

# ***NORTH CAROLINA REGISTER***

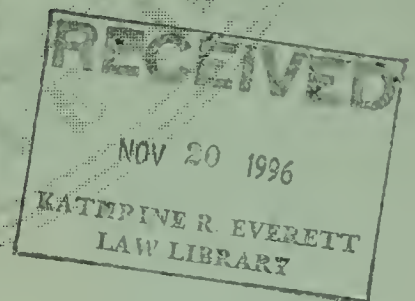
**VOLUME 11 • ISSUE 16 • Pages 1263 - 1331  
November 15, 1996**

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## **PUBLISHED BY**

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# **NORTH CAROLINA REGISTER**

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**Volume 11, Issue 16  
Pages 1263 - 1331**

**November 15, 1996**

This issue contains documents officially  
filed through October 24, 1996.

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# NORTH CAROLINA REGISTER

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volume and issue number	issue date	last day for filing	end of com- ment period	earliest reg- ister issue for publica- tion of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact		
						end of re- quired com- ment period	deadline to submit to RRC for review at next RRC meeting	first legisla- tive day of the next regular ses- sion	end of re- quired com- ment period	deadline to submit to RRC for review at next RRC meeting	first legisla- tive day of the next regular ses- sion
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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	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ol style="list-style-type: none"><li>(1) temporary rules;</li><li>(2) notices of rule-making proceedings;</li><li>(3) text of proposed rules;</li><li>(4) text of permanent rules approved by the Rules Review Commission;</li><li>(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;</li><li>(6) Executive Orders of the Governor;</li><li>(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;</li><li>(8) orders of the Tax Review Board issued under G.S. 105-241.2; and</li><li>(9) other information the Codifier of Rules determines to be helpful to the public.</li></ol>	<p><b>ISSUE DATE:</b> 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.</p> <p><b>LAST DAY FOR FILING:</b> The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.</p>	<p><b>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS:</b> 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.</p> <p><b>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT:</b> The date of the next issue following the end of the comment period.</p>	<p><b>EARLIEST DATE FOR PUBLIC HEARING:</b> The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p><b>END OF REQUIRED COMMENT PERIOD</b></p> <p>(1) <b>RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:</b> 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.</p> <p>(2) <b>RULE WITH SUBSTANTIAL ECONOMIC IMPACT:</b> 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.</p> <p><b>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:</b> 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.</p> <p><b>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY:</b> 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.</p>

U.S. Department of Justice

Civil Rights Division

DLP:GS:TGL:jdp  
DJ 166-012-3  
96-3208

*Voting Section*  
*P. O. Box 66128*  
*Washington, D.C. 20035-6128*

September 30, 1996

Susan K. Nichols, Esq.  
Special Deputy Attorney General  
P.O. Box 629  
Raleigh, North Carolina 27602-0629

Dear Ms. Nichols:

This refers to the following acts of the State of North Carolina adopted in 1996: Chapter 553, which provides a date change for canvassing primaries and elections; Chapter 554, which allows poll workers to serve less than a full day; Chapter 561, which allows for absentee voting for a religious holiday; Chapter 593, which relates to campaign finance; Chapter 608, which continues the Employment Security Commission as a voter registration site designated pursuant to the National Voter Registration Act of 1993 (NVRA), 42 U.S.C. 1973gg to 1973gg-10; Chapter 688, which eliminates the requirement that poll observers designated by political party chairs be residents of the particular voting precinct and amends procedures regarding access to voter registration data; Chapter 694, which amends procedures regarding election challenges; and Chapter 734, which authorizes the appointment of poll workers outside of their precinct of residence, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on July 31, 1996; supplemental information was received on September 25, 1996.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41). In this regard, the granting of Section 5 preclearance with regard to Chapter 608 (1996) does not preclude the Attorney General or private individuals from filing a civil action pursuant to Section 11 of the NVRA, 42 U.S.C. 1973gg-9.

Sincerely,

Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division

By:

Elizabeth Johnson  
Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

DLP:RAK:JBG:emr  
DJ 166-012-3  
96-3810

*Voting Section*  
*P. O. Box 66128*  
*Washington, D. C. 20035-6128*

October 1, 1996

Susan K. Nichols, Esq.  
Special Deputy Attorney General  
P. O. Box 629  
Raleigh, North Carolina 27602-0629

Dear Ms. Nichols:

This refers to Act 9 (1996), which changes the method of electing superior court judges, including the adoption of nonpartisan elections, district-wide general elections, the resolution of tied elections by lot, procedures for filling vacancies, the terms to which candidates are elected for certain types of vacancies and the implementation schedule therefor in the State of North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act 42 U.S.C. 1973c. We received your submission on September 20, 1996; supplemental information was received on September 20, 23, 27 and 30, 1996, and on October 1, 1996.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5, (28 C.F.R. 51.41 and 51.43).

Sincerely,

Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division

By:

Elizabeth Johnson  
Chief, Voting Section



U.S. Department of Justice

Civil Rights Division

DLP:ZJB:TGL:mh:jdp  
DJ 166-012-3  
96-3427  
96-3491  
96-3882

*Voting Section*  
*P.O. Box 66128*  
*Washington, D.C. 20035-6128*

October 21, 1996

Jesse L. Warren, Esq.  
City Attorney  
P.O. Box 3136  
Greensboro, North Carolina 27402-3136

Dear Mr. Warren:

This refers to four annexations (Ordinance Nos. 96-95, 96-97, 96-117 and 96-124) and the designation of the annexed areas to districts for the City of Greensboro in Guildford County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on August 21 and 26, and September 25, 1996.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,

Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division

By:

Elizabeth Johnson  
Chief, Voting Section

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE  
TAX REVIEW BOARD

IN THE MATTER OF:  
The Proposed Assessment of  
additional Sales and Use  
Tax for the period of  
December 1, 1991 through  
October 31, 1994 Albion Associates, Inc.

ADMINISTRATIVE  
DECISION NUMBER: 320

THIS MATTER was heard before the Tax Review Board (hereinafter "Board") on Tuesday, July 23, 1996 in the City of Raleigh, Wake County, North Carolina, in the office of the State Treasurer. It involved the petition filed by Albion Associates, Inc., (hereinafter "Taxpayer") from the Final Decision of Michael A. Hannah, Assistant Secretary for Legal and Administrative Services for the Department of Revenue (hereinafter "Assistant Secretary") entered on January 18, 1996, sustaining a proposed assessment of additional sales and use tax for the period of December 1, 1991 through October 31, 1994.

Chairman Harlan E. Boyles presided over the hearing with *ex officio* member, Hugh A. Wells, Chairman, Utilities Commission and duly appointed member, Noel L. Allen, Attorney at Law.

Jeffrey T. Lawyer, Attorney and Miles Barefoot, President of Albion Associates, Inc, appeared on behalf of the Taxpayer; George W. Boylan, Special Deputy Attorney General, appeared on behalf of the Department of Revenue.

On administrative review to the Board, Taxpayer primarily contested only the imposition of sales taxes upon photographs, color prints, black and white prints and related materials, prepared for its customers. Taxpayer contended that such property qualifies for exemption under G.S. §105-164.13(14a) as "printed material sold by a printer."

The Board having conducted a hearing in this matter and having considered the Petition, the briefs, the record, the Assistant Secretary's final decision and the arguments of counsel concluded that the final decision did not contain sufficient findings of fact to conclude as a matter of law that Taxpayer in not engaged in the printing business, but is operating a photography business.

IT IS THEREFORE ORDERED that this matter is **Remanded** to the Assistant Secretary so that appropriate evidence may be considered by the Assistant Secretary in order allow for additional findings of fact to support the conclusion of law that Taxpayer is not engaged in the printing business, but is in fact operating photography business.

Entered this the 18th day of October, 1996.

TAX REVIEW BOARD

/s/Harlan E. Boyles, Chairman  
State Treasurer

/s/Hugh A. Wells  
Chairman, Utilities Commission

/s/Noel L. Allen

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE MATTER OF:

The Proposed Assessment of  
additional sales and use tax  
for the period of October 1, 1988  
through August 31, 1991 assessed  
against **Robert C. & Elizabeth L.  
Daughety d/b/a Atlantic Satellite**

BEFORE THE  
TAX REVIEW BOARD

ADMINISTRATIVE  
DECISION NUMBER: 321

THIS MATTER was heard before the Tax Review Board on July 23, 1996 in the City of Raleigh, Wake County, North Carolina, in the office of the State Treasurer. It involved the petition for administrative review filed by **Robert C. & Elizabeth L. Daughety d/b/a Atlantic Satellite** (hereinafter "Taxpayers") from the Final Decision of Michael A. Hannah, Assistant Secretary for Legal and Administrative Services (hereinafter "Assistant Secretary") entered on May 4, 1994, sustaining a proposed assessment of sales and use tax, including penalty and interest for the period of October 1, 1998 through August 31, 1991.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with Hugh A. Wells, Chairman Utilities Commission and duly appointed member, Noel L. Allen, Attorney at Law participating.

The Taxpayer was represented at the hearing by Bernard A. Harrell, Attorney at Law; Marilyn R. Mudge, Assistant Attorney General, appeared on behalf of the Department of Revenue.

On administrative review to this Board, one argument made by counsel for the Taxpayers was that the Assistant Secretary erred in concluding as a matter of law that the business at issue was a partnership. The attorney contended that this conclusion was based on an erroneous finding of fact that Taxpayer, Robert C. Daughety had authority to issue checks and sign documents on behalf of the business. Taxpayers' counsel also raised arguments concerning the taxability of the business operation and the audit process.

The scope of administrative review for petitions filed with the Tax Review Board is governed by G.S. §105-241.2(b2). G.S. §105-241.2(b2) states in pertinent part:

b2).. the Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary.

The Board having conducted a hearing in this matter and having considered the Petition, the briefs, the record, the Assistant Secretary's final decision and the arguments of counsel concluded that there exist sufficient evidence in the record to confirm the tax assessment against Elizabeth C. Daughety, d/b/a Atlantic Satellite. However, the Board concluded that the final decision did not state sufficient findings of fact to warrant the conclusion of law that a partnership existed between the parties. Absent the existence of a partnership, the assessment against Taxpayer, Robert C. Daughety should be reversed.

**IT IS THEREFORE ORDERED**, that the Board **confirms** the Assistant Secretary's final decision as to the tax assessment in the amount of 41,989.85, plus penalty and interest against Elizabeth L. Daughety, d/b/a Atlantic Satellite Systems; but **reverses** the final decision as to the assessment against Robert C. Daughety and orders that the final decision be modified accordingly.

Entered this the 18th day of October, 1996.

**TAX REVIEW BOARD**

/s/Harlan E. Boyles, Chairman  
State Treasurer

/s/Hugh A. Wells, Chairman  
Utilities Commission

/s/Noel L. Allen, Appointed Member

*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 10 - DEPARTMENT OF HUMAN  
RESOURCES**

**CHAPTER 3 - FACILITY SERVICES**

**SUBCHAPTER 3B - PROCEDURAL RULES**

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Medical Care 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:**  
10 NCAC 3B - Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 131E-256(h)

**Statement of the Subject Matter:** The North Carolina Medical Care Commission will conduct a public hearing on the proposed adoption of temporary rules for the Health Care Personnel Registry on Friday, November 22, 1996, 9:30 a.m., in Room 201, DFS Council Building, 701 Barbour Drive, Raleigh, North Carolina. The subject matter of the proposed rule-making proceeding is adoption of rules to establish and maintain a program to investigate allegations of abuse, neglect, misappropriation of resident and facility property, fraud, or drug diversion by unlicensed health care personnel in health care facilities.

**Reason for Proposed Action:** The General Assembly ratified Senate Bill 855 which contains a requirement that the North Carolina Medical Care Commission adopt, amend and repeal all rules necessary for the implementation of this program.

**Comment Procedures:** Oral or written comments may be presented at the hearing. Written comments may also be submitted to Jackie Sheppard, Rule-making Coordinator, Division of Facility Services, 701 Barbour Drive, Raleigh, North Carolina 27626-0530, but must be received prior to the public hearing which begins at 9:30 a.m. on Friday, November 22, 1996. You may contact Jackie Sheppard by telephone (919)733-2342.

\*\*\*\*\*

**CHAPTER 26 - MEDICAL ASSISTANCE**

**SUBCHAPTER 26H - REIMBURSEMENT PLANS**

**Notice of Rule-making Proceedings** is hereby given by the DHR - Division of Medical Assistance 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:**  
10 NCAC 26H .0104 Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 108A-25(b); 108A-54; 108A-55; S.L. 1985, c. 479, s. 86; 42 C.F.R. 447, Subpart C; 29 C.F.R. 1910, Subpart Z; S.L. 1991, c. 689, s. 95

**Statement of the Subject Matter:** Allows nursing facilities to record depreciation and interest related to direct patient care equipment in the annual cost report as direct care costs. The primary purpose of Direct Patient Care Equipment is to enhance the quality, efficiency, or safety of the work of direct patient care personnel.

**Reason for Proposed Action:** The objective of this amendment is to allow nursing facility providers to procure equipment which uses advanced technology to enhance the efficiency, quality, or safety of the work of direct patient care personnel.

**Comment Procedures:** Written comments concerning this rule-making action must be submitted by January 14, 1997, to Portia Rochelle, Rule-making Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.

**TITLE 12 - DEPARTMENT OF JUSTICE**

**CHAPTER 7 - PRIVATE PROTECTIVE  
SERVICES**

**SUBCHAPTER 7D - PRIVATE PROTECTIVE  
SERVICES BOARD**

**Notice of Rule-making Proceedings** is hereby given by the NC Private Protective Services Board 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:**  
12 NCAC 7D; 7D .0100 and .0104 - Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 74C-5; 74C-13

**Statement of the Subject Matter:**

12 NCAC 7D - To adopt rules to regulate the training of individuals who train other firearms trainers.

12 NCAC 7D .0100 - To address continuing education for individuals licensed pursuant to the North Carolina Private Protective Services Act.

12 NCAC 7D .0104 - The definition section defines terms used throughout the rules.

**Reason for Proposed Action:**

12 NCAC 7D - Currently, no rules exist to regulate the training of individuals who are training other individuals that train firearms instructors. The Board believes it important to adopt a section of rules to regulate the training of instructors.

12 NCAC 7D .0100 - Currently, no rules exist to require licensees to maintain or improve their private protective services skills; therefore, the Board proposes to implement continuing education requirements for licensees.

12 NCAC 7D .0104 - The Private Protective Services Board wishes to amend the definition of "branch office."

**Comment Procedures:** Written comments concerning this rule-making activity may be submitted within sixty days of this publication to W.A. Hoggard, III, Administrator, N.C. Private Protective Services Board, 3320 Old Garner Road, Raleigh, NC 27626.

course of the rule-making process.

**Authority for the rule-making:** G.S. 75A-3; 75A-15

**Statement of the Subject Matter:** Proposed No Wake Zone on Pasquotank River - Elizabeth City.

**Reason for Proposed Action:** To regulate boat speed in congested area.

**Comment Procedures:** The record will be open for receipt of written comments from November 15, 1996 through January 14, 1997. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

\*\*\*\*\*

CHAPTER 13 - SOLID WASTE MANAGEMENT

SUBCHAPTER 13A - HAZARDOUS WASTE MANAGEMENT

**Notice of Rule-making Proceedings** is hereby given by the EHNHR - Commission for Health Services 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 13A .0001, .0005, .0007, .0011, .0012 and .0019. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 130A-294(c); 150B-21.6

**Statement of the Subject Matter:**

15A NCAC 13A .0001 - Establishes the State agency which will administer the hazardous waste management program, makes State substitutions for federal agencies and incorporates into the rules certain publications.

15A NCAC 13A .0005 - Establishes general procedures concerning permit applications, permit processing, permit modification, public notice of permit actions, and public hearing procedures.

15A NCAC 13A .0007 - Establishes standards which apply to generators of hazardous waste.

15A NCAC 13A .0011 - Establishes standards for specific hazardous waste and specific types of hazardous waste management facilities, for example, recyclable materials and energy recovery facilities.

15A NCAC 13A .0012 - Establishes prohibition and treatment standards for land disposal of hazardous waste.

15A NCAC 13A .0019 - Establishes streamline hazardous waste management regulations governing the collection and

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

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

**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 10F .0367 Other rules may be proposed in the



management of certain widely generated wastes, known as "universal wastes". This universal waste rule covers hazardous waste batteries (e.g. nickel cadmium), certain hazardous waste pesticides, and mercury-containing thermostats. By reducing regulatory requirements, this rule will encourage state and local governments and manufacturers to establish environmentally sound collecting programs, and retailers to participate in them.

**Reason for Proposed Action:**

**15A NCAC 13A .0001** - To include the name change from the Division of Solid Waste Management to the Division of Waste Management to be consistent with the recent legislative name change revisions in G.S. 130A-291. To update changes in the cost of publications obtained from the U.S. Government Printing Office, Washington, DC 20402, which are incorporated by reference and updates changes in the cost of the NC Hazardous Waste Management Rules and Solid Waste Management law book.

**15A NCAC 13A .0005** - To incorporate by reference 40 CFR 124.31 through 124.33 (Subpart B), "Specific Procedures Applicable to RCRA Permits", and substitutes for the provisions of 40 CFR 124.31(a), 124.32(a) and 124.33(a) which are not incorporated by reference. Also the amendment will revise the adoption by reference wording as required by G.S. 150B-21.6.

