0202	10:20 NCR 2591		11:08 NCR 472	*						
15A NCAC 02P .0402		10:19 NCR 2512								
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	10:24 NCR 2400		11:08 NCR 472	S/L						
15A NCAC 02Q .0104	10:24 NCR 2400		11:08 NCR 472	*						
15A NCAC 02Q .0107	10:18 NCR 2400		11:08 NCR 472	*						
15A NCAC 02Q .0507	10:24 NCR 2400		11:08 NCR 472	S/L						
15A NCAC 02Q .0512	10:24 NCR 2400		11:08 NCR 472	S/L						

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15A NCAC 02Q .0514	10:24 NCR 2400		11:08 NCR 472	S/L						
15A NCAC 02Q .0515	10:24 NCR 2400		11:08 NCR 472	S/L						
15A NCAC 02Q .0517	10:24 NCR 2400		11:08 NCR 472	S/L						
15A NCAC 02Q .0700	11:08 NCR 442									
NPDES Permits										11:06 NCR 317
NPDES Permits										11:07 NCR 406
Health Services, Commission for										
15A NCAC 13B .1627	11:08 NCR 442									
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13C .0301	10:18 NCR 2317		11:06 NCR 357	*						
15A NCAC 13C .0302	10:18 NCR 2317		11:06 NCR 357	*						
15A NCAC 13C .0303	10:18 NCR 2317		11:06 NCR 357	*						
15A NCAC 13C .0304	10:18 NCR 2317		11:06 NCR 357	*						
15A NCAC 13C .0305	10:18 NCR 2317		11:06 NCR 357	*						
15A NCAC 13C .0306	10:18 NCR 2317		11:06 NCR 357	*						
15A NCAC 13C .0307	10:18 NCR 2317		11:06 NCR 357	*						
15A NCAC 13C .0308	10:18 NCR 2317		11:06 NCR 357	*						
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .0134	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0136	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0137	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0159	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0168	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0169	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0173	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0174	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0175	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0176	11:08 NCR 442		11:12 NCR 987	*						

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15A NCAC 18A .0182	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0183	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0184	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0186	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0301	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0302	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0401	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0421	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0424	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0425	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0614	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0615	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0616	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0617	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0618	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0620	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0621	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .0901	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .1301	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .1302	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .1319	11:08 NCR 442		11:12 NCR 987	*						
15A NCAC 18A .1805	11:04 NCR 183		11:09 NCR 576	*						
15A NCAC 18A .1814					Approve	04/18/96			11:04 NCR 209	
15A NCAC 18A .2601		11:01 NCR 24	11:05 NCR 273	*						
15A NCAC 18A .2701					Approve	06/20/96	*		11:08 NCR 536	
15A NCAC 20D .0243					Approve	04/18/96			11:04 NCR 209	

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15A NCAC 21H .0111		11:06 NCR 371								
15A NCAC 21H .0113		11:06 NCR 371								
15A NCAC 21J .0101		11:07 NCR 422								
15A NCAC 21J .0101		11:07 NCR 422								
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 031 .0001	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 031 .0005	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 031 .0019			10:21 NCR 2737	*	Approve	05/16/96	*			
15A NCAC 031 .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 031 .0401			10:21 NCR 2688	*	Approve	05/16/96	*			
15A NCAC 031 .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 031 .0201	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03M .0202	11:03 NCR 110	11:11 NCR 938		*						
15A NCAC 03M .0503	11:07 NCR 407		11:11 NCR 938	*						
15A NCAC 03M .0504	11:03 NCR 110	11:11 NCR 938		*						
15A NCAC 03M .0506	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03M .0507		11:11 NCR 938		*						
15A NCAC 03M .0511	11:03 NCR 110	11:11 NCR 938		*						
15A NCAC 03R .0006	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03R .0007	11:07 NCR 407		11:11 NCR 888	*						
Parks and Recreation										
15A NCAC 12B .1206	10:18 NCR 2317		11:12 NCR 985	*						
Soil and Water Conservation										
15A NCAC 06E .0002	11:08 NCR 442		11:12 NCR 979	*						
15A NCAC 06E .0002		11:12 NCR 1004								
15A NCAC 06E .0003	11:08 NCR 442		11:12 NCR 979	*						
15A NCAC 06E .0005		11:12 NCR 1004								