**15A NCAC 13A .0007** - To incorporate by reference 40

CFR 262.80 through 262.89 (Subpart H), "Transfrontier Shipments of Hazardous Waste for Recovery within the OECD" with the exception of 40 CFR 262.89(e) which is not incorporated by reference.

**15A NCAC 13A .0011** - To remove 40 CFR 266.30 through 266.35 (Subpart D), "Hazardous Waste Burned for Energy Recovery". 40 CFR 266.30 through 266.35 (Subpart D) was replaced by 40 CFR 266.100 through 266.112 (Subpart H), "Hazardous Waste Burned in Boilers and Industrial Furnaces", and is to be relocated in Paragraph (d).

**15A NCAC 13A .0012** - The proposed amendment will add 40 CFR 268.39 "Waste specific prohibitions - End-of-pipe CWA, CWA-equivalent, and Class I nonhazardous injection well treatment standards; spent aluminum potliners; and carbamate wastes" to (Subpart C), "Prohibitions on Land Disposal".

**15A NCAC 13A .0019** - The proposed amendment will add 40 CFR 273.6 "Definitions" to Paragraph (a), (Subpart A), "General".

**Comment Procedures:** Comments will be accepted through January 14, 1997. Written comments may be submitted to Jimmy Carter, Chief, Hazardous Waste Section, Division of Waste Management, PO Box 27687, Raleigh, NC 27611-7687.

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

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the EHNR - Environmental Management Commission intends to adopt rules cited as 15A NCAC 2Q .0313, .0527; amend rules cited as 15A NCAC 2D .0535; 2Q .0312, .0525 and .0607. Notice of Rule-making Proceedings was published in the Register for 15A NCAC 2D .0535 on December 15, 1995 and the remainder rules were published on March 15, 1996.

**Proposed Effective Date:** July 1, 1998

**A Public Hearing** will be conducted at 7:00 pm on December 3, 1996 at the Groundfloor Hearing Room, Archdale Building, 512 North Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:**

**15A NCAC 2D .0535** - To amend the Rule to revise the time for reporting malfunctions and to clarify the definition of "excess emissions."

**15A NCAC 2Q .0312, .0313, .0525, .0527 & .0607** - To adopt rules for the implementation of expedited permit processing procedures and to amend the application processing schedule rules.

**Comment Procedures:** All persons interested in these matters are invited to attend the public hearings. Any person desiring to comment for more than three minutes is requested to submit a written statement for inclusion in the record of proceedings at the public hearing. The hearing record will remain open until January 14, 1997, to receive additional written statements.

Comments should be sent to and additional information concerning the hearing or the proposals may be obtained by contacting:

Mr. Thomas C. Allen  
Division of Environmental Management  
PO Box 29580  
Raleigh, NC 27626-0580  
(919) 733-1489 (phone)  
(919) 733-1812 (fax)

**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 2D - AIR POLLUTION CONTROL  
REQUIREMENTS**

**SECTION .0500 - EMISSION CONTROL  
STANDARDS**

**.0535 EXCESS EMISSIONS REPORTING  
AND MALFUNCTIONS**

(a) For this Rule the following definitions apply:

- (1) "Excess Emissions" means an emission rate that exceeds any applicable emission limitation or standard allowed by any rule in Sections .0500, .0900, ~~or .1200~~ .1200, or .1400 of this Subchapter; or by a permit condition; or that exceeds an emission limit established in a permit issued under 15A NCAC 2H .0610.
- (2) "Malfunction" means any unavoidable failure of air pollution control equipment, process equipment, or process to operate in a normal and usual manner that results in excess emissions. Excess emissions during periods of routine start-up and shut-down of process equipment shall not be considered ~~to be~~ a malfunction. Failures caused entirely or in part by poor maintenance, careless operations or any other upset condition within the control of the emission source shall not be considered a malfunction.
- (3) "Start-up" means the commencement of operation of any source ~~that which~~ has shut-down or ceased operation for a period sufficient to cause temperature, pressure, process, chemical, or a pollution control device imbalance ~~that which~~ would result in excess emission.
- (4) "Shut-down" means the cessation of the operation of any source for any purpose.

(b) This Rule does not apply to sources to which Rules .0524, .1110, or .1111 of this Subchapter applies unless excess emissions exceed an emission limit established in a permit issued under 15A NCAC 2H .0610 that is more stringent than the emission limit set by Rules .0524, .1110 or .1111 of this Subchapter.

(c) Any excess emissions that do not occur during start-up or shut-down shall be considered a violation of the appropriate rule unless the owner or operator of the source of excess emissions demonstrates to the Director, that the excess emissions are the result of a malfunction. To determine if the excess emissions are the result of a malfunction, the Director shall consider, along with any other

pertinent information, the following:

- (1) The air cleaning device, process equipment, or process has been maintained and operated, to the maximum extent practicable, ~~in a manner~~ consistent with good practice for minimizing emissions;
- (2) Repairs have been made ~~in an expeditious manner~~ expeditiously when the emission limits have been exceeded;
- (3) The amount and duration of the excess emissions, including any bypass, have been minimized to the maximum extent practicable;
- (4) All practical steps have been taken to minimize the impact of the excess emissions on ambient air quality;
- (5) The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- (6) The requirements of Paragraph (f) of this Rule have been met; and
- (7) If the source is required to have a malfunction abatement plan, it has followed that plan.

All malfunctions shall be repaired as expeditiously as practicable. However, the Director shall not excuse excess emissions caused by malfunctions from a source for more than 15 percent of the operating time during each calendar year. The Director may require the owner or operator of a facility to maintain records of the time that a source operates when it or its air pollution control equipment is malfunctioning or otherwise has excess emissions.

(d) All electric utility boiler units subject to a rule in this Section shall have a malfunction abatement plan approved by the Director. In addition, the Director may require any other source to have a malfunction abatement plan approved by the Director. If the Director requires a malfunction abatement plan for a source other than an electric utility boiler, the owner or operator of that source shall submit a malfunction abatement plan within 60 days after receipt of the Director's request. The malfunction plans of electric utility boiler units and of other sources required to have them shall be implemented when a malfunction or other breakdown occurs. The purpose of the malfunction abatement plan is to prevent, detect, and correct malfunctions or equipment failures that could result in excess emissions. A malfunction abatement plan shall contain as a minimum:

- (1) a complete preventive maintenance program including:
  - (A) the identification of individuals or positions responsible for inspecting, maintaining and repairing air cleaning devices;
  - (B) a description of the items or conditions that will be inspected and maintained;
  - (C) the frequency of the inspection, maintenance ~~services~~ services, and repairs; and
  - (D) an identification and quantities of the replacement parts ~~which that~~ shall be maintained in inventory for quick replacement;
- (2) an identification of the source and air cleaning

operating variables and outlet variables, such as opacity, grain loading, and pollutant concentration, that may be monitored ~~in order~~ to detect a malfunction or failure; the normal operating range of these variables and a description of the method of monitoring or surveillance procedures and of informing operating personnel of any malfunctions, including alarm systems, lights or other indicators; and

- (3) a description of the corrective procedures that ~~shall be taken in the event the owner or operator will take in case of a malfunction or failure in order~~ to achieve compliance with the applicable rule as expeditiously as practicable but no longer than the next boiler or process outage that would provide for an orderly repair or correction of the malfunction or 15 days, whichever is ~~the shorter time interval.~~ shorter. If it is ~~anticipated the owner or operator anticipates~~ that the malfunction would continue for more than 15 days, a case-by-case repair schedule will be established by the Director ~~in conjunction~~ with the source.

The owner or operator shall maintain logs to show that the operation and maintenance parts of the malfunction abatement plan are implemented. These logs shall be subject to inspection by the Director or his designee upon request during business hours.

(e) The owner or operator of any electric utility boiler unit required to have a malfunction abatement plan shall submit a malfunction abatement plan to the Director within 60 days of the effective date of this Rule. The owner or operator of any other source required by the Director to have a malfunction abatement plan shall submit a malfunction abatement plan to the Director within six months after it has been required by the Director. The malfunction abatement plan and any amendment to it shall be reviewed by the Director or his designee. If the plan is satisfactory, the Director shall approve it. If the plan does not adequately carry out the objectives described by Paragraph (d) of this Rule, the Director shall disapprove the plan. The Director shall state his reasons for his disapproval. The person who submits the plan shall satisfactorily amend the plan as required by the Director within a ~~period of~~ time prescribed by the Director. Any person having an approved malfunction abatement plan shall submit to the Director for his approval amendments reflecting changes in any element of the plan required by Paragraph (d) of this Rule or amendments when requested by the Director. The malfunction abatement plan and amendments to it shall be implemented within 90 days upon receipt of written notice of approval.

(f) The owner or operator of a source of excess emissions ~~which that~~ last for more than four hours and ~~which that~~ results from a malfunction, a breakdown of process or control equipment or any other abnormal conditions, shall:

- (1) notify the Director or his designee of any such occurrence ~~within 24 hours by 9:00 a.m.~~ Eastern



time of the Division's next business day of becoming aware of the occurrence and describe:

- (A) name and location of the facility,
- (B) the nature and cause of the malfunction or breakdown,
- (C) the time when the malfunction or breakdown is first observed,
- (D) the expected duration, and
- (E) an estimated rate of emissions;
- (2) notify the Director or his designee immediately when the corrective measures have been accomplished;
- (3) ~~submit, if requested,~~ submit to the Director within 15 days after the request a written report ~~which~~ that includes:
  - (A) name and location of the facility,
  - (B) identification or description of the processes and control devices involved in the malfunction or breakdown,
  - (C) the cause and nature of the event,
  - (D) time and duration of the violation or the expected duration of the excess emission if the malfunction or breakdown has not been fixed,
  - (E) estimated quantity of pollutant emitted,
  - (F) steps taken to control the emissions and to prevent recurrences and if the malfunction or breakdown has not been fixed, steps planned to be taken, and
  - (G) any other pertinent information requested by the Director.

After the malfunction or breakdown has been corrected, the Director may require the owner or operator of the source to test the source in accordance with Rule .0501 of this Section to demonstrate compliance.

(g) Start-up and shut-down. Excess emissions during start-up and shut-down shall be considered a violation of the appropriate rule if the owner or operator cannot demonstrate that the excess emissions are unavoidable when requested to do so by the Director. The Director may specify for a particular source the amount, time, and duration of emissions ~~that are~~ allowed during start-up or shut-down. The owner or operator shall, to the extent practicable, operate the source and any associated air pollution control equipment or monitoring equipment in a manner consistent with best practicable air pollution control practices to minimize emissions during start-up and shut-down.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.107(a)(5).

## SUBCHAPTER 2Q - AIR QUALITY PERMIT PROCEDURES

### SECTION .0300 - CONSTRUCTION AND OPERATION PERMITS

#### .0312 APPLICATION PROCESSING SCHEDULE

(a) The Division shall adhere to the following schedule for processing applications for permits, permit modifications, and permit renewals:

- (1) for permit applications, except for prevention of significant deterioration under 15A NCAC 2D .0530, ~~new source review under 15A NCAC 2D .0531~~, case-by-case maximum achievable control technology under 15A NCAC 2D .1109, or a request for synthetic minor facility status before one year after EPA approves Section .0500 of this Subchapter:

- (A) The Division shall send written acknowledgment of receipt of the permit application to the applicant within 10 days of receipt of the application.
- (B) The Division shall review all permit applications within 45 days of receipt of the application to determine whether the application is complete or incomplete for processing purposes. The Division shall notify the applicant by letter:
  - (i) stating that the application as submitted is complete and specifying the completeness date,
  - (ii) stating that the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Division, or
  - (iii) stating that the application is incomplete and requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant by letter dated within 45 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the deadline specified in the letter requesting additional information, the Director may return the application to the applicant as incomplete. The applicant may request a time extension for submittal of the requested additional information.

- (C) The Division shall determine within 45 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determina-

tion shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment or the facility. The Division shall complete the technical review within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.

(D) ~~(C)~~ If the draft permit is not required to go to public notice or to public hearing, the Director shall issue or deny the permit within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.

(E) ~~(D)~~ If the draft permit is required to go to public notice with a request for opportunity for public hearing under Rule .0306(a) of this Section, the Director shall:

- (i) send the draft permit to public notice within 90 days after receipt of a complete application; and
- (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.

(F) ~~(E)~~ If the draft permit is required to go to public hearing as a result of a request for public hearing under Rule .0307(e) of this Section, the Director shall:

- (i) send the draft permit to public hearing within 45 days after approving the request for the public hearing; and
- (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.

(2) for permit applications for prevention of significant deterioration under 15A NCAC 2D .0530, ~~.0530 or new source review under 15A NCAC 2D .0531~~, the processing schedules are set out in those Rules.

(3) for case-by-case maximum achievable control technology under 15A NCAC 2D .1109:

(A) The Division shall send written acknowledgment of receipt of the permit application to the applicant within 10 days of receipt of the application.

(B) The Division shall review all permit applications within 45 days of receipt of the application to determine whether the application is complete or incomplete for processing purposes. The Division shall notify the applicant by letter:

- (i) stating that the application as submitted is complete and specifying the completeness date,
- (ii) stating that the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Division, or
- (iii) stating that the application is incomplete and that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant by letter dated within 45 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the deadline specified in the letter requesting additional information, the Director may return the application to the applicant as incomplete. The applicant may request a time extension for submittal of the requested additional information.

(C) The Division shall determine within 60 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment or the facility. The Division shall complete the technical review within 120 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.

(D) ~~(C)~~ The Director shall:

- (i) send the draft permit to public notice within 120 days after receipt of a complete application or 10 days after receipt of requested additional information, whichever is later; and
- (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.

(E) ~~(D)~~ If the draft permit is required to go to public hearing as a result of a request for public hearing under Rule .0307(e) of this



Section, the Director shall:

- (i) send the draft permit to public hearing within 45 days after approving the request for the public hearing; and
  - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.
- (4) requests for synthetic minor facility status before one year after EPA approves Section .0500 of this Subchapter shall be acted on within one year after EPA approves Section .0500 of this Subchapter.
- (b) The days that fall between the sending out a letter requesting additional information and receiving that additional information shall not be counted in the schedules under Paragraph (a) of this Rule.
- (c) The Director may return at any time applications containing insufficient information to complete the review.

Authority G.S. 143-215.3(a)(1); 143-215.108.

### **.0313 EXPEDITED APPLICATION PROCESSING SCHEDULE**

- (a) Using the procedures contained in this Rule may result in a permit that EPA does not recognize as a valid permit.
- (b) An applicant may file an application to follow the expedited review for application certified by a professional engineer as set out in G.S. 143-215.108(h) if:
- (1) The applicant specifically requests that the permit application be processed under the procedures in G.S. 143-215.108(h); and
  - (2) The applicant submits:
    - (A) applications as required under Rules .0304 and .0305 of this Section;
    - (B) a completeness checklist showing that the permit application is complete;
    - (C) a draft permit;
    - (D) any required dispersion modeling;
    - (E) a certification signed by a professional engineer registered in North Carolina certifying the accuracy and completeness of draft permit and the application, including emissions estimates, applicable standards and requirements, and process specifications;
    - (F) a consistency determination as required under Rule .0304(b)(1) of this Section;
    - (G) a written description of current and projected plans to reduce the emissions of air contaminants as required under Rule .0304(b)(2) of this Section;
    - (H) a financial qualification if required;
    - (I) substantial compliance statement if required; and
    - (J) the application fee as required under Sec-

tion .0200 of this Subchapter.

- (c) The applicant shall use the official application forms provided by the Division or a facsimile thereof.
- (d) The Division shall provide the applicant a checklist of all items of information required to prepare a complete permit application. This checklist shall be the checklist used by the Division to determine if the application is complete.
- (e) The Division shall provide the applicant a list of permit conditions and terms to include in the draft permit.
- (f) Before filing a permit application that includes dispersion modeling analysis submitted in support of the application, the applicant shall submit a modeling protocol and receive approval for the dispersion modeling protocol.
- (g) The Division shall follow the procedures set out in G.S. 143-215.108(h) when processing applications filed in accordance with this Rule.

Authority G.S. 143-215.3(a)(1); 143-215.108.

## **SECTION .0500 - TITLE V PROCEDURES**

### **.0525 APPLICATION PROCESSING SCHEDULE**

(a) Except for permit applications submitted under Rule .0506 of this Subchapter, the Division shall adhere to the following schedule in processing applications for permits, significant permit modifications, and permit renewal:

- (1) The Division shall send written acknowledgment of receipt of the application to the applicant within 10 days of receipt of the application.
- (2) The Division shall review all permit applications within 60 days of receipt of the application to determine whether the application is complete or incomplete. The Division shall notify the applicant by letter:
  - (A) stating that the application as submitted is complete and specifying the completeness date,
  - (B) stating that the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Division, or
  - (C) stating that the application is incomplete and requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant by letter dated within 60 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the deadline specified in the letter requesting additional information, the

Director may return the application to the applicant as incomplete. The applicant may request a time extension for submittal of the requested additional information. A completeness determination shall not be necessary for minor modifications under Rule .0514 of this Section.

- (3) The Division shall determine within 60 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment or the facility. The Division shall complete the technical review within 270 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
- (4) ~~(3)~~ The Director shall send the public notice for public comment on the draft permit to affected states, to EPA, and to persons on the mailing list within 270 days after receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
- (5) ~~(4)~~ If a public hearing is requested and approved by the Director for a draft permit, it shall be held within 45 days of the Director's decision to hold a public hearing.
- (6) ~~(5)~~ The Director shall complete the review of the record and send the proposed permit to EPA:
  - (A) within 30 days after the close of the public comment period if there is no public hearing on the draft permit; or
  - (B) within 45 days after the close of the public hearing if there is a public hearing on the draft permit.
- (7) ~~(6)~~ If EPA does not object to the proposed permit, the Director shall issue the permit within five days after:
  - (A) expiration of EPA 45-day review period; or
  - (B) receipt of notice from EPA that it will not object to issuance,whichever comes first.
- (8) ~~(7)~~ If EPA objects to the proposed permit, the Director shall respond to EPA's objection within 90 days after receipt of EPA's objections.

(b) The Director may return at any time applications containing insufficient information to complete the review.

Authority *G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108.*

#### **.0527 EXPEDITED APPLICATION PROCESSING SCHEDULE**

(a) Using the procedures contained in this Rule may result in a permit that EPA does not recognize as a valid

permit.

(b) An applicant may file an application to follow the expedited review for application certified by a professional engineer as set out in G.S. 143-215.108(h) if:

- (1) The applicant specifically requests that the permit application be processed under the procedures in G.S. 143-215.108(h); and
- (2) The applicant submits:
  - (A) applications as required under Rules .0505 and .0507 of this Section;
  - (B) a completeness check list showing that the permit application is complete;
  - (C) a draft permit;
  - (D) any required dispersion modeling;
  - (E) a certification signed by a professional engineer registered in North Carolina certifying the accuracy and completeness of draft permit and the application, including emissions estimates, applicable standards and requirements, and process specifications;
  - (F) a consistency determination as required under Rule .0507(d)(1) of this Section;
  - (G) a written description of current and projected plans to reduce the emissions of air contaminants as required under Rule .0507(d)(2) of this Section;
  - (H) a financial qualification if required;
  - (I) substantial compliance statement if required; and
  - (J) the application fee as required under Section .0200 of this Subchapter.

(c) The applicant shall use the official application forms provided by the Division or a facsimile thereof.

(d) The Division shall provide the applicant a checklist of all items of information required to prepare a complete permit application. This checklist shall be the checklist used by the Division to determine if the application is complete.

(e) The Division shall provide the applicant a list of permit conditions and terms to include in the draft permit.

(f) Before filing a permit application that includes dispersion modeling analysis submitted in support of the application, the applicant shall submit a modeling protocol and receive approval for the dispersion modeling protocol.

(g) The Division shall follow the procedures set out in G.S. 143-215.108(h) when processing applications filed in accordance with this Rule.

(h) The decision that the Director shall make on applications processed under this Rule is either to deny the permit or to submit a proposed permit to EPA.

(i) If EPA does not object to the proposed permit, the Director shall issue the permit within five days after:

- (1) expiration of EPA 45-day review period; or
- (2) receipt of notice from EPA that it will not object to issuance, whichever comes first.

(j) If EPA objects to the proposed permit, the Director shall respond to EPA's objection within 90 days after receipt



of EPA's objections.

Authority G.S. 143-215.3(a)(1); 143-215.108.

## SECTION .0600 - TRANSPORTATION FACILITY PROCEDURES

### .0607 APPLICATION PROCESSING SCHEDULE

(a) The Division shall adhere to the following schedule in processing applications for transportation source permits:

- (1) The Division shall send written acknowledgment of receipt of the permit application to the applicant within 10 days of receipt of the application.
- (2) The Division shall review all permit applications within 30 days of receipt of the application to determine whether the application is complete or incomplete for processing purposes. The Division shall notify the applicant by letter:
  - (A) stating that the application as submitted is complete and specifying the completeness date,
  - (B) stating that the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Division, or
  - (C) stating that the application is incomplete and requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant by letter dated within 30 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the deadline specified in the letter requesting additional information, the Director may return the application to the applicant as incomplete. The applicant may request a time extension for submittal of the requested additional information.

- (3) The Division shall determine within 60 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment or the facility. The Division shall complete the technical review within 90 days of receipt of a complete application or 10 days after receipt of requested addi-

tional information, whichever is later.

- (4) ~~(3)~~ he Director shall send the draft permit to public notice within 60 days after receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
- (5) ~~(4)~~ If the draft permit is not required to go to public hearing, the Director shall complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.
- (6) ~~(5)~~ If the draft permit is required to go to public hearing as a result of a request for public hearing under Rule .0604(e) of this Section, the Director shall:
  - (A) send the draft permit to public hearing within 45 days after approving the request for the public hearing, and
  - (B) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.
- (b) The days that fall between the sending out a letter requesting additional information and receiving that additional information shall not be counted in the schedules under Paragraph (a) of this Rule.
- (c) The Director may return at any time applications containing insufficient information to complete the review.

Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109.

\*\*\*\*\*

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNHR - Environmental Management Commission intends to adopt rule cited as 15A NCAC 2D .1208; amend rules cited as 15A NCAC 2D .1201 - .1207, .1209. Notice of Rule-making Proceedings was published in the Register on March 15, 1996.

**Proposed Effective Date:** July 1, 1998

**A Public Hearing** will be conducted at 7:00 pm on December 3, 1996 at the Groundfloor Hearing Room, Archdale Building, 512 North Salisbury Street, Raleigh, NC.

#### Reason for Proposed Action:

15A NCAC 2D .1201 - .1209 - EPA promulgated the final rules for emission guidelines for existing municipal waste combustors on December 19, 1995. As required by the rules, each state agency must submit a plan to the EPA for controlling emissions from existing municipal waste combustors which are at least as stringent as the emission guidelines promulgated by the EPA. This rule is proposed to satisfy the requirements of the emission guidelines for municipal waste combustors promulgated by the EPA.

**Comment Procedures:** All persons interested in these

matters are invited to attend the public hearing. Any person desiring to comment for more than three minutes is requested to submit a written statement for inclusion in the record of proceedings at the public hearing. The hearing record will remain open until January 14, 1997, to receive additional written statements.

Comments should be sent to and additional information concerning the hearing or the proposals may be obtained by contacting:

Mr. Thomas C. Allen  
Division of Environmental Management  
PO Box 29580  
Raleigh, NC 27626-0580  
(919) 733-1489 (phone)  
(919) 733-1812 (fax)

**Fiscal Note:** These Rules affect the expenditures or revenues of local government funds. These Rules do not affect State funds. Economic impact does exceed five million dollars (\$5,000,000) in a 12-month period.

## SUBCHAPTER 2D - AIR POLLUTION CONTROL REQUIREMENTS

### SECTION .1200 - CONTROL OF EMISSIONS FROM INCINERATORS

#### .1201 PURPOSE AND SCOPE

(a) This Section sets forth rules for the control of the emissions of air pollutants from incinerators.

(b) The rules in this Section apply to all types of incinerators as defined by 15A NCAC 2D .0101(19), including incinerators with heat recovery and industrial incinerators. The rules in this Section do not apply to afterburners, flares, fume incinerators, and other similar devices used to reduce the emissions of air pollutants from processes, whose emissions shall be regulated as process emissions.

(c) This Section does not apply to any boilers or industrial furnaces that burn waste as a fuel.

(d) This Section does not apply to air curtain burners, which shall comply with Section .1900 of this Subchapter.

(e) ~~(d)~~ This Section does not apply to incinerators used to dispose of dead animals or poultry that meet the following requirements:

- (1) The incinerator is located on a farm and is owned and operated by the farm owner or by the farm operator;
- (2) The incinerator is used solely to dispose of animals or poultry originating on the farm where the incinerator is located;
- (3) The incinerator is not charged at a rate that exceeds its design capacity; and
- (4) The incinerator complies with Rule .0521 (visible emissions) and .0522 (odorous emissions) of this Subchapter.

(f) ~~(e)~~ If the incinerator is used solely to cremate pets or

if the emissions of all toxic air pollutants from an incinerator and associated waste handling and storage are less than the levels listed in 15A NCAC 2H .0610(h), the incinerator shall be exempt from Rules .1205(f) through ~~(f)~~, ~~(p)~~, and .1206 of this Section. Sewage sludge ~~incinerators, incinerators and sludge incinerators~~ sludge incinerators, and municipal waste combustors at small and large municipal waste combustor plants are not eligible for exemption under this Paragraph.

(g) ~~(f)~~ If an incinerator can be defined as being more than one type of incinerator, then the following order shall be used to determine the standards and requirements to apply: hazardous waste incinerators, sewage sludge incinerators, sludge incinerators, municipal waste combustor at a large or small municipal waste combustor plant, medical waste incinerators, ~~municipal solid waste incinerators~~, crematory incinerators, and other incinerators.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(1), (3), (4), (5).

#### .1202 DEFINITIONS

For the purposes of this Section, the following definitions apply:

- (1) "Control efficiency" means the mass of a pollutant in the waste fed to an incinerator minus the mass of that pollutant in the exit gas from the incinerator stack divided by the mass of the pollutant in the waste fed to the incinerator.
- (2) "Crematory incinerator" means any incinerator located at a crematory regulated under 21 NCAC 34C that is used solely for the cremation of human remains.
- (3) "Construction and demolition waste" means wood, paper, and other combustible waste resulting from construction and demolition projects except for hazardous waste and asphaltic material.
- (4) "Dioxane and Furan" means tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.
- (5) ~~(4)~~ "Hazardous waste incinerator" means an incinerator regulated under 15A NCAC 13A .0001 through .0014, 40 CFR 264.340 to 264.351, Subpart O, or 265.340 to 265.352, Subpart O.
- (6) "Large municipal waste combustor plant" means a municipal waste combustor plant with a municipal waste combustor aggregate plant capacity that is greater than 250 tons per day of municipal solid waste. Municipal solid waste incinerator means an incinerator as defined at 40 CFR 60.51a that burns municipal-type solid waste of which at least 95 percent by weight is generated off-site and that has a capacity of at least one ton per hour, except that boilers shall not be considered part of this definition.
- (7) (5) "Medical waste incinerator" means any incinerator regulated under Section 15A NCAC 13B



- .1207(3).
- (8) "Municipal waste combustor (MWC) or municipal waste combustor unit" means a municipal waste combustor as defined in 40 CFR 60.51b.
  - (9) "Municipal waste combustor plant" means one or more municipal waste combustor units at the same location for which construction, modification, or reconstruction commenced on or before September 20, 1994.
  - (10) "Municipal waste combustor plant capacity" means the aggregate municipal waste combustor unit capacity of all municipal waste combustor units at a municipal waste combustor plant for which construction, modification, or reconstruction commenced on or before September 20, 1994.
  - (11) ~~(7)~~ "Municipal-type solid waste (MSW)" means municipal-type solid waste defined at 40 CFR 60.51a- in 40 CFR 60.51b.
  - (12) ~~(8)~~ "POTW" means a publicly owned treatment works as defined in 40 CFR 501.2.
  - (13) "Same Location" means the same or contiguous property that is under common ownership or control including properties that are separated only by a street, road, highway, or other public right-of-way. Common ownership or control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, subdivision, or any combination thereof including any municipality or other governmental unit, or any quasi-governmental authority (e.g., a public utility district or regional waste disposal authority).
  - (14) ~~(9)~~ "Sewage sludge incinerator" means any incinerator regulated under 40 CFR Part 503, Subpart E.
  - (15) ~~(10)~~ "Sludge incinerator" means any incinerator regulated under Subparagraph (a)(4) of Rule .1110 of this Subchapter but not under 40 CFR Part 503, Subpart E.
  - (16) "Small municipal waste combustor plant" means a municipal waste combustor plant with a municipal waste combustor plant capacity that is greater than 38.8 tons per day but not more than 250 tons per day of municipal solid waste.
  - (17) ~~(11)~~ "Total hydrocarbons" means the organic compounds in the stack exit gas from a sewage sludge incinerator measured using a flame ionization detection instrument referenced to propane.

Authority G.S. 143-213; 143-215.3(a)(1).

## .1203 TEST METHODS AND PROCEDURES

(a) The test methods and procedures described in Rule .0501 of this Subchapter and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. The test method for

determining metals emissions from stationary combustion sources, commonly called Method 5 (interim), published by the U.S. Environmental Protection Agency on August 28, 1989, shall be used to determine emission rates for metals. Method 5 (interim) shall be used to sample for chromium(VI), and SW 846 Method 0013 shall be used for the analysis. A copy of Method 5 (interim) and SW 846 Method 0013 may be obtained from the North Carolina Division of Air Quality. ~~Environmental Management.~~

(b) The Director may require the owner or operator to test his incinerator to demonstrate compliance with the emission standards in Rule .1205 of this Section.

(c) For the emission standards in Rule .1205(b)(1), (5)(A), (b)(2), (5)(B), (f), and (g) of this Section, compliance shall be determined by averaging emissions over a one-hour period.

(d) The owner or operator of a sewage sludge incinerator shall perform testing to determine pollutant control efficiencies of any pollution control equipment and obtain information on operational parameters, including combustion temperature, to be placed in an air quality permit.

(e) The owner or operator of a municipal waste combustor at a small or large municipal waste combustor plant shall do performance testing in accordance with 40 CFR Part 60.58b. For municipal waste combustor at large municipal waste combustor plants that achieve a dioxin and furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to seven percent oxygen, the performance testing shall be performed in accordance with the testing schedule specified in 40 CFR 60.58b(g)(5)(iii). For municipal waste combustor at small municipal waste combustor plants that achieve a dioxin and furan emission level less than or equal to 30.0 nanograms per dry standard cubic meter total mass, corrected to seven percent oxygen, the performance testing shall be performed in accordance with the testing schedule specified in 40 CFR 60.58b(g)(5)(iii).

(f) ~~(e)~~ Referenced document SW-846 "Test Methods for Evaluating Solid Waste", Third Edition, cited by this Rule is hereby incorporated by reference and does not include subsequent amendments or editions. A copy of this document is available for inspection at the North Carolina Division of Environmental Management Department of Environment, Health, and Natural Resources Library located at 512 North Salisbury Street, Raleigh, NC 27603. Copies of this document may be obtained through the US Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or by calling (202) 783-3238. The cost of this document is three hundred nineteen dollars (\$319.00).

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5).

## .1204 REPORTING AND RECORDKEEPING

(a) The reporting and recordkeeping requirements of Rule .1105 of this Subchapter shall apply to all incinerators in addition to any reporting and recordkeeping requirements



that may be contained in any other rules.

(b) The owner or operator of an incinerator, except an incinerator meeting the requirements of 15A NCAC 2D .1201(e), shall maintain and operate a continuous temperature measuring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The Director may require a temperature monitoring device for incinerators meeting the requirements of 15A NCAC 2D .1201(e). The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall require the owner or operator of an incinerator with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator. The Director may require the owner or operator of an incinerator with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator.

(c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the owner or operator of a sewage sludge incinerator shall:

- (1) install, operate, and maintain, for each incinerator, continuous emission monitors to determine the following:
  - (A) mercury emissions by use of Method 105 of 40 CFR Part 61, Appendix B, where applicable to 40 CFR 61.55(a);
  - (B) total hydrocarbon concentration of the incinerator stack exit gas in accordance with 40 CFR 503.45(a) unless the requirements for continuously monitoring carbon monoxide as provided in 40 CFR 503.40(c) are satisfied;
  - (C) oxygen concentration of the incinerator stack exit gas; and
  - (D) moisture content of the incinerator stack exit gas;
- (2) monitor the concentrations of beryllium and mercury from the sludge fed to the incinerator at least as frequently as required under Rule .1110 of this Subchapter but in no case less than once per year;
- (3) monitor the concentrations of arsenic, cadmium, chromium, lead, and nickel in the sewage sludge fed to the incinerator at least as frequently as required under 40 CFR 503.46(a)(2) and (3);
- (4) maintain records of all material required under Rule .1203 and .1204 of this Section in accordance with 40 CFR 503.47; and
- (5) for class I sludge management facilities (as defined in 40 CFR 503.9), POTWs (as defined in 40

CFR 501.2) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve a population of 10,000 people or greater, submit the information recorded in Subparagraph (c)(4) of this Rule to the Director on or before February 19 of each year.

(d) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the owner or operator of a small or large municipal waste combustor plant shall:

- (1) install, operate, and maintain, for each municipal waste combustor, continuous emission monitors to determine the following:
  - (A) opacity in accordance with 40 CFR 60.58b(c).
  - (B) sulfur dioxide in accordance with 40 CFR 60.58b(e).
  - (C) nitrogen dioxide in accordance with 40 CFR 60.58b(h). (This requirement applies only to large municipal waste combustor plants).
- (2) maintain records of the information listed in 40 CFR 60.59b, Paragraphs (d)(1) through (d)(15) for a period of at least five years.
- (3) following the initial compliance tests as required under Rule .1203 of this Section, submit the information specified in 40 CFR 60.59b, Paragraphs (f)(1) through (f)(6), in the initial performance test report.
- (4) following the first year of municipal combustor operation, submit an annual report including the information specified in 40 CFR 60.59b, Paragraphs (g)(1) through (g)(4), as applicable, no later than February 1 of each year following the calendar year in which the data were collected. Once the unit is subject to permitting requirements under 15A NCAC 2Q .0500, the owner or operator of an affected facility must submit these reports semiannually.
- (5) submit a semiannual report that includes information specified in 40 CFR 60.59b, Paragraphs (h)(1) through (h)(5), for any recorded pollutant or parameter that does not comply with the pollutant or parameter limit specified in this Section, according to the schedule specified in 40 CFR 60.59b(h)(6).