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Wildlife Resources Commission										
15A NCAC 10B .0106	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10B .0113	11:07 NCR 408		11:12 NCR 983	*						
15A NCAC 10B .0115	11:07 NCR 408		11:12 NCR 984	*						
15A NCAC 10B .0115	11:11 NCR 882									
15A NCAC 10B .0116	11:12 NCR 959									
15A NCAC 10B .0123	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10B .0203	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10B .0208	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10B .0209	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10C .0107	11:02 NCR 76									
15A NCAC 10C .0205	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10C .0305	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10C .0401	11:02 NCR 76									
15A NCAC 10C .0401	11:07 NCR 408									
15A NCAC 10D .0002	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10D .0003	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10F .0102	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0103	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0104	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		11:12 NCR 1006	
15A NCAC 10F .0105	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		11:12 NCR 1006	
15A NCAC 10F .0106	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0107	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0109	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0300	11:01 NCR 13									
15A NCAC 10F .0302	11:05 NCR 272									
15A NCAC 10F .0303	10:24 NCR 3057		11:06 NCR 355	*						
15A NCAC 10F .0305	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			11:10 NCR 843	

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15A NCAC 10F .0307	11:02 NCR 76		11:07 NCR 412	*						
15A NCAC 10F .0307	11:08 NCR 451									
15A NCAC 10F .0310	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			11:10 NCR 843	
15A NCAC 10F .0310	10:24 NCR 3057		11:06 NCR 355	*						
15A NCAC 10F .0342	10:19 NCR 2506		11:01 NCR 14	*	Withdrawn/Agcy	07/18/96				
15A NCAC 10F .0348	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10G	11:01 NCR 13									
15A NCAC 10G .0100	11:02 NCR 76									
15A NCAC 10G .0102	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0103	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0202	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0203	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0206	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0302	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0303	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0401	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0402	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0403	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0404	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 10G .0501	11:01 NCR 13		11:07 NCR 412	*						
15A NCAC 101 .0001	10:22 NCR 2829		11:04 NCR 191	*						
15A NCAC 101 .0002	11:02 NCR 76		11:08 NCR 495	*						

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11:04 NCR 182

11:01 NCR 1
11:04 NCR 181
11:06 NCR 315

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Voting Rights Act
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11:07 NCR 405

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21 NCAC 12 .0204 10:22 NCR 2829 11:06 NCR 372 11:09 NCR 583 *