(e) ~~(d)~~ All monitoring devices and systems required by this Rule shall be subject to a quality assurance program approved by the Director. Such quality assurance program shall include procedures and frequencies for calibration, standards traceability, operational checks, maintenance, auditing, data validation, and a schedule for implementing the quality assurance program.

*Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5).*

## **.1205 EMISSION STANDARDS**

(a) The emission standards in this Rule apply to all

incinerators except where Rule .0524, .1110, or .1111 of this Subchapter applies except that Subparagraphs (4), (p)(2) and (4) of this Rule shall control in any event.

(b) Particulate matter. ~~Hazardous waste incinerators shall comply with Subparagraph (3) of this Paragraph.~~

- (1) ~~(3)~~ Hazardous waste incinerators shall meet the particulate matter requirements of 40 CFR 264.343(c).
- (2) The emissions of particulate matter from each municipal waste combustor located at a small municipal waste combustor plant shall not exceed 70 milligrams per dry standard cubic meter, corrected to seven percent oxygen.
- (3) The emissions of particulate matter from each municipal waste combustor located at a large municipal waste combustor plant shall not exceed 27 milligrams per dry standard cubic meter corrected to seven percent oxygen.
- (4) Conical incinerators covered by Rule .0523 of this Subchapter shall comply with that Rule instead of this Paragraph.
- (5) ~~All other~~ Any incinerators not covered under Subparagraphs (1), (2), (3), or (4) of this Paragraph shall comply with one of the following emission standards for particulate matter:

- (A) (4) The emission of particulate matter from any stack or chimney of an incinerator shall not exceed:

Refuse Charge In Lb/Hour	Allowable Emission Rate For Particulate Matter In Lb/Hour
0 to 100	0.2
200	0.4
500	1.0
1,000	2.0
2,000 and Above	4.0

For a refuse charge between any two consecutive rates stated in the preceding table, the allowable emissions rate for particulate matter shall be calculated by the equation  $E=0.002P$ . E=allowable emission rate for particulate matter in lb/hour. P=refuse charge in lb/hour.

- (B) (2) Instead of meeting the standards in Paragraph (b)(1) Part (b)(5)(A) of this Rule, the owner or operator of an incinerator may choose to limit particulate emissions from the incinerator to 0.08 grains per dry standard cubic foot corrected to 12 percent carbon dioxide. In order to choose this option, the owner or operator of the incinerator shall demonstrate that the particulate ambient air quality standards will not be violated. To correct to 12 percent carbon dioxide, the measured concentration

of particulate matter is multiplied by 12 and divided by the measured percent carbon dioxide.

(c) Sulfur dioxide. ~~Incinerators shall comply with Rule .0516 of this Subchapter.~~

- (1) The emissions of sulfur dioxide from each municipal waste combustor located at a small municipal waste combustor plant shall be reduced by at least 50 percent by weight or volume or to no more than 80 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.
- (2) The emissions of sulfur dioxide from each municipal waste combustor located at a large municipal waste combustor plant shall be reduced by at least 75 percent by weight or volume or to no more than 31 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.
- (3) Any incinerator not covered under Subparagraphs (1) and (2) of this Paragraph shall comply with Rule .0516 of this Subchapter.

(d) Visible emissions. ~~Incinerators shall comply with Rule .0521 of this Subchapter.~~

- (1) The emission limit of opacity from each municipal waste combustor located at a small or large municipal waste combustor plant shall not exceed 10 percent (6-minute average).
- (2) Air curtain incinerators shall comply with Rule .1904 of this Subchapter.
- (3) Any incinerator not covered under Subparagraphs (1) and (2) of this Paragraph shall comply with Rule .0521 of this Subchapter.

(e) Odorous emissions. Incinerators shall comply with Rule .0522 of this Subchapter.

(f) Hydrogen chloride. ~~Except for hazardous waste incinerators, emissions of hydrogen chloride from an incinerator shall not exceed four pounds per hour unless it is reduced by at least 90 percent by weight or no more than 50 parts per million by volume corrected to seven percent oxygen (dry basis).~~

- (1) The emissions of hydrogen chloride from each municipal waste combustor at small municipal waste combustor plants shall be reduced by at least 50 percent by weight or volume or to no more than 250 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent.
- (2) The emissions of hydrogen chloride from each municipal waste combustor at large municipal waste combustor plants shall be reduced by at least 95 percent by weight or volume or to no more than 31 parts per million by volume, corrected to seven percent oxygen (dry basis), whichever is less stringent.



- (3) Hazardous waste incinerators shall meet the hydrogen chloride emissions requirements of 40 CFR 264.343(b).
- (4) Emissions of hydrogen chloride from all other incinerators shall not exceed four pounds per hour unless it is reduced by at least 90 percent by weight or to no more than 50 parts per million by volume corrected to seven percent oxygen (dry basis).

(g) ~~Mercury emissions. Mercury emissions from sludge incinerators and sewage sludge incinerators are regulated under 15A NCAC 2D .1110(a)(4). Emissions of mercury and mercury compounds from the stack or chimney of a municipal solid waste incinerator shall not exceed 0.29 pounds per hour. Emissions of mercury and mercury compounds from the stack or chimney of a hazardous waste incinerator, medical waste incinerator, and any other type incinerator shall not exceed 0.032 pounds per hour.~~

- (1) Emissions of mercury from each municipal waste combustor at a small or large municipal waste combustor plant shall be reduced by at least 85 percent by weight or shall not exceed 0.08 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.
- (2) Emissions of mercury from sludge incinerators and sewage sludge incinerators are regulated under 15A NCAC 2D .1110.
- (3) Emissions of mercury and mercury compounds from the stack or chimney of a hazardous waste incinerator, medical waste incinerator, or any other type incinerator shall not exceed 0.032 pounds per hour.

(h) Beryllium Emissions. Beryllium emissions from sludge incinerators and sewage sludge incinerators shall comply with 15A NCAC .1110(a)(2) of this Subchapter.

(i) ~~Lead Emissions. The daily concentration of lead in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(e).~~

- (1) Emissions of lead from each municipal waste combustor at a small municipal waste combustor plant shall not exceed 1.6 milligrams per dry standard cubic meter, corrected to seven percent oxygen.
- (2) Emissions of lead from each municipal waste combustor at a large municipal waste combustor plant shall not exceed 0.49 milligrams per dry standard cubic meter, corrected to seven percent oxygen.
- (3) The daily concentration of lead in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(c).

(j) Cadmium Emissions.

- (1) Emissions of cadmium from each municipal waste combustor at a small municipal waste combustor plant shall not exceed 0.10 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

- (2) Emissions of cadmium from each municipal waste combustor at a large municipal waste combustor plant shall not exceed 0.040 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(k) ~~(j)~~ Other Metal Emissions. The daily concentration of arsenic, cadmium, chromium, and nickel in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(d).

(l) ~~(k)~~ The owner or operator of an incinerator shall demonstrate compliance with Section .1100 of this Subchapter in accordance with 15A NCAC 2H .0610.

(m) Dioxins and Furans.

- (1) The emissions of dioxins and furans from each municipal waste combustor located at a small municipal waste combustor plant shall not exceed 125 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen.
- (2) The emissions of dioxins and furans from each municipal waste combustor located at a large municipal waste combustor plant shall not exceed:
  - (A) 60 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen for facilities that employ an electrostatic precipitator-based emission control system, or
  - (B) 30 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen for facilities that do not employ an electrostatic precipitator-based emission control system.

(n) Nitrogen oxide. The emissions of nitrogen oxide from each municipal waste combustor located at a large municipal waste combustor plant shall not exceed the emission limits in Table 1 of Paragraph (d) of 40 CFR 60.33b. Nitrogen oxide emissions averaging is allowed as specified in Paragraphs (d)(1)(i) through (d)(1)(v) of 40 CFR 60.33b. Nitrogen oxide emissions control is not required for municipal waste combustors located at small municipal waste combustor plants.

(o) Fugitive ash.

- (1) On or after the date on which the initial performance test is completed, no owner or operator of a municipal waste combustor located at a small or large municipal waste combustor plant shall cause to be discharged to the atmosphere visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) in excess of five percent of the observation period (i.e., nine minutes per three-hour period), as determined by EPA Reference Method 22 observations as specified in 40 CFR 60.58b(k), except as provided in Subparagraphs (2) and (3) of this Paragraph.
- (2) The emission limit specified in Subparagraph (1) of this Paragraph covers visible emissions discharged to the atmosphere from buildings or

enclosures, not the visible emissions discharged inside of the buildings or enclosures, of ash conveying systems.

- (3) The provisions specified in Subparagraph (1) of this Paragraph do not apply during maintenance and repair of ash conveying systems.

(p) ~~(h)~~ Ambient standards.

- (1) In addition to the ambient air quality standards in Section .0400 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77° F (25° C) and 29.92 inches (760 mm) of mercury pressure shall apply aggregately to all incinerators at a facility:

(A) arsenic and compounds	$2.3 \times 10^{-7}$
(B) beryllium and compounds	$4.1 \times 10^{-6}$
(C) cadmium and compounds	$5.5 \times 10^{-6}$
(D) chromium(VI) and compounds	$8.3 \times 10^{-8}$

- (2) When Subparagraph (1) of this Paragraph and either Rule .0524, .1110, or .1111 of this Subchapter regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Rule .0524, .1110, or .1111 of this Subchapter to the contrary.
- (3) The owner or operator of a facility with incinerators shall demonstrate compliance with the ambient standards in Parts (1)(A) through (D) of this Paragraph by following the procedures set out in Rule .1106 of this Subchapter. Modeling demonstrations shall comply with the requirements of Rule .0533 of this Subchapter.
- (4) The emission rates computed or used under Subparagraph (3) of this Paragraph that demonstrate compliance with the ambient standards under Subparagraph (1) of this Paragraph shall be placed in the permit for the facility with incinerators as their allowable emission limits unless Rule .0524, .1110 or .1111 of this Subchapter requires more restrictive rates.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3),(4),(5).

## .1206 OPERATIONAL STANDARDS

(a) The operational standards in this Rule do not apply to incinerators where operational standards in Rule .0524, .1110, or .1111 of this Subchapter apply.

(b) Hazardous waste incinerators. Hazardous waste incinerators shall comply with 15A NCAC 13A .0001 through .0014, which are administered and enforced by the Division of Solid Waste Management.

(c) Medical waste incinerators. Medical waste incinerators shall meet the following requirements:

- (1) The primary chamber temperature shall be at least 1200°F.
- (2) The secondary chamber temperature shall be at least 1800°F.
- (3) Gases generated by the combustion shall be

subjected to a minimum temperature of 1800°F for a period of not less than one second.

Medical waste incinerators shall comply with 15A NCAC 13B .1207(3) and any other pertinent parts of 15A NCAC 13B .1200, which are administered and enforced by the Division of Solid Waste Management.

(d) Municipal waste combustor plants. Each municipal waste combustor located at a small or large municipal waste combustor plant shall meet the following operational standard:

- (1) The concentration of carbon monoxide at the combustor outlet shall not exceed the concentration in Table 3 of Paragraph (a) of 40 CFR 60.34b. The combustor technology named in this table is defined in 40 CFR 60.51b.
- (2) The load level shall not exceed 110 percent of the maximum demonstrated municipal waste combustor unit load, except as specified in Paragraphs (b)(1) and (b)(2) of 40 CFR 60.53b. The maximum demonstrated municipal waste combustor unit load is defined in 40 CFR 60.51b and the averaging time is specified under 40 CFR 60.58b(i).
- (3) The temperature at which the combustor operates, measured at the particulate matter control device inlet, shall not exceed 63° Fahrenheit above the maximum demonstrated particulate matter control device temperature, except as specified in Paragraphs (c)(1) and (c)(2) of 40 CFR 60.53b. The maximum demonstrated particulate matter control device temperature is defined in 40 CFR 60.51b and the averaging time is specified under 40 CFR 60.58b(i).

~~(d) Municipal solid waste incinerators. Municipal solid waste incinerators shall meet the following requirements:~~

- ~~(1) The concentration of carbon monoxide at the combustor outlet shall not exceed the concentration in Table 1 of Paragraph (a) of 40 CFR 60.36a. The incinerator technology named in this table is defined under 40 CFR 60.51a.~~
- ~~(2) The temperature of the exhaust gas entering the particulate matter control device shall not exceed 450°F.~~
- ~~(3) Gases generated by the combustion shall be subjected to a minimum temperature of 1800°F for a period of not less than one second.~~

(e) Sludge incinerators. The combustion temperature in a sludge incinerator shall not be less than 1200°F. The maximum oxygen content of the exit gas from a sludge incinerator stack shall be:

- (1) 12 percent (dry basis) for a multiple hearth sludge incinerator,
- (2) seven percent (dry basis) for a fluidized bed sludge incinerator,
- (3) nine percent (dry basis) for an electric sludge incinerator, and
- (4) 12 percent (dry basis) for a rotary kiln sludge



incinerator.

(f) Sewage sludge incinerators.

- (1) The maximum combustion temperature for a sewage sludge incinerator shall be placed in the permit and based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies.
- (2) The values for the operational parameters for the sewage sludge incinerator air pollution control device(s) shall be placed in the permit and be based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies.
- (3) The monthly average concentration for total hydrocarbons, or carbon monoxide as provided in 40 CFR 503.40(c), in the exit gas from a sewage sludge incinerator stack, corrected to zero percent moisture and seven percent oxygen as specified in 40 CFR 503.44, shall not exceed 100 parts per million on a volumetric basis using the continuous emission monitor required in Subparagraph .1204(c)(1) of this Subchapter.

(g) Crematory incinerators. Gases generated by the combustion shall be subjected to a minimum temperature of 1600°F for a period of not less than one second.

(h) Other incinerators. All incinerators not covered under Paragraphs (a) through (g) of this Rule shall meet the following requirement: Gases generated by the combustion shall be subjected to a minimum temperature of 1800°F for a period of not less than one second. The temperature of 1800°F shall be maintained at least 55 minutes out of each 60-minute period, but at no time shall the temperature go below 1600°F.

(i) Except during start-up where the procedure has been approved in accordance with Rule .0535(g) of this Subchapter, waste material shall not be loaded into any incinerators covered under Paragraphs (c), (d), (g), or (h) when the temperature is below the minimum required temperature. Start-up procedures may be determined on a case-by-case basis in accordance with Rule .0535(g) of this Subchapter. Incinerators covered under Paragraphs (c), (d), (g), or (h) shall have automatic auxiliary burners that are capable of maintaining the required minimum temperature in the secondary chamber excluding the heat content of the wastes.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5).

## **.1207 EXCESS EMISSIONS AND START-UP AND SHUT-DOWN**

All incinerators shall comply with Rule ~~.0535~~ .0535, Excess Emissions Reporting and Malfunctions, of this Subchapter.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5).

## **.1208 OPERATOR TRAINING AND CERTIFICATION**

(a) By January 1, 1999, or six months after the date of startup of a municipal waste combustor located at a small municipal waste combustor plant, whichever is later, and by September 1, 1998 or six months after the date of startup of a municipal waste combustor located at a large municipal waste combustor plant, whichever is later:

- (1) Each facility operator and shift supervisor of a municipal waste combustor shall obtain and maintain a current provisional operator certification from the American Society of Mechanical Engineers (ASME QRO-1-1994).
- (2) Each facility operator and shift supervisor of a municipal waste combustor shall have completed full certification or shall have scheduled a full certification exam with the American Society of Mechanical Engineers (ASME QRO-1-1994).
- (3) The owner or operator of a small or large municipal waste combustor plant shall not allow the facility to be operated at any times unless one of the following persons is on duty at the affected facility:

- (A) a fully certified chief facility operator,
- (B) a provisionally certified chief facility operator who is scheduled to take full certification exam according to the schedule specified in Subparagraph (2) of this Paragraph,
- (C) a fully certified shift supervisor, or
- (D) a provisionally certified shift supervisor who is scheduled to take the full certification exam according to the schedule specified in Subparagraph (2) of this Paragraph.

If one of the persons listed in this Subparagraph leaves the affected facility during their operating shift, a provisionally certified control room operator who is onsite at the affected facility may fulfill the requirements in this Subparagraph.

(b) The owner or operator of a municipal waste combustor located at a small or large municipal waste combustor plant shall develop and update on a yearly basis a site-specific operating manual that shall at the minimum address the elements of municipal waste combustor unit operation specified in 40 CFR 60.54b Paragraphs (e)(1) through (e)(11).

(c) By September 1, 1998, or six months after the date of startup of a municipal waste combustor located at a small or large municipal waste combustor plant, whichever is later, the owner or operator of the municipal waste combustor plant shall comply with Subparagraphs (1) to (3) of this Paragraph.

- (1) All chief facility operators, shift supervisors, and control room operators shall complete the EPA municipal waste combustor training course.
- (A) The requirements specified in Subparagraph (1) of this Paragraph shall not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the Ameri-



can Society of Mechanical Engineers on or before September 1, 1998.

(B) The owner or operator may request that the Administrator waive the requirement specified in Subparagraph (1) of this Paragraph for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers on or before September 1, 1998.

(2) The owner or operator of a municipal waste combustor located at a small or large municipal waste combustor plant shall establish a training program to review the operating manual, according to the schedule specified in Parts (A) and (B) of this Subparagraph, with each person who has responsibilities affecting the operation of an affected facility, including the chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane-load handlers.

(A) Each person specified in Subparagraph (c)(2) of this Rule shall undergo initial training no later than the date specified in Subparts (c)(2)(A)(i), (c)(2)(B)(ii), or (c)(2)(C)(iii) of this Rule, whichever is later.

(i) The date six months after the date of startup of the affected facility;

(ii) September 1, 1998;

(iii) The date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation.

(B) Annually, following the initial training required by Part (c)(2)(A) of this Rule.

(3) The operating manual required by Paragraph (c) of this Rule shall be kept in a readily accessible location for all persons required to undergo training under Subparagraph (c)(2) of this Paragraph. The operating manual and records of training shall be available for inspection by the personnel of the Division on request.

(d) The referenced ASME exam in this Rule is hereby incorporated by reference and includes subsequent amendments and editions. Copies of the referenced ASME exam may be obtained from the American Society of Mechanical Engineers (ASME), 22 Law Drive, Fairfield, NJ 07007, at a cost of forty nine dollars (\$49.00).

*Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10).*

## .1209 COMPLIANCE SCHEDULES

(a) Except for municipal waste combustor located at a small or large municipal waste combustor plant, the owner or operator of any incinerator for which construction began after September 30, 1991, shall be in compliance with this

Section or Rule .1110 of this Subchapter, whichever is applicable, before beginning operation.

(b) The owner or operator of a large municipal waste combustor plant shall choose one of the following three compliance schedule options:

(1) comply with all the requirements or close before September 1, 1998;

(2) comply with all the requirements after one year but before three years following the date of issuance of a revised construction and operation permit, if permit modification is required, or after September 1, 1998 but before July 1, 2000, if a permit modification is not required. If this option is chosen, then the owner or operator of the facility shall submit to the director measurable and enforceable incremental steps of progress towards compliance which include:

(A) a date by which contracts for the emission control system or equipment shall be awarded or orders issued for purchase of component parts;

(B) a date by which on site construction, installation, or modification of emission control equipment shall begin;

(C) a date by which on site construction, installation, or modification of emission control equipment shall be completed;

(D) a date for initial startup of emissions control equipment;

(E) a date for initial performance test(s) of emission control equipment; and

(F) a date by which the facility shall be in compliance with this Section, which shall be no later than three years from the issuance of the permit; or

(3) close between September 1, 1998 and July 1, 2000. If this option is chosen then the owner or operator of the facility shall submit to the Director a closure agreement which includes the date of the plant closure.

(c) The owner or operator of a small municipal waste combustor plant shall comply with all requirements, or close, within three years following the date of issuance of a revised construction and operation permit, if a permit modification is required, or by July 1, 2000, if a permit modification is not required.

(d) All municipal waste combustors located within large municipal waste combustor plant for which construction, modification, or reconstruction commenced after June 26, 1987, but before September 19, 1994, shall comply with the emission limit for mercury specified in Subparagraph (g)(2) of Rule .1205 of this Section and the emission limit for dioxin and furan specified in Subparagraph (m)(2) of Rule .1205 of this Section within one year following issuance of a revised construction and operation permit, if a permit modification is required, or by September 1, 1998, whichever is later.

(a) ~~The owner or operator of an incinerator subject to Paragraphs (f), (g), (k) or (l) of Rule .1205 of this Section or subject to Paragraphs (d) through (h) of Rule .1206 of this Section except medical waste incinerators and hazardous waste incinerators that:~~

- ~~(1) begins construction after September 30, 1991, shall be in compliance with Rule .1205 of this Section and Paragraphs (d) through (i) of Rule .1206 of this Section before beginning operation;~~
- ~~(2) begins construction or is in operation before October 1, 1991, shall adhere to the following increments of progress and schedules:~~

~~(A) Documentation that the incinerator meets the requirements of Paragraphs (f), (g), (k), and (l) of Rule .1205 of this Section and Paragraphs (d) through (i) of Rule .1206 of this Section or an air permit application including final plans and a compliance schedule shall be submitted before:~~

- ~~(i) April 1, 1992, for incinerators at plant sites with an incinerator capacity of 1000 pounds per hour or more;~~
- ~~(ii) October 1, 1992, for incinerators at plant sites with an incinerator capacity of less than 1000 pounds per hour but 400 pounds per hour or more;~~
- ~~(iii) April 1, 1993, for incinerators at plant sites with an incinerator capacity of less than 400 pounds per hour but 200 pounds per hour or more;~~
- ~~(iv) October 1, 1993, for plant sites with an incinerator capacity of less than 200 pounds per hour.~~

~~(B) The compliance schedule shall contain the following increments of progress:~~

- ~~(i) a date by which contracts for the emission control system or process equipment shall be awarded or orders shall be issued for purchase of component parts;~~
- ~~(ii) a date by which on-site construction or installation of the emission control or process equipment shall begin;~~
- ~~(iii) a date by which on-site construction or installation of the emission control or process equipment shall be completed; and~~
- ~~(iv) a date by which final compliance shall be achieved.~~

~~(C) The final compliance date under Paragraph (a)(2)(B) of this Rule shall not be later than:~~

- ~~(i) April 1, 1994, for incinerators at plant sites with an incinerator capacity of 1000 pounds per hour or~~

~~more;~~

- ~~(ii) October 1, 1994, for incinerators at plant sites with an incinerator capacity of less than 1000 pounds per hour but 400 pounds per hour or more;~~
- ~~(iii) April 1, 1995, for incinerators at plant sites with an incinerator capacity of less than 400 pounds per hour but 200 pounds per hour or more;~~
- ~~(iv) October 1, 1995, for incinerators at plant sites with an incinerator capacity of less than 200 pounds per hour.~~

~~(b) The owner or operator of a medical waste incinerator that:~~

- ~~(1) begins construction after September 30, 1991, shall be in compliance with Rule .1205 of this Section and Paragraphs (e) and (i) of Rule .1206 of this Section before beginning operation;~~
- ~~(2) begins construction or is in operation before October 1, 1991, shall adhere to the following increments of progress and schedules:~~

~~(A) Documentation that the incinerator meets the requirements of Paragraphs (f), (g), (k), and (l) of Rule .1205 of this Section and Paragraph (e) of Rule .1206 of this Section or an air permit application including final plans and a compliance schedule shall be submitted following the schedule set out in Paragraph (a)(2)(A) of this Rule;~~

~~(B) The compliance schedule shall contain the same increments of progress as required by Paragraph (a)(2)(B) of this Rule;~~

~~(C) Final compliance shall be achieved no later than January 1, 1995.~~

~~(c) The owner or operator of a hazardous waste incinerator that:~~

- ~~(1) begins construction after September 30, 1991, shall be in compliance with Rule .1205 of this Section before beginning operation;~~
- ~~(2) begins construction or is in operation before October 1, 1991, shall adhere to the following increments of progress and schedules:~~

~~(A) Documentation that the incinerator meets the requirements of Rule .1205 of this Section or documentation that a permit application has been filed with the Division of Solid Waste Management to make necessary modifications to bring the incinerator into compliance with Rule .1205 of this Section and a compliance schedule shall be submitted before April 1, 1992;~~

~~(B) The compliance schedule shall contain the date by which a permit application shall be submitted to the Division of Environmental Management and the increments of progress required by Paragraph (a)(2)(B) of this~~

Rule;

(C) ~~Final compliance shall be achieved within two years after receipt of a permit from the Division of Solid Waste Management, but before October 1, 1995.~~

(d) ~~The owner or operator of a sewage sludge incinerator shall:~~

(1) ~~be in compliance with Rule .1205 and .1206 of this Section before beginning operation. When compliance with the standards requires the construction of new pollution control facilities, compliance with the standards shall be achieved as expeditiously as practicable, but in no case later than February 19, 1995.~~

(2) ~~comply with the monitoring and recordkeeping requirements for total hydrocarbons in the exit gas from a sewage sludge incinerator before beginning operation or February 19, 1995, if compliance with the operational standard for total hydrocarbons in this Section requires construction of new pollution control facilities.~~

(3) ~~submit a permit application to certify compliance with this Section by August 1, 1995.~~

(e) The owner or operator shall certify to the Director within five days after the deadline, for each increment of progress, whether the required increment of progress has been met.

*Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5).*



*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 10 - DEPARTMENT OF HUMAN  
RESOURCES**

**Rule-making Agency:** *Social Services Commission*

**Rule Citation:** 10 NCAC 35E .0101, .0105 - .0106, .0308;  
42J .0001, .0004 - .0005

**Effective Date:** *October 21, 1996*

**Findings Reviewed and Approved by:** *Beecher R. Gray*

**Authority for the rule-making:** *G.S. 143B-153; 143B-153(2a)b; 42 C.F.R. 441.253*

**Reason for Proposed Action:** *The budget bill (House Bill 53) ratified by the North Carolina General Assembly, on August 3, 1996, contains provisions to eliminate Social Services Block Grant (Title XX) funding line items for voluntary sterilization and the administrative support services necessary to contract with the Department of Environment, Health, and Natural Resources (DEHNR) for the processing of Title XX-funded voluntary sterilization claims. The elimination of these funds is effective July 1, 1996. As a result, the Division will no longer be able to reimburse or process claims for voluntary sterilization or abortion services funded through Social Services Block Grant (Title XX) funds. The proposed changes in the Rules listed above are necessary to eliminate federally funded voluntary sterilization and abortion as mandated Resource Items under Health Support Services, and to update various references to these components in the language of the Rules. In addition, the proposed changes are necessary to remove old language from the Rules allowing the use of Title XX to fund abortions, so as to comply with federal restrictions on abortion funding.*

**Comment Procedures:** *Anyone wishing to comment on these proposed rules should contact Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603, phone, 919/733-3055.*

**CHAPTER 35 - FAMILY SERVICES**

**SUBCHAPTER 35E - SOCIAL SERVICES  
BLOCK GRANT (TITLE XX)**

**SECTION .0100 - CONDITIONS OF  
ELIGIBILITY**

**.0101 BASIC ELIGIBILITY CRITERIA**

In addition to the requirements of 10 NCAC 35D .0300,

in order for an individual to be determined eligible to receive services funded under the Social Services Block Grant (Title XX), it must be established that he is eligible on the basis of need as specified in the target population for the services requested as set forth in 10 NCAC 35 through 37 and 10 NCAC 41 through 42 except that for purposes of providing child day care services, transportation services, or the federally funded ~~abortion and sterilization resource items~~ of health support services, eligibility must also be determined on the basis of his income maintenance or income eligible status.

**History Note:** *Authority G.S. 143B-153;  
Eff. July 1, 1983;*

*Amended Eff. May 1, 1990; July 1, 1989;*

*Temporary Amendment Eff. October 21, 1996.*

**.0105 MAXIMUM INCOME LEVELS FOR  
SERVICES**

(a) Sixty Percent of Established Income. An individual whose income unit's gross monthly income is less than 60 percent of the state's established income, adjusted according to size of the income unit as defined in Rule .0103 of this Section, may be eligible for transportation services or the federally funded ~~abortion and sterilization resource items~~ item of health support services funded under the Social Services Block Grant (Title XX) if available in the county in which he lives.

(b) Eighty Percent of Established Income. An individual whose income unit's gross monthly income is as much as 60 percent but less than 80 percent of the state's established income, adjusted according to size of the income unit as defined in Rule .0103 of this Section, may be eligible for the federally funded ~~abortion and sterilization resource items~~ item of health support services if available in the county in which he lives.

**History Note:** *Authority G.S. 143B-153(2a)b;  
Eff. July 1, 1983;*

*Amended Eff. March 1, 1994; July 1, 1989; October 1, 1987; July 1, 1984;*

*Temporary Amendment Eff. October 21, 1996.*

**.0106 WITHOUT REGARD TO INCOME  
STATUS**

Individuals may be determined eligible for the following services on the basis of need for the service and without regard to their income:

- (1) adoption services;
- (2) adult placement services;
- (3) foster care services for children;
- (4) protective services for adults;
- (5) protective services for children;

- (6) child day care services, transportation services and ~~the federally funded abortion and sterilization resource items~~ item of health support services funded under the Social Services Block Grant (Title XX) that are needed in conjunction with protective services may be provided without regard to income during the first 12 months that protective services are provided if such service is available in the county in which the individual lives and the agency has received a report pursuant to G.S. 7A-543 or G.S. 108A-102, has initiated protective services in accordance with program policies, and has determined that such other services are needed to support the provision of protective services;
- (7) delinquency prevention (including residential care);
- (8) employment and training support services (including transportation and resource items);
- (9) health support services (including transportation and resources for the aging, disabled or handicapped but excluding ~~the sterilization and abortion resource items~~; item);
- (10) individual and family adjustment services (including camping component);
- (11) problem pregnancy (including residential services);
- (12) community living services;
- (13) day care services for adults;
- (14) housing and home improvement services (including resource items);
- (15) in-home aide services (levels I through IV) as described in 10 NCAC 42H .0903 and .0904, which is incorporated by reference, including subsequent amendments and editions. Copies of these Rules may be obtained from the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, NC 27611-7447, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) for up to ten pages and fifteen cents (\$.15) for each additional page at the time of the adoption of this Rule;
- (16) personal and family counseling;
- (17) preparation and delivery of meals; and
- (18) residential treatment for the emotionally disturbed.

*History Note: Authority G.S. 143B-153(2a)b;  
Eff. July 1, 1983;  
Amended Eff. March 1, 1994; December 1, 1991; May 1, 1990; July 1, 1989;  
Temporary Amendment Eff. October 21, 1996.*

## SECTION .0300 - SERVICE DEFINITIONS

### .0308 HEALTH SUPPORT SERVICES

(a) **Primary Service.** Health support services means helping individuals and families to recognize health needs

including those related to alcohol and drug abuse, to cope with incapacities and limited functioning resulting from aging, disability, or handicap and to choose, obtain and use resources and mechanisms of support under Medicaid (including the early and periodic screening, diagnosis and treatment program), medicare, maternal and child health programs and from other public or private agencies or providers of health services; counseling and planning, as appropriate, with individuals, families, and health providers to help assure continuity of treatment and the carrying out of health recommendations; helping individuals to secure admission to medical institutions and children to secure admission to other health-related facilities as needed; and family planning services as described in ~~(2)~~ (b) of this Rule. At county option, transportation, when not otherwise available, may be provided as necessary to access needed medical and health care resources.

(b) **Components.** Family planning services to enable individuals and families to voluntarily limit the family size or to space the children, and to prevent or reduce the incidence of births out of wedlock. Such services include educational activities, the provision of printed materials, counseling about family planning and genetics, and help in utilizing medical and educational services available in the community and state. Also included are educational services in human sexuality appropriate to an individual's emotional and social adjustment and physical development.

#### (c) Optional Resource Items.

##### (1) ~~Mandated Resources:~~ Medical Services.

(A) For individuals who are recipient of AFDC, SSI, or protective services or whose family income is less than 80 percent of the state's established income maximum for social services eligibility, payment for medical services for nontherapeutic sterilization, ~~sterilization and payment for abortion in cases where the mother's life would be endangered if the fetus were carried to term.~~

(B) ~~For women who are recipients of AFDC, SSI, or protective services or whose income does not exceed 50 percent of the state's established income maximum for social services eligibility, payment for abortion under the state abortion fund.~~

(2) ~~Optional Resources:~~ Resources for the Aging, Disabled or Handicapped. At county option any combination of the following resource items may be provided as needed and appropriate to enable aging, disabled or handicapped individuals to attain or maintain the highest level of functioning possible, to promote their well-being and to prevent or reduce inappropriate institutional care.

(A) Assistance with communication to enable individuals to utilize needed health and medical resources and other community services and resources through the provi-



sion of interpreters for the deaf and the provision of telephones when not otherwise available for the aging, disabled, or handicapped who are alone and homebound, or who have a health or medical condition which necessitates ready access to or frequent use of a telephone in their home.

- (B) Mobility assistance for aging, disabled and handicapped persons, through the installation of ramps, rails and other safety measures at the individual's home and the provision of escort service to health facilities and other needed resources for individuals unable to travel or wait alone.
  - (C) Arranging for or providing friendly visitors or companions for part of a day to assist individuals who, because of frailty, physical or mental disability, or social isolation, have limited contacts with other people. Such companionship service offers mental and physical stimulation and provides an opportunity for observation as to the need for professional help of any kind.
  - (D) Provision of special health needs and supplies such as ostomy supplies, oxygen, bandages, orthopedic and other appliances needed by aging and disabled individuals in their own homes and not available through Medicaid, Medicare or resources without cost.
- (d) Target Population:
- (1) individuals or families experiencing health related problems;
  - (2) for the family planning component, individuals (male or female) who are of age to produce children.