21 NCAC 12 .0503 10:22 NCR 2829 11:06 NCR 372 11:09 NCR 584 *

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Number 95 - Eff. 04/24/96

Number 96 - Eff. 06/14/96

Number 97 - Eff. 07/12/96

Number 98 - Eff. 08/09/96

11:05 NCR 270

11:08 NCR 441

11:10 NCR 817

11:11 NCR 880

HUMAN RESOURCES

10 NCAC 41P .0013 11:06 NCR 323 11:12 NCR 966 L

Aging

10 NCAC 22 10:23 NCR 2956

Child Day Care Commission

10 NCAC 03U .0102 10:20 NCR 2593 11:10 NCR 819 S

10 NCAC 03U .0604 11:03 NCR 109 *

10 NCAC 03U .0700 11:08 NCR 449

10 NCAC 03U .0704 10:19 NCR 2506 *

10 NCAC 03U .0710 10:22 NCR 2829 11:04 NCR 188 *

10 NCAC 03U .0901 11:08 NCR 449

10 NCAC 03U .2510 11:08 NCR 449

10 NCAC 03U .2606 11:08 NCR 449

10 NCAC 03U .2701 10:20 NCR 2593 11:10 NCR 819 S

10 NCAC 03U .2702 10:20 NCR 2593 11:10 NCR 819 S

10 NCAC 03U .2703 10:20 NCR 2593 11:10 NCR 819 S

10 NCAC 03U .2704 10:20 NCR 2593 11:10 NCR 819 S

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10 NCAC 03 10:18 NCR 2399

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10 NCAC 03R .3001		10:21 NCR 2699	11:08 NCR 452	S/L/SE						11:11 NCR 888
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						11:11 NCR 888
10 NCAC 03R .3010		10:21 NCR 2699	11:08 NCR 452	S/L/SE						11:11 NCR 888
10 NCAC 03R .3020		10:21 NCR 2699	11:08 NCR 452	S/L/SE						11:11 NCR 888
10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE						11:11 NCR 888
10 NCAC 03R .3030		10:21 NCR 2699	11:08 NCR 452	S/L/SE						11:11 NCR 888
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE						11:11 NCR 888
10 NCAC 03R .3032	10:23 NCR 2956	10:21 NCR 2699	11:08 NCR 452	S/L/SE						11:11 NCR 888
10 NCAC 03R .3040		10:21 NCR 2699	11:06 NCR 328	S/L/SE						11:11 NCR 888
10 NCAC 03R .3040	10:23 NCR 2956		11:08 NCR 452	S/L/SE						11:11 NCR 888
10 NCAC 03R .3050		10:21 NCR 2699	11:06 NCR 328	S/L/SE						11:11 NCR 888
10 NCAC 03R .3050	10:23 NCR 2956		11:08 NCR 452	S/L/SE						11:11 NCR 888
10 NCAC 03R .3050		10:21 NCR 2699	11:06 NCR 328	S/L/SE						11:11 NCR 888
Medical Assistance										
Disproportionate Share List										
10 NCAC 26B .0105	10:18 NCR 2398		10:22 NCR 2831	*	Approve	04/18/96	*		11:04 NCR 207	11:03 NCR 101
10 NCAC 26G .0707	11:08 NCR 450									
10 NCAC 26H .0506		11:02 NCR 77								
10 NCAC 26H .0506	10:21 NCR 2686									
10 NCAC 26H .0602	11:09 NCR 569									
10 NCAC 50B .0202		11:10 NCR 841								
10 NCAC 50B .0404		11:10 NCR 841								
10 NCAC 50B .0409		11:10 NCR 841								
10 NCAC 50D										
10 NCAC 50D .0101	10:24 NCR 3057	11:04 NCR 196								11:06 NCR 316
10 NCAC 50D .0102	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0103	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0201	10:24 NCR 3057	11:04 NCR 196								

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10 NCAC 50D .0301	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0302	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0401	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0402	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0501	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0502	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0503	10:24 NCR 3057	11:04 NCR 196								
Medical Care Commission										
10 NCAC 03C .6208					Approve	04/18/96			11:04 NCR 206	
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .3400	11:08 NCR 449									
10 NCAC 14V .3800	11:08 NCR 449									
10 NCAC 14V .5600	11:08 NCR 449									
10 NCAC 15A .0100	11:08 NCR 449									
10 NCAC 45H .0200	11:08 NCR 449									
Social Services Commission										
10 NCAC 41F	10:23 NCR 2956									
10 NCAC 41F .0705	10:23 NCR 2956		11:03 NCR 111	L						
10 NCAC 41F .0706		10:21 NCR 2726	11:03 NCR 111	*						
10 NCAC 41F .0707		10:21 NCR 2726	11:03 NCR 111	S	Object	07/18/96				
10 NCAC 41F .0812		10:21 NCR 2726	11:03 NCR 111	*						
10 NCAC 41F .0813		10:21 NCR 2726	11:03 NCR 111	S	Object	07/18/96				
10 NCAC 41F .0814	10:23 NCR 2956		11:03 NCR 111	L	Object	07/18/96				
10 NCAC 41I .0100	10:17 NCR 2228									
10 NCAC 41I .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41P .0002	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 41P .0005	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 41P .0006	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*						

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10 NCAC 41P .0008	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 41P .0009	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 41P .0010	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 41P .0011	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 41P .0012	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 42A .0701		10:21 NCR 2728	11:10 NCR 823	S/L/SE						
10 NCAC 42A .0702		10:21 NCR 2728	11:10 NCR 823	*						
10 NCAC 42A .0703		10:21 NCR 2728	11:10 NCR 823	*						
10 NCAC 42B .1209		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42B .1210		10:21 NCR 2729	11:12 NCR 967	S/L						
10 NCAC 42B .1211		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42B .2402		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42B .2403		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42B .2404		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42B .2405		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42C .2010		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42C .2011		10:21 NCR 2729	11:12 NCR 967	S/L						
10 NCAC 42C .2012		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42C .3701		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42C .3702		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42C .3703		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42C .3704		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42D .1409		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42D .1410		10:21 NCR 2729	11:12 NCR 967	S/L						
10 NCAC 42D .1411		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42D .1827		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42D .1828		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42D .1829		10:21 NCR 2729	11:12 NCR 967	*						