*History Note: Authority G.S. 143B-153; Eff. February 8, 1977; Amended Eff. March 1, 1983; September 1, 1982; March 1, 1982; October 1, 1979; Transferred from T10.43D .0212 Eff. July 1, 1983; Amended Eff. March 1, 1994; July 1, 1984; Temporary Amendment Eff. October 21, 1996.*

## CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

### SUBCHAPTER 42J - HEALTH SUPPORT SERVICES

#### .0001 NATURE AND PURPOSE

(a) The definition of health support services is set forth in 10 NCAC 35E .0300.

(b) Medical services (diagnosis, treatment and care) are limited to nontherapeutic sterilization. ~~sterilization and abortion.~~

*History Note: Authority G.S. 143B-153; Eff. March 1, 1977; Readopted Eff. October 31, 1977; Amended Eff. July 1, 1990; July 1, 1984; June 1, 1982; September 15, 1978; Temporary Amendment Eff. October 21, 1996.*

#### .0004 MEDICAL SERVICES

(a) Medical services related to ~~abortion and~~ nontherapeutic sterilization as described in 10 NCAC 35E .0300 must be performed by licensed or certified medical providers.

(b) Nontherapeutic sterilization is provided only for persons 21 years of age or older who are capable of giving informed consent. Nontherapeutic sterilization is any procedure or operation the primary purpose of which is to render an individual permanently incapable of reproducing.

*History Note: Authority G.S. 143B-153; 42 C.F.R. 441.253; Eff. June 1, 1982; Amended Eff. July 1, 1990; July 1, 1984; Temporary Amendment Eff. October 21, 1996.*

#### .0005 FUNDING FOR MEDICAL SERVICES

(a) Title XIX (medicaid) shall be utilized as the first funding option for ~~mandated resources.~~ medical services. ~~If Title XIX cannot be used, the individual's eligibility for Title XX and other funding resources should be explored. Title XX reimbursement will be at medicaid rates. Elective abortions may be provided with State Abortion Funds. Nonselective abortions may be provided under specifically limited circumstances, and funded by Titles XIX and XX of the Social Security Act. County departments of social services electing to provide medical services as described in 10 NCAC 35E .0300 shall be responsible for the processing and payment of provider claims pursuant to those medical services authorized by the county.~~

(b) If individuals have health insurance which will cover all or part of the bill for medical services, the amount allowed under Title XX will be the difference between the insurance payment and the maximum amount which would be allowed at medicaid rates. If the individual's insurance pays more than the allowable medicaid rate no funds will be available from Title XX.

(c) Provider claims for authorized medical services must be filed within the time limits prescribed in medicaid policy unless otherwise designated by the division.

*History Note: Authority G.S. 143B-153; Eff. June 1, 1982; Amended Eff. July 1, 1990; July 1, 1984; July 1, 1982; Temporary Amendment Eff. October 21, 1996.*



*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of October 17, 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 unless otherwise noted, 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**

10 NCAC 03R .3001*	11:08 NCR 452
10 NCAC 03R .3010	11:08 NCR 453
10 NCAC 03R .3020*	11:08 NCR 456
10 NCAC 03R .3032*	11:08 NCR 465
10 NCAC 41P .0008* (Eff. 11-1-96)	not required, G.S. 150B-21.5(a)(5)
15A NCAC 10B .0106*	11:08 NCR 495
15A NCAC 10B .0123	11:08 NCR 497
15A NCAC 10F .0307	11:07 NCR 412
15A NCAC 10G .0102	11:07 NCR 413
15A NCAC 10G .0103	11:07 NCR 413
15A NCAC 10G .0202	11:07 NCR 413
15A NCAC 10G .0203	11:07 NCR 413
15A NCAC 10G .0206	11:07 NCR 413
15A NCAC 10G .0302	11:07 NCR 413
15A NCAC 10G .0303	11:07 NCR 413
15A NCAC 10G .0401	11:07 NCR 415
15A NCAC 10G .0402*	11:07 NCR 415
15A NCAC 10G .0403*	11:07 NCR 415
15A NCAC 10G .0404*	11:07 NCR 415
15A NCAC 10G .0501*	11:07 NCR 416
15A NCAC 10I .0002*	11:08 NCR 498
15A NCAC 18A .2601	11:05 NCR 273
19A NCAC 03E .0511*	11:07 NCR 405
21 NCAC 12 .0204	11:09 NCR 584
21 NCAC 12 .0503*	11:09 NCR 585
21 NCAC 69 .0102*	11:08 NCR 523
21 NCAC 69 .0302*	11:08 NCR 525
21 NCAC 69 .0303*	11:08 NCR 525
21 NCAC 69 .0304*	11:08 NCR 525
21 NCAC 69 .0305*	11:08 NCR 525
21 NCAC 69 .0307*	11:08 NCR 525
21 NCAC 69 .0401*	11:08 NCR 526
21 NCAC 69 .0402*	11:08 NCR 527
26 NCAC 03 .0301	11:09 NCR 588
26 NCAC 03 .0302	11:09 NCR 588
26 NCAC 03 .0303	11:09 NCR 588
26 NCAC 03 .0304	11:09 NCR 588
26 NCAC 03 .0305	11:09 NCR 588

# TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

## CHAPTER 3 - FACILITY SERVICES

### SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

#### SECTION .3000 - STATE MEDICAL FACILITIES PLAN

#### .3001 CERTIFICATE OF NEED REVIEW CATEGORIES

The agency has established nine categories of facilities and services for certificate of need review and ~~will~~ shall determine the appropriate review category or categories for all applications submitted pursuant to 10 NCAC 3R .0304. For proposals which include more than one category, the agency may require the applicant to submit separate applications. If it is not practical to submit separate applications, the agency ~~will~~ shall determine in which category the application will be reviewed. The review of an application for a certificate of need ~~will~~ shall commence in the next review schedule after the application has been determined to be complete. The nine categories of facilities and services are:

- (1) Category A. Proposals for acute health service facilities, except those proposals included in Categories B through H, including but not limited to the following types of projects: renovation, construction, equipment, and acute care services.
- (2) Category B. Proposals for long-term nursing facility and new continuing care facilities applying for exemption under 10 NCAC 3R .3050(b)(2).
- (3) Category C. Proposals for new psychiatric facilities; psychiatric beds in existing health care facilities; new intermediate care facilities for the mentally retarded (ICF/MR) and ICF/MR beds in existing health care facilities; new substance abuse and chemical dependency facilities; substance abuse and chemical dependency beds in existing health care facilities.
- (4) Category D. Proposals for new ~~or expanded end stage renal disease treatment facilities;~~ dialysis stations in response to the "county need" or "facility need" methodologies; and relocations of existing dialysis stations to another county.
- (5) Category E. Proposals for new or expanded inpatient rehabilitation facilities and inpatient rehabilitation beds in other health care facilities; and new or expanded ambulatory surgical facilities except those proposals included in Category H.

- (6) Category F. Proposals for new home health agencies or offices, new hospice home care programs, new hospice inpatient beds, and new hospice residential beds.
- (7) Category G. Proposals for converting hospital beds to nursing care under 10 NCAC 3R .3050(b)(1); and for ~~demonstration projects designated in the SMFP;~~ new dialysis stations as the result of "adjusted need determinations" for Dare and Carteret counties.
- (8) Category H. Proposals for bone marrow transplantation services, burn intensive care services, neonatal intensive care services, open heart surgery services, solid organ transplantation services, air ambulance equipment, cardiac ~~angioplastie~~ angioplasty equipment, cardiac catheterization equipment, heart-lung bypass ~~machine,~~ machines, gamma ~~knife,~~ knives, lithotriptors, magnetic resonance imaging ~~scanner,~~ scanners, positron emission tomography scanners, and major medical equipment as defined in G.S. 131E-176(14f), diagnostic centers as defined in G.S. 131E-176(7a), and oncology treatment centers as defined in G.S. 131E-176(18a).
- (9) Category I. Proposals involving cost overruns; expansions of existing continuing care facilities which are licensed by the Department of Insurance at the date the application is filed and are applying under exemptions from need determinations in 10 NCAC 3R .3030; relocations within the same county of existing health service facilities, beds or dialysis stations which do not involve an increase in the number of health service facility beds or stations; reallocation of beds or stations; Category A proposals submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; proposals submitted pursuant to 10 NCAC 3R .3050(a)(3) by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; and any other proposal not included in Categories A through H.

*History Note: Filed as a Temporary Amendment Eff. January 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Filed as a Temporary Amendment Eff. December 31, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Filed as a Temporary Amendment Eff. April 2, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Filed as a Temporary Rule Eff. May 31, 1992 for a period of 153 days to expire on October 31, 1992; Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);*

*Eff. November 2, 1992;*

*Amended Eff. April 1, 1995; April 1, 1994; September 1, 1993; January 4, 1993;*

*Temporary Amendment Eff. January 1, 1996;*

*Amended Eff. April 1, 1997.*

**.3020 CERTIFICATE OF NEED REVIEW SCHEDULE**

The agency has established the following schedule for review of categories and subcategories of facilities and services in ~~1995, 1996.~~

(1) Category B. Subcategory Long-Term Nursing Facilities.

County	HSA	CON Beginning
		Review Date
Alexander	I	<del>February 1, 1995</del> <u>April 1, 1996</u>
Caldwell	I	<del>April 1, 1995</del>
Graham	I	<del>April 1, 1995</del>
Transylvania	I	<del>August 1, 1995</del>
Randolph	H	<del>August 1, 1995</del>
Moore	V	<del>May 1, 1995</del>
Craven	VI	<del>March 1, 1995</del>
Camden	VI	<del>September 1, 1995</del>
Carteret	VI	<del>September 1, 1995</del>
Jones	VI	<del>March 1, 1995</del>
Hyde	VI	<del>May 1, 1995</del>
Gates	VI	<del>December 1, 1995</del>
Perquimans	VI	<del>December 1, 1995</del>
<u>Henderson</u>		<u>April 1, 1996</u>
<u>McDowell</u>		<u>August 1, 1996</u>
<u>Rutherford</u>		<u>March 1, 1996</u>
<u>Watauga</u>		<u>March 1, 1996</u>
<u>Alamance</u>		<u>August 1, 1996</u>
<u>Lee</u>		<u>September 1, 1996</u>
<u>Wake</u>		<u>May 1, 1996</u>
<u>Cumberland</u>		<u>December 1, 1996</u>
<u>New Hanover</u>		<u>September 1, 1996</u>
<u>Pender</u>		<u>May 1, 1996</u>
<u>Onslow</u>		<u>March 1, 1996</u>
<u>Pitt</u>		<u>May 1, 1996</u>



CarteretJuly 1, 1996

## (2) Category C.

## (a) Subcategory Intermediate Care Facilities for Mentally Retarded.

<u>Mental Health Planning Areas (Constituent Counties)</u>		CON Beginning
<u>County</u>	<u>HSA</u>	<u>Review Date</u>
<del>Buncombe, Madison, Mitchell, Yancey</del>	<del>I</del>	<del>October 1, 1995</del>
<del>Alleghany, Ashe, Avery, Watauga, Wilkes</del>	<del>I</del>	<del>October 1, 1995</del>
<del>Caldwell, Burke, Alexander, McDowell</del>	<del>I</del>	<del>October 1, 1995</del>
<del>Rutherford, Polk</del>	<del>I</del>	<del>October 1, 1995</del>
<del>Forsyth, Stokes</del>	<del>II</del>	<del>October 1, 1995</del>
<del>Guilford</del>	<del>II</del>	<del>October 1, 1995</del>
<del>Davidson</del>	<del>II</del>	<del>October 1, 1995</del>
<del>Gaston, Lincoln</del>	<del>III</del>	<del>October 1, 1995</del>
<del>Stanly, Cabarrus, Union</del>	<del>III</del>	<del>October 1, 1995</del>
<del>Orange, Person, Chatham</del>	<del>IV</del>	<del>November 1, 1995</del>
<del>Robeson, Bladen, Scotland, Columbus</del>	<del>V</del>	<del>November 1, 1995</del>
<del>Cumberland</del>	<del>V</del>	<del>November 1, 1995</del>
<del>New Hanover, Brunswick, Pender</del>	<del>V</del>	<del>November 1, 1995</del>
<del>Edgecombe, Nash</del>	<del>VI</del>	<del>November 1, 1995</del>
<del>Pitt</del>	<del>VI</del>	<del>November 1, 1995</del>
<del>Hertford, Bertie, Gates, Northampton</del>	<del>VI</del>	<del>November 1, 1995</del>
<del>Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck</del>	<del>VI</del>	<del>November 1, 1995</del>
<u>2 (Buncombe, Madison, Mitchell, Yancey)</u>		<u>April 1, 1996</u>
<u>3 (Alleghany, Ashe, Avery, Watauga, Wilkes)</u>		<u>December 1, 1996</u>
<u>5 (Caldwell, Burke, Alexander, McDowell)</u>		<u>December 1, 1996</u>
<u>21 (Davidson)</u>		<u>October 1, 1996</u>
<u>10 (Mecklenburg)</u>		<u>April 1, 1996</u>
<u>12 (Stanley, Cabarrus, Union)</u>		<u>October 1, 1996</u>
<u>18 (Orange, Person, Chatham)</u>		<u>November 1, 1996</u>
<u>35 (Craven, Jones, Pamlico, Carteret)</u>		<u>July 1, 1996</u>

## (b) Subcategory Detox-Only Beds.

<u>Mental Health Planning Areas (Constituent Counties)</u>	<u>CON Beginning Review Date</u>
<u>1 (Jackson, Haywood, Macon, Cherokee, Clay, Graham, Swain)</u>	<u>December 1, 1996</u>
<u>4 (Transylvania, Henderson)</u>	<u>December 1, 1996</u>
<u>5 (Caldwell, Burke, Alexander, McDowell)</u>	<u>December 1, 1996</u>
<u>6 (Rutherford, Polk)</u>	<u>December 1, 1996</u>
<u>8 (Gaston, Lincoln)</u>	<u>December 1, 1996</u>
<u>9 (Catawba)</u>	<u>December 1, 1996</u>
<u>11 (Rowan, Iredell, Davie)</u>	<u>December 1, 1996</u>
<u>13 (Surry, Yadkin)</u>	<u>June 1, 1996</u>
<u>14 (Forsyth, Stokes)</u>	<u>June 1, 1996</u>
<u>15 (Rockingham)</u>	<u>June 1, 1996</u>
<u>16 (Guilford)</u>	<u>June 1, 1996</u>
<u>17 (Alamance, Caswell)</u>	<u>June 1, 1996</u>
<u>18 (Orange, Person, Chatham)</u>	<u>June 1, 1996</u>
<u>20 (Vance, Granville, Franklin, Warren)</u>	<u>June 1, 1996</u>
<u>21 (Davidson)</u>	<u>November 1, 1996</u>
<u>23 (Robeson, Bladen, Scotland, Columbus)</u>	<u>November 1, 1996</u>
<u>25 (Lee, Harnett)</u>	<u>November 1, 1996</u>
<u>26 (Johnston)</u>	<u>November 1, 1996</u>
<u>27 (Wake)</u>	<u>November 1, 1996</u>
<u>28 (Randolph)</u>	<u>November 1, 1996</u>
<u>31 (Wayne)</u>	<u>May 1, 1996</u>
<u>32 (Wilson, Greene)</u>	<u>May 1, 1996</u>
<u>33 (Edgecombe, Nash)</u>	<u>May 1, 1996</u>
<u>34 (Halifax)</u>	<u>May 1, 1996</u>
<u>35 (Craven, Jones, Pamlico, Carteret)</u>	<u>May 1, 1996</u>
<u>36 (Lenoir)</u>	<u>May 1, 1996</u>
<u>38 (Hertford, Bertie, Gates, Northampton)</u>	<u>May 1, 1996</u>
<u>39 (Beaufort, Washington, Tyrrell, Hyde, Martin)</u>	<u>May 1, 1996</u>
<u>40 (Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck)</u>	<u>May 1, 1996</u>
<u>41 (Duplin, Sampson)</u>	<u>May 1, 1996</u>

(3) Category D. Subcategory End Stage Renal Disease Dialysis Stations. Dialysis station review in response to the "county need" or "facility need" methodologies shall be conducted under the provisions of 10 NCAC 3R .3032.

~~(4) Category E. Subcategory Ambulatory Surgical Facilities~~

		CON Beginning
County	HSA	Review Date
Cleveland	I	April 1, 1995

~~(5)~~ (4) Category F. Subcategory Home Health Agencies or Offices.

		CON Beginning
County	HSA	Review Date
Watauga	I	October 1, 1995
Forsyth	II	June 1, 1995
Stokes	II	October 1, 1995
Orange	IV	November 1, 1995
Wake	IV	July 1, 1995
Bertie	VI	July 1, 1995
Onslow	VI	November 1, 1995
	I	<u>October 1, 1996</u>
	II	<u>March 1, 1996</u>
	III	<u>June 1, 1996</u>
	IV	<u>November 1, 1996</u>
	V	<u>March 1, 1996</u>
	VI	<u>July 1, 1996</u>

(5) Category G. Subcategory New Dialysis Stations as a result of "Adjusted Need Determinations."