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10 NCAC 42D .1830		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42V .0201		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		11:10 NCR 843	
10 NCAC 42V .0802		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		11:10 NCR 843	
10 NCAC 42V .0803		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		11:10 NCR 843	
10 NCAC 49A .0002		11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 49B .0202		11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 49B .0310		11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 49B .0502		11:08 NCR 528	11:12 NCR 960	*						
10 NCAC 49C .0107		10:18 NCR 2402								
Vocational Rehabilitation Services										
10 NCAC 20B .0200	11:08 NCR 450									
10 NCAC 20C .0600	11:08 NCR 450									
10 NCAC 20D .0200	11:08 NCR 450									
INSURANCE										
11 NCAC 12 .0551	10:18 NCR 2399		10:22 NCR 2831	*	Approve	05/16/96	*		11:05 NCR 283	
11 NCAC 16 .0703	10:18 NCR 2399		10:22 NCR 2832	*	Approve	05/16/96			11:05 NCR 284	
JUSTICE										
Attorney General/Company Police										
12 NCAC 021 .0101					Approve	04/18/96			11:04 NCR 208	
12 NCAC 021 .0206					Approve	04/18/96			11:04 NCR 208	
12 NCAC 021 .0210					Approve	04/18/96			11:04 NCR 208	
Alarm Systems Licensing Board										
12 NCAC 11 .0202	10:24 NCR 3057									
Private Protective Services Board										
12 NCAC 07D	11:10 NCR 818									
12 NCAC 07D .0201	11:10 NCR 818									
12 NCAC 07D .0504	11:10 NCR 818									
12 NCAC 07D .0701	11:10 NCR 818									

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					Action	Date				
12 NCAC 07D .0801	11:10 NCR 818									
12 NCAC 07D .0902	11:10 NCR 818									
State Bureau of Investigation/Division of Criminal Information										
12 NCAC 04E .0103	11:11 NCR 881									
LABOR										
Occupational Safety and Health										
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F .0101		11:03 NCR 119								
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0301	11:03 NCR 106									
MEDICAL BOARD										
21 NCAC 32H	10:18 NCR 2400									
21 NCAC 32H .0101	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0102	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0201	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0203	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0301	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0302	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0303	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0401	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0402	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0403	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0404	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0406	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0407	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0408	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	

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21 NCAC 32H .0409	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0501	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0502	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0504	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0505	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0506	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0507	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0601	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0602	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0701	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0702	10:18 NCR 2400		10:22 NCR 2835	*	Object	04/18/96	*		Returned to Agency 6/20/96	
21 NCAC 32H .0801	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0901	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0902	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
NURSING HOME ADMINISTRATORS										
21 NCAC 37D .0202		11:11 NCR 940								
21 NCAC 37G .0102		11:11 NCR 940								
PSYCHOLOGY BOARD										
21 NCAC 54 .2704					Approve	04/18/96			11:04 NCR 236	
21 NCAC 54 .2706					Approve	04/18/96			11:04 NCR 236	
PUBLIC EDUCATION										
16 NCAC 01A .0001					Approve	05/16/96			11:05 NCR 286	
16 NCAC 01A .0003					Approve	05/16/96			11:05 NCR 283	
Standards Board for Public School Administration										
16 NCAC 07 .0101	10:23 NCR 2957		11:09 NCR 576	*						
16 NCAC 07 .0102	10:23 NCR 2957		11:09 NCR 576	*						
16 NCAC 07 .0103	10:23 NCR 2957		11:09 NCR 576	*						
16 NCAC 07 .0104	10:23 NCR 2957		11:09 NCR 576	*						

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16 NCAC 07 .0105	10:23 NCR 2957		11:09 NCR 576	*						
16 NCAC 07 .0106	10:23 NCR 2957		11:09 NCR 576	*						
16 NCAC 07 .0107	10:23 NCR 2957		11:09 NCR 576	*						
16 NCAC 07 .0108	10:23 NCR 2957		11:09 NCR 576	*						
16 NCAC 07 .0109	10:23 NCR 2957		11:09 NCR 576	*						
16 NCAC 07 .0110	10:23 NCR 2957		11:09 NCR 576	*						
16 NCAC 07 .0111	10:23 NCR 2957		11:09 NCR 576	*						
16 NCAC 07 .0112	10:23 NCR 2957		11:09 NCR 576	*						
REAL ESTATE COMMISSION										
21 NCAC 58A .0101	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0104	11:07 NCR 408		11:11 NCR 935	*						
21 NCAC 58A .0105	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0109	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0110	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0503	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0504	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .1601	10:22 NCR 2835		11:03 NCR 114	*						
REFRIGERATION EXAMINERS										
21 NCAC 60 .0204	11:05 NCR 272		11:10 NCR 839	*						
21 NCAC 60 .0207	11:05 NCR 272		11:10 NCR 839	*						
21 NCAC 60 .0314	11:05 NCR 272		11:10 NCR 839	*						
REVENUE										
17 NCAC 01C .0504	10:20 NCR 2599								Object	08/15/96
17 NCAC 01C .0506	10:20 NCR 2599								field	08/15/96
17 NCAC 01C .0506			11:10 NCR 838	*						