		CON Beginning
County		Review Date
Carteret		<u>March 1, 1996</u>
Dare		<u>March 1, 1996</u>

(6) Applications for certificates of need ~~will~~ shall be reviewed pursuant to the following review schedule, unless another schedule has been specified in Items (1) through (5) of this Rule or it has been determined in 10 NCAC 3R .3030 that there is no need for the health service or facility proposed by the applicant.

CON Beginning	HSA	HSA
Review Date	I, II, III	IV, V, VI



January 1	--	--
February 1	A, B, G, I --	G --
March 1	— A, B, E, G, I	A, B, E, F, G, I
April 1	B, E, H, I	--
May 1	--	B, C, H, I
June 1	A, C, D, I, F	D
July 1	--	A, F, I
August 1	B, E, I	--
September 1	--	B, E, I
October 1	A, G, F, I	--
November 1	--	A, C, F, I
December 1	C, D, H, I	B, D, H, I

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 Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
 Eff. November 2, 1992;  
 Amended Eff. April 1, 1995; October 1, 1994; April 1, 1994; September 1, 1993;  
 Temporary Amendment Eff. January 1, 1996;  
 Amended Eff. April 1, 1997.

### .3032 DIALYSIS STATION NEED DETERMINATION

(a) The Medical Facilities Planning Section (MFPS) shall determine need for new dialysis stations ~~and facilities~~ two times each calendar year, and shall make a report of such determinations available to all who request it. This report shall be called the North Carolina Semiannual Dialysis Report (SDR). Data to be used for such determinations, and their sources, are as follows:

- (1) Numbers of dialysis patients, by type, county and facility, from the Southeastern Kidney Council, Inc. (SEKC) and the Mid-Atlantic Renal Coalition, Inc. as of December 31, 1995 for the March SDR and as of June 30, 1996 for the September SDR.
- (2) Certificate of need decisions, decisions appealed, appeals settled, and awards, from the Certificate of Need Section, DFS.
- (3) Facilities certified for participation in Medicare, from the Certification Section, DFS.
- (4) Need determinations for which certificate of need decisions have not been made, from MFPS records.

Need determinations in this report shall be an integral part of the State Medical Facilities Plan, as provided in G.S. 131E-183.

(b) Need for new dialysis stations ~~and facilities~~ shall be determined as follows:

- (1) County Need
  - (A) The average annual rate (%) of change in total number of dialysis patients resident in each county from the

end of ~~1990~~ 1991 to the end of ~~1994~~ 1995 is multiplied by the county's ~~1994~~ 1995 year end total number of patients in the SDR, and the product is added to each county's most recent total number of patients reported in the SDR. The sum is the county's projected total ~~1995~~ 1996 patients.

- (B) The percent of each county's total patients who were home dialysis patients at the end of ~~1994~~ 1995 is multiplied by the county's projected total ~~1995~~ 1996 patients, and the product is subtracted from the county's projected total ~~1995~~ 1996 patients. The remainder is the county's projected ~~1995~~ 1996 in-center dialysis patients.
- (C) The projected number of each county's ~~1995~~ 1996 in-center patients is divided by 3.2. The quotient is the projection of the county's ~~1995~~ 1996 in-center dialysis stations.
- (D) From each county's projected number of ~~1995~~ 1996 in-center stations is subtracted the county's number of stations certified for Medicare, CON-approved and awaiting certification, awaiting resolution of CON appeals, and the number represented by need determinations in previous State Medical Facilities Plans or Semiannual Dialysis Reports for which CON decisions have not been made. The remainder is the county's ~~1995~~ 1996 station need projection.
- (E) If a county's ~~1995~~ 1996 station need projection is 10 or greater and the SDR shows that utilization of each dialysis facility in the county is 80% or greater, the ~~1995~~ 1996 county station need determination is the same as the ~~1995~~ 1996 station need projection. If a county's ~~1995~~ 1996 station need projection is less than ~~ten~~, 10, or the utilization of any dialysis facility in the county is less than 80%, the county's ~~1995~~ 1996 station need determination is zero.

(2) Facility Need

A dialysis facility located in a county ~~whose unmet need for which the result of the County Need methodology is zero~~ in the reference Semiannual Dialysis Report (SDR) ~~is less than ten stations~~ is determined to need additional stations to the extent that:

- (A) Its utilization, reported in the SDR, is greater than 3.2 patients per station.
- (B) Such need, calculated as follows, is reported in an application for a certificate of need:
  - (i) The facility's number of in-center ~~hemodialysis~~ dialysis patients reported in the previous SDR (SDR<sub>i</sub>) is subtracted from the number of in-center ~~hemodialysis~~ dialysis patients reported in the current SDR (SDR<sub>c</sub>). The difference is multiplied by 2 to project the net in-center change for 1 year. Divide the projected net in-center change for the year by the number of in-center patients from SDR<sub>i</sub> to determine the projected annual growth rate.
  - (ii) The quotient from Subpart (b)(2)(B)(i) of this Rule is divided by 12.
  - (iii) The quotient from Subpart (b)(2)(B)(ii) of this Rule is multiplied by the number of months from the most recent month reported in the current SDR until the end of calendar ~~1995~~, 1996.
  - (iv) The product from Subpart (b)(2)(B)(iii) of this Rule is multiplied by the number of the facility's in-center patients reported in the current SDR and that product is added to such reported number of in-center patients.
  - (v) The sum from Subpart (b)(2)(B)(iv) of this Rule is divided by 3.2, and from the quotient is subtracted the facility's current number of certified and pending stations as recorded in the current SDR. The remainder is the number of stations needed.
- (C) The facility may apply to expand to meet the need established in Subpart (b)(2)(B)(v) of this Rule, up to a maximum of 10 stations.

(c) The schedule for publication of the North Carolina Semiannual Dialysis Report (SDR) and for receipt of certificate of need applications based on each issue of this report in ~~1995~~ 1996 shall be as follows:

Date for Period Ending	Receipt of SEKC Report	Publication of SDR	Receipt of CON Applications	Beginning Review Dates
<del>Dec. 31, 1994</del>	<del>Feb. 28, 1995</del>	<del>March 20, 1995</del>	<del>May 16, 1995</del>	<del>June 1, 1995</del>
<u>June 30, 1995</u>	<u>Aug. 31, 1995</u>	<u>Sept. 20, 1995</u>	<u>Nov. 15, 1995</u>	<u>Dec. 1, 1995</u>
<u>Dec. 31, 1995</u>	<u>Feb. 28, 1996</u>	<u>March 20, 1996</u>	<u>May 16, 1996</u>	<u>June 1, 1996</u>
<u>June 30, 1996</u>	<u>Aug. 31, 1996</u>	<u>Sept. 20, 1996</u>	<u>Nov. 15, 1996</u>	<u>Dec. 1, 1996</u>

- (d) An application for a certificate of need pursuant to this Rule shall be accepted only if it demonstrates a need by

utilizing one of the methods of determining need outlined in this Rule.

(e) An application for a new End Stage Renal Disease ~~facility~~ facility, other than applications for dialysis stations to be developed in Dare and Carteret Counties pursuant to 10 NCAC 3R .3030(7), shall not be approved unless it documents the need for at least 10 stations based on utilization of 3.2 patients per station per week.

(f) Home patients ~~will~~ shall not be included in determination of need for new stations.

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Eff. January 4, 1993;  
Amended Eff. April 1, 1995; April 1, 1994;  
Temporary Amendment Eff. January 1, 1996;  
Amended Eff. April 1, 1997.*

## CHAPTER 41 - CHILDREN'S SERVICES

### SUBCHAPTER 41P - CHILD-PLACING AGENCIES: ADOPTION

#### .0008 PREPLACEMENT ASSESSMENT

(a) The agency shall conduct a preplacement assessment within 90 days after the request has been accepted. The assessment process must include at least one personal interview, and separate face-to-face interviews with each member of the household above six years of age. The 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 assessment that was completed one year or more before placement of a child occurs must be updated to include current information about the family. Physical examinations of family members must be current to within 12 months of the assessment.

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

- (1) the applicants' reasons for wanting to adopt;
- (2) the strengths and 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) whether the applicant has ever been convicted of a crime other than a minor traffic violation;
- (13) the strengths and needs of birth children or previously adopted children,
- (14) the applicant's physical and mental health, including any addiction to alcohol or drugs;
- (15) current financial information provided by the applicant, including property and income;
- (16) the applicants' personal character references;
- (17) the applicant's religious orientation, if any;
- (18) the location and physical environment of the home;
- (19) the plan for child care if parents work;
- (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 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) 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.

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

*Eff. February 1, 1986;*

*Amended Eff. August 1, 1993; March 1, 1992; June 1, 1990;*

*Temporary Amendment Eff. July 1, 1996;*

*Amended Eff. November 1, 1996.*

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

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

#### **SUBCHAPTER 10B - HUNTING AND TRAPPING**

#### **SECTION .0100 - GENERAL REGULATIONS**

#### **.0106 WILDLIFE TAKEN FOR DEPREDACTIONS OR ACCIDENTALLY**

##### **(a) Depredation Permit:**

- (1) Endangered or Threatened Species. No permit shall be issued to take any endangered or threatened species of wildlife listed under 15A NCAC 10I by reason of depredations to property. An individual may take an endangered or threatened species in immediate defense of his own life or of the lives of others without a permit. Any endangered or threatened species which may constitute a demonstrable but non-immediate threat to human safety shall be reported to a federal or state wildlife enforcement officer, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I .0002.
- (2) Other Wildlife Species. Except as provided in Subparagraph (1) of this Paragraph, the Executive Director or an agent of the Wildlife Resources

Commission may, upon application of a landholder and after such investigation of the circumstances as he may require, issue a permit to such landholder to take any species of wildlife which is or has been damaging or destroying his property provided there is evidence of substantial property damage. No permit may be issued for the taking of any migratory birds and other federally protected animals unless a corresponding valid U.S. Fish and Wildlife Service depredation permit has been issued. The permit shall name the species allowed to be taken and, in the discretion of the Executive Director or an agent, may contain limitations as to age, sex or any other condition within the species so named. The permit may be used only by the landholder or another person named on the permit.

- (3) Wildlife Damage Control Agents: Upon ~~satisfac-~~  
~~tery~~ completion of a Wildlife Resources Commission approved training and ~~satisfactory~~ demonstration of a knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual may apply to the Wildlife Resources Commission (Commission) to become a Wildlife Damage Control Agent (WDCA). Those persons approved as agents by the Commission may then issue depredation permits to landholders and list themselves as a second party to provide the control service. WDCA's may not issue depredation permits for big game animals, bats, or species listed as endangered, threatened or special concern under 15A NCAC 10I .0003, .0004 and .0005 of this Chapter. WDCA's must report to the Wildlife Resources Commission the number and disposition of animals taken, by county, annually. Records must be available for inspection by a Wildlife Enforcement officer at any time during normal business hours. WDCA status may be revoked at any time by the Executive Director when there is evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. WDCA's may not charge for the permit, but may charge for their investigations and control services. In order to maintain a knowledge of current laws, rules, and techniques, WDCA's must renew their agent status every three years by showing proof on having attended at least one Wildlife Commission approved training course provided for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques within the previous 12 months.

- (b) Term of Permit. Each depredation permit issued by the Executive Director or an agent shall have entered thereon a date or time of expiration after which date or time the same shall become invalid for any purpose, except as evidence of lawful possession of any wildlife that may be

retained thereunder.

(c) Manner of Taking:

- (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to property may, during the open season on the species, be taken by the landholder by any lawful method. During the closed season such depredating wildlife may be taken without a permit only by the use of firearms.
- (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method or methods specifically authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be protected, according to the particular circumstances, within which the traps must be set. The Executive Director or agent may also state in a permit authorizing trapping whether or not bait may be used and the type of bait, if any, that is authorized. In addition to any trapping restrictions that may be contained in the permit the method of trapping must be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, the Structural Pest Control Act of 1955, and Article 22A of Chapter 113 of the General Statutes of North Carolina. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another.
- (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, intentionally to wound a wild animal in a manner so as not to cause its immediate death as suddenly and humanely as the circumstances permit.

(d) Disposition of Wildlife Taken:

- (1) Generally. Except as provided by the succeeding Subparagraphs of this Paragraph, any wildlife killed accidentally or without a permit while committing depredations shall be buried or otherwise disposed of in a safe and sanitary manner on the property. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit must have the depredation permit in their possession. Except as provided by the succeeding Subparagraphs of (d)(2) through (6) of this Rule, all wildlife killed under a depredation permit must be buried or otherwise disposed of in a safe and sanitary manner.
- (2) Deer. The edible portions of up to five deer may

be retained by the landholder for consumption but must not be transported from the property where the depredations took place without a valid depredation permit. An enforcement officer, if so requested by the permittee, shall provide the permittee a written authorization the use by a charitable organization of the edible portions of the carcass. The nonedible portions of the carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition. When a deer is accidentally killed on a road or highway by reason of collision with a motor vehicle, the law enforcement officer who investigates the accident shall, upon request of the operator of the vehicle, provide such operator a written permit authorizing him to possess and transport the carcass of such deer for his personal and lawful use, including delivery of such carcass to a second person for his private use or the use by a charitable organization upon endorsement of such permit to such person or organization by name and when no money or other consideration of value is received for such delivery or endorsement.

- (3) Fox. Any fox killed accidentally ~~by a dog or dogs, motor vehicle, or otherwise~~ shall be disposed of in the appropriate manner as provided by Subparagraph (1) or (6) of this Paragraph. Any fox killed under a depredation permit may be disposed of in the same manner or, upon compliance with the fur tagging requirements of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer. Any live fox taken under a depredation permit may be sold to a licensed controlled hunting preserve for fox in accordance with G.S. 113-273(g).
- (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal either accidentally or for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license, provided further that, bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.
- (5) Animals Taken Alive. Wild animals in the order Carnivora and beaver shall be humanely euthanized either at the site of capture or at an appropriate facility designed to humanely handle the euthanasia or released on the property where captured. Animals transported or held for euthanasia must be euthanized within 12 hours of capture. Anyone in possession of live animals being transported for relocation or euthanasia



under a depredation permit must have the depredation permit in their possession.

- (6) A person killing a wild bird or wild animal accidentally with a motor vehicle or finding a dead wild bird or wild animal which was killed accidentally may possess that wild bird or wild animal for a period not to exceed 10 days for the purpose of delivering it to a licensed taxidermist for preparation. The licensed taxidermist may accept the wild bird or wild animal after satisfying himself that the animal was killed accidentally. The taxidermist shall certify and record the circumstances of acquisition as determined by ~~his injury, the injuries to the animal.~~ Licensed taxidermists shall keep accurate records of each wildlife specimen received pursuant to the rule as required by 15A NCAC 10H .1003 of this Chapter. Upon delivery of the finished taxidermy product to the person presenting the animal, the taxidermist shall give the person a receipt ~~in the form required by the Wildlife Resources Commission~~ indicating the sex and species, date of delivery, circumstances of initial acquisition and any other information that may be required on the form, the name, address, and signature of the taxidermist. A copy of this receipt shall be filed ~~with the Wildlife Resources Commission within 10 days of the date of delivery of the mounted specimen.~~ The receipt shall be permanently affixed to the back or bottom of the finished product and The receipt shall serve as the non-transferable permit for continued possession of the mounted specimen and shall be retained by the person for as long as the mounted specimen is kept. Mounted specimens possessed pursuant to this Rule may not be sold and, if such specimens are transferred by gift or inheritance, the new owner must ~~apply for a new~~ retain the permit and must submit the written receipt originally obtained from the taxidermist to document the legality of possession. This provision does not allow possession of accidentally killed raptors; nongame migratory birds; species listed as endangered, threatened, or of special concern under 15A NCAC 10I .0003, .0004, and .0005 of this Chapter; black bear or wild turkey.

- (e) Reporting Requirements. Any landholder who kills a deer, bear or wild turkey under a currently valid depredation permit shall report such kill on the form provided with the permit and mail the form immediately upon the expiration date to the Wildlife Resources Commission. The killing and method of disposition of every game animal and game bird, every furbearing animal, and every nongame animal or nongame bird for which there is no open season, when killed for committing depredations to property, without a permit, shall be reported to the Wildlife Resources Commission within 24 hours following the time of such

killing, except that when the carcass or pelt of a fox, killed under a depredation permit, or of a furbearing animal, killed with or without a permit, is lawfully sold to a licensed fur dealer in this State the fur dealer is required to report the source of acquisition and no report is required of the seller.

*History Note: Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-307; 113-331; 113-333; 113-334(a); 113-337; Eff. February 1, 1976; Amended Eff. July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990.*

## SUBCHAPTER 10G - DISTRIBUTION AND SALE OF HUNTING: FISHING: AND TRAPPING LICENSE

### SECTION .0400 - WILDLIFE SERVICE AGENTS

#### .0402 APPOINTMENT OF WILDLIFE SERVICE AGENTS

Any business operating from a fixed location in North Carolina may apply to the Executive Director of the Wildlife Resources Commission on a form provided for appointment as a Wildlife Service Agent. The applicant shall completely and accurately furnish all information requested in the application. An applicant may be appointed as a Wildlife Service Agent, if the information provided on the application and by any further investigation that may be made, provides evidence, convincing to the Executive Director, that the applicant shall comply with all rules and meets all standards and qualifications applicable to Wildlife Service Agents. In order to ensure security of State funds to be collected by Wildlife Service Agents and to determine the qualification of the applicant in the field of business, the Executive Director may require that applicants have a minimum of one year's experience in operating the business for which the application is made or some other comparable business experience. Applicants may also be required to submit financial statements of the business so that the solvency of the business can be judged. Every initial appointment as a Wildlife Service Agent is probationary for the first year and new agents are subject to close monitoring of their performance.