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17 NCAC 05C .0102			11:03 NCR 113	*						
			11:09 NCR 582	*						
17 NCAC 05C .2101			10:24 NCR 3059	*	Approve	05/16/96	*		11:05 NCR 284	
17 NCAC 06B .0612			10:22 NCR 2833	*	Approve	04/18/96	*		11:04 NCR 211	
17 NCAC 06B .3716			10:22 NCR 2833	*	Approve	04/18/96	*		11:04 NCR 211	
17 NCAC 07B .0118			11:12 NCR 998	*						
17 NCAC 07B .1101			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1105			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1108			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1109			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1110			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1112			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1114			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1123			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1602			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1602			11:12 NCR 998	*						
17 NCAC 07B .1701			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1702			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1702			11:12 NCR 998	*						
17 NCAC 07B .1802			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1802			11:12 NCR 998	*						
17 NCAC 07B .2401			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .2601			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .3103			11:12 NCR 998	*						
17 NCAC 07B .3106			11:12 NCR 998	*						
17 NCAC 07B .4002			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .4004			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .4008			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	

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17 NCAC 07B .4202			11:12 NCR 998	*						
17 NCAC 07B .4301			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4408			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4501			11:12 NCR 998	*						
17 NCAC 07B .4902			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
Tax Review Board										11:02 NCR 72
Tax Review Board										11:06 NCR 318
SOCIAL WORK, BOARD OF										
21 NCAC 63 .0306		10:21 NCR 2739	11:03 NCR 118	*						
SOIL SCIENTISTS, BOARD FOR LICENSING										
21 NCAC 69 .0101	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0102	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0103	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0104	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0201	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*						
			11:04 NCR 200	*						
21 NCAC 69 .0202	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0301	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0302	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0303	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						

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21 NCAC 69 .0304	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0305	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0306	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0307	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0308	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0401	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0402	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
21 NCAC 69 .0501	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*						
STATE PERSONNEL COMMISSION										
25 NCAC 01J .0613		10:23 NCR 2960								
25 NCAC 01J .0613					Approve	03/21/96			11:01 NCR 26	
SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD										
21 NCAC 68	10:18 NCR 2401									
21 NCAC 68 .0101	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0102	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0201	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0202	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0203	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0204	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0205	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	

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21 NCAC 68 .0206	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0207	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0208	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0209	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0210	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0211	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0212	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0213	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0401	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0402	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0403	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0404	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0405	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0406	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0407	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0701	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0702	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0703	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0704	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0705	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0706	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0707	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0708	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0709	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
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19A NCAC 06B .0401	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0402	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0403	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				

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					Action	Date				
19A NCAC 06B .0404	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0405	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0406	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0407	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0408	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0409	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0410	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0411	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0412	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0413	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0414	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0415	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0416	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0417	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
Highways, Division of										
19A NCAC 02D .0425					Approve	08/15/96			11:12 NCR 1006	
19A NCAC 02D .1101	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
19A NCAC 02D .1102	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96				
19A NCAC 02D .1103	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1104	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1105	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1106	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
19A NCAC 02D .1107	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
19A NCAC 02D .1108	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96				
19A NCAC 02D .1109	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1110	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1111	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96				
19A NCAC 02D .1112	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				

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Motor Vehicles, Division of

19A NCAC 03E .0500	11:01 NCR 13									
19A NCAC 03E .0501	11:01 NCR 13			*						
19A NCAC 03E .0502	11:01 NCR 13		11:07 NCR 416	*						
19A NCAC 03E .0510	11:01 NCR 13		11:07 NCR 416	*						
19A NCAC 03E .0511	11:01 NCR 13		11:07 NCR 416	*						
19A NCAC 03E .0512	11:01 NCR 13		11:07 NCR 416	*						
19A NCAC 03E .0513	11:01 NCR 13		11:07 NCR 416	*						
19A NCAC 03E .0514	11:01 NCR 13		11:07 NCR 416	*						
19A NCAC 03E .0515	11:01 NCR 13		11:07 NCR 416	*						
19A NCAC 03E .0518	11:01 NCR 13		11:07 NCR 416	*						
19A NCAC 03E .0519	11:01 NCR 13		11:07 NCR 416	*						
19A NCAC 03E .0522	11:01 NCR 13		11:07 NCR 416	*						
19A NCAC 03J .0101	11:11 NCR 882		11:07 NCR 416	*						
19A NCAC 03J .0201	11:11 NCR 882									
19A NCAC 03J .0306	11:11 NCR 882									
19A NCAC 03J .0307	11:11 NCR 882									
19A NCAC 03J .0601	11:11 NCR 882									

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