*History Note: Authority G.S. 113-134; 113-270.1; Eff. March 2, 1997.*

#### .0403 WILDLIFE SERVICE AGENT AGREEMENT

In consideration of appointment as a Wildlife Service Agent and the fees received therefrom, each Wildlife Service Agent shall annually execute an Agreement with the Commission acknowledging that the agency shall be operated in compliance with all laws, rules, and administrative directives related to the sale of licenses and the registration of vessels. Furthermore, the agency shall be operated as a public convenience; and, to that end, the agent agrees to



serve the public in an efficient and helpful manner with all reasonable requests for assistance whenever open for business. It shall be the duty of the agent to be informed and knowledgeable of the laws and rules governing requirements for licenses and vessel transactions and to stay abreast of changes in these requirements so that the agent can provide accurate and reliable information and instruction to persons who seek assistance in these matters. Unless otherwise specifically provided in the Agreement, the appointment as a Wildlife Service Agent and the Agreement under which the appointment is made is singularly valid for the person named thereon who is authorized to act on behalf of the business and applies only to the business and location named. If the manager, location, or ownership of the business changes, then the Agreement becomes null and void and, if the agency is to remain operational, it shall be amended to reflect the changes. Notice of any change in management, location, or ownership shall be sent to the Commission at least 10 days prior to the change to allow time to issue a new or amended Agreement, provided the new conditions of the agency conform to all requirements for appointment.

*History Note: Authority G.S. 113-134; 113-270.1; Eff. March 2, 1997.*

#### **.0404 CUSTOMER SUPPORT SYSTEM**

(a) Equipment. Each Wildlife Service Agent shall be equipped with a transaction terminal, which is a network computer linked to the Commission's central data base by telephone lines. Using the transaction terminal, the agent can issue licenses, permits, tags, vessel registrations and decals, magazine subscriptions, and other items. The record of issuance of each item shall be automatically transmitted by the terminal to the Commission overnight via toll-free telephone connection. The Commission shall communicate information and instructions about individual agent accounts and messages of general interest to all agents via the transaction terminal. Agents shall also be provided two printers: one to print receipts and messages and the other to print licenses, permits, tags, decals, registrations, and other items. All necessary training, trouble-shooting, maintenance, equipment replacements, materials and supplies shall be furnished by the Commission. Toll-free telephone service to link transaction terminals to the system's central data base shall be supplied by the Commission.

(b) Cost to the Wildlife Service Agent. Wildlife Service Agents applying for appointment prior to July 1, 1997, shall not be charged any initial, subsequent, or periodic cost for the delivery, installation, training, operation, or maintenance of the Customer Support System. Agents applying after July 1, 1997, shall be assessed a monthly fee to cover the cost of acquisition, installation, operation and maintenance of the equipment and the cost of supplies and materials to operate the Customer Support System. If the Commission determines that an Wildlife Service Agent is necessary to serve the public interest in a particular area due to remote-

ness from other agents, heavy demand for licenses or vessel registrations, or some other pertinent factor and no business in the area applies, it may waive the fee as an incentive to encourage an application.

(c) Bond. Wildlife Service Agents shall be covered under an annual blanket security bond in the amount of two thousand five hundred dollars (\$2,500) to secure the State's investment in equipment provided to agents to operate the Customer Support System in the event of loss, damage, or destruction of the equipment due to negligence on the part of an agent. The Commission may relieve an agent from liability for loss or damage to equipment if the loss is beyond the control of the agent and not due to negligence by the agent. The Commission shall obtain the blanket security bond in the name of all active Wildlife Service Agents in July of each year and divide the cost of the bond equally among agents.

*History Note: Authority G.S. 113-134; 113-270.1; Eff. March 2, 1997.*

### **SECTION .0500 - LICENSEE REQUIREMENTS**

#### **.0501 LICENSEE REQUIREMENTS**

In order to show entitlement to licenses issued by the Wildlife Resources Commission, persons exercising the privilege of any license shall carry and show to any Wildlife Enforcement Officer upon request a picture identification card which includes the holder's correct name, address, and date of birth, except that no person shall be in violation of this Rule if the required identification is provided to the Wildlife Resources Commission prior to the assigned court date. The North Carolina Driver's License or the North Carolina Picture ID Card issued by the North Carolina Division of Motor Vehicles is one type of identification card that is acceptable for the purposes of this Rule.

*History Note: Authority G.S. 113-134; 113-270.1; Eff. March 2, 1997.*

### **SUBCHAPTER 101 - ENDANGERED AND THREATENED SPECIES**

#### **.0002 PROTECTION OF ENDANGERED/THREATENED/SPECIAL CONCERN SPECIES**

(a) No Open Season. There shall be no open season for taking any of the species listed as endangered in Rule .0003, threatened in Rule .0004 or, unless otherwise provided, as special concern in Rule .0005 of this Subchapter. Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or possess any of such species at any time.

(b) Permits. The executive director may issue permits to take an endangered, threatened, or special concern species for the purpose of scientific investigation relevant to perpetuation or restoration of said species or as a part of a commission-approved study or restoration effort.

(c) Taking Without a Permit:

- (1) An individual may take an endangered, threatened, or special concern species in defense of his own life or the lives of others without a permit.
- (2) A state or federal conservation officer or employee who is designated by his agency to do so may, when acting in the course of his official duties, take, possess, and transport endangered, threatened, or special concern species without a permit if the action is necessary to:
  - (A) aid a sick, injured, diseased or orphaned specimen;
  - (B) dispose of a dead specimen;
  - (C) salvage a dead specimen which may be useful for scientific study; or
  - (D) remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided the taking is done in a humane and noninjurious manner; the taking may involve injuring or killing endangered, threatened, or special concern species only if it is not reasonably possible to eliminate the threat by live-capturing and releasing the specimen unharmed, in a suitable habitat.

(d) Reporting. Any taking or possession of an endangered, threatened, or special concern species under Subsections (b) and (c) of this Rule is subject to applicable reporting requirements of federal law and regulations and the reporting requirements of the permit issued by the Executive Director or of 15A NCAC 10B .0106(e).

(e) Exception.

- (1) Notwithstanding any other provisions of this Rule, processed meat and other parts of American alligators, which have been lawfully taken in a state in which there is an open season for harvesting alligators, may be possessed, bought and sold when such products are marketed in packages or containers which are distinctly labeled to indicate the state in which they were taken and the identity, location, and lawful authority of the processor or distributor.
- (2) Raptors listed as special concern species in Rule .0005 of this Subchapter may be taken from the wild for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered species permit has been obtained as required in Paragraph (b) of this Rule.
- (3) Captive-bred raptors listed as special concern species may be bought, sold, bartered or traded as provided in 50 C.F.R. 21.30 when marked as required under those regulations.
- (4) Importation, possession, sales, transportation and exportation of species listed as special concern species in Rule .0005 of this Subchapter shall be allowed under permit by retail and wholesale establishments whose primary function is provid-

ing scientific supplies for research; provided that the specimens were lawfully obtained from captive or wild populations outside of North Carolina; and that they must be possessed in indoor facilities; and that all transportation of specimens provides adequate safeguards against accidental escape; and that importation, possession and sale or transfer is permitted only as listed in Sub-items (e)(4)(A) and (B) of this Rule.

(A) A written application to the Commission is required for a permit to authorize importation, and possession for the purpose of retail or wholesale sale. The application shall identify the source of the specimens, and provide documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental escape and sales to unauthorized individuals.

(B) Purchase, importation, and possession of special concern species within North Carolina shall be allowed under permit to state and federal governmental agencies, corporate research entities, and research institutions; provided that sales are permitted to out of state consumers; and, provided that they must be possessed in indoor facilities and that all transportation of specimens provides adequate safeguards against accidental escape; and that the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and, further provided that no specimens may be stocked or released in the public or private waters or lands of North Carolina and may not be transferred to any private individual.

*History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333;*

*Eff. June 11, 1977;*

*Amended Eff. April 1, 1997; February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.*

## TITLE 19A - DEPARTMENT OF TRANSPORTATION

### CHAPTER 3 - DIVISION OF MOTOR VEHICLES

#### SUBCHAPTER 3E - INTERNATIONAL REGISTRATION PLAN (IRP) SECTION



**SECTION .0500 - SAFETY RULES AND REGULATIONS**

**.0511 REGISTRATION OF INTERSTATE AUTHORITY**

~~(a) The application for the registration with the Division of interstate authority permitting operations within the borders of this state shall be in the form set forth in Form A available from the Motor Carrier Safety Unit. The application shall be filed in duplicate, the original of which must have a copy of the ICC operating authority attached. The application shall be accompanied by a fee in the amount of twenty five dollars (\$25.00).~~

(a) The application for the registration of Interstate authority permitting operations within the borders of this state shall be set forth in the RS-1 and RS-2 application available from the Motor Carrier Regulatory Unit. The applications shall be filed with a copy of the U.S. DOT authority, BOC-3 (Process Agent Blanket Listing), a BMC91 (Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance) or BMC91X (Motor Carrier Automobile Bodily Injury Liability and Property Damage Liability), and appropriate fees for the state of travel as set by the individual states. The list of fees for each state is available at no cost from the Division of Motor Vehicles Motor Carrier Regulatory Unit, 1425 Rock Quarry Road, Suite 107, Raleigh, NC 27610, telephone (919) 733-7631.

~~(b) Applications for the registration of subsequent amendments to ICC authority permitting operations within the borders of this state shall be filed in the manner described in Paragraph (a) and shall be accompanied by a fee in the amount of five dollars (\$5.00).~~

(b) Application for the registration of added vehicles and states shall be made on the RS-2 supplemental application accompanied by the appropriate fees for each state of travel. A list of fees is available from DMV at no cost as specified in Paragraph (a) of this Rule.

*History Note: Filed as a Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;*

*Authority G.S. 20-378;*

*Eff. April 1, 1986;*

*Transferred and Recodified from 19A NCAC 3D .0813 Eff. January 3, 1996;*

*Amended Eff. April 30, 1997.*

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**TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

**CHAPTER 12 - LICENSING BOARD FOR GENERAL CONTRACTORS**

**SECTION .0500 - LICENSE**

**.0503 RENEWAL OF LICENSE**

(a) Form. An application for renewal requires the holder of a valid license to set forth whether there were any changes made in the status of the licensee's business during the preceding year and also requires the holder to give a financial statement for the business in question. The financial statement need not be prepared by a certified public accountant or by a qualified independent accountant but may be completed by the holder of a license on the form itself. However, the Board may require a license holder to submit an audited financial statement if there is any evidence indicating that the license holder may be unable to meet his financial obligations. Except as provided herein, the financial statement with evidence of financial responsibility shall be subject to approval by the Board in accordance with the working capital requirements of Rule .0204 of this Chapter. A licensee may be required to provide evidence of continued financial responsibility satisfactory to the Board should circumstances render such evidence necessary, and shall provide the Board with a copy of any bankruptcy petition filed by the licensee within 30 days of its filing.

(b) Display. The certificate of renewal of license granted by the Board, containing the signatures of the Chairman and the Secretary-Treasurer, must be displayed at all times by the licensee at his place of business.

*History Note: Filed as a Temporary Amendment Eff. June 28, 1989, for a period of 155 days to expire on December 1, 1989;*

*Authority G.S. 87-1; 87-10;*

*Eff. February 1, 1976;*

*Readopted Eff. September 26, 1977;*

*ARRC Objection March 19, 1987;*

*Amended Eff. December 1, 1989; May 1, 1989; August 1, 1987;*

*RRC Removed Objection of March 19, 1987 Eff. August 20, 1992 based on subsequent amendment;*

*Amended Eff. September 1, 1992;*

*Temporary Amendment Eff. May 31, 1996;*

*Amended Eff. April 1, 1997.*

**CHAPTER 69 - BOARD FOR LICENSING OF SOIL SCIENTISTS**

**SECTION .0100 - STATUTORY AND ADMINISTRATIVE PROVISIONS**

**.0102 DUTIES OF OFFICERS**

The Secretary-Treasurer shall mail a copy of G.S. 89F and the rules of this Chapter to each applicant for a license.

*History Note: Authority G.S. 89F-5;*

*Temporary Adoption Eff. May 15, 1996;*

*Eff. April 1, 1997.*

**SECTION .0300 - CONTINUING PROFESSIONAL COMPETENCY**



**.0302 DEFINITIONS**

Terms used in this Section are defined as follows:

- (1) Professional Development Hour (PDH) - One contact hour (nominal) of instruction or presentation.
- (2) College/Unit Semester/Quarter Hour - Credit assigned by a college or university for a completed course.
- (3) Course/Activity - Any course or activity with a purpose and objective that maintains, improves, or expands the skills and knowledge of the licensee.
- (4) Sponsor - Organization or individual that has supplied information on a form furnished by the Board with respect to the organization or individual's ability to provide instruction in "for credit" courses.
- (5) Renewal Period for Continuing Professional Education - The period for accumulating the required PDH units shall be three years.

*History Note: Authority G.S. 89F-5;  
Temporary Adoption Eff. May 15, 1996;  
Eff. April 1, 1997.*

**.0303 REQUIREMENTS**

Every licensee shall obtain 45 PDH units during each three year period of licensing. If a licensee exceeds the required number of units in any triennial period, a maximum of 15 PDH units may be carried forward into the subsequent period. Selection of courses and activities which meet the requirements of Rule .0302(3) of this Section shall be the responsibility of the licensee. Licensees have the option of selecting courses other than those offered by sponsors. Post evaluation of courses offered by other than sponsors as defined in Rule .0302(4) of this Section may result in non-acceptance. PDH units may be earned as follows:

- (1) Completion of college courses.
- (2) Completion of continuing education courses.
- (3) Completion of correspondence, televised, videotaped, audio taped, and other short courses/tutorials.
- (4) Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences.
- (5) Teaching or instructing in Items (1) through (4) of this Rule.
- (6) Authoring published papers, articles, or books.
- (7) Active participation in professional or technical societies as defined in Rule .0305 of this Section.

*History Note: Authority G.S. 89F-5;  
Temporary Adoption Eff. May 15, 1996;  
Eff. April 1, 1997.*

**.0304 UNITS**

The conversion of other units of credit to PDH units is as follows:

- (1) 1 College or unit semester hour 15 PDH;
  - (2) 1 College or unit quarter hour 10 PDH;
  - (3) 1 Hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions or conference 1 PDH;
  - (4) For teaching in Items (1) - (4) of this Rule, PDH credits are doubled\*;
  - (5) Each published paper, article or book 10 PDH;
  - (6) Active participation in professional and technical society as defined in Rule .0305 of this Section. (Each organization.) 2 PDH.
- \*Teaching credit is valid for teaching a course or seminar for the first time only.

*History Note: Authority G.S. 89F-5;  
Temporary Adoption Eff. May 15, 1996;  
Eff. April 1, 1997.*

**.0305 DETERMINATION OF CREDIT**

The Board for Licensing of Soil Scientists shall have final authority with respect to approval of courses, sponsors, credit, PDH value for courses, and other methods of earning credit. PDH credits are not earned until the activity is completed or until the end of each year of service is completed. The following criteria shall be used in determining PDH credits:

- (1) Credit for college or community college courses shall be based upon course credit established by the college.
- (2) Credit for seminars and workshops, shall be based on one PDH unit for each hour of attendance.
- (3) Attendance at programs presented at professional and technical society meetings shall earn PDH units for the actual time of each program with a maximum of 15 for a given meeting.
- (4) Credit determination for published papers, articles and books is the responsibility of the licensee with final approval by the Board.
- (5) Credit for active participation in professional and technical societies (limited to 2 PDH per organization), requires that a licensee serve as an officer or member of a committee of the organization. PDH credits shall not be earned until the end of each year of service is completed. Credit is not granted for organization membership alone.

*History Note: Authority G.S. 89F-5;  
Temporary Adoption Eff. May 15, 1996;  
Eff. April 1, 1997.*

**.0307 EXEMPTIONS**

A licensee shall be granted leniency from the continuing professional development educational requirements for one of the following reasons:

- (1) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be granted a grace period (equivalent to time served) for obtaining the continuing professional education hours required for that renewal period.
- (2) Licensees experiencing physical disability (as defined in G.S. 168A), illness, or other circumstances beyond the control of the licensee as reviewed and approved by the Board may be granted leniency in the time for acquiring continuing educational credits. Supporting documentation shall be furnished to the Board.
- (3) Licensees who list their occupation as "Inactive" on the renewal form and who further certify that they are no longer receiving any remuneration from providing professional soil services shall be exempt from the continuing professional education hours required. In the event such a person elects to return to active soil science practice, professional development hours shall be earned in accordance with the requirements of Rule .0308 in this Section before returning to active practice.

*History Note: Authority G.S. 89F-5;  
Temporary Adoption Eff. May 15, 1996;  
Eff. April 1, 1997.*

## SECTION .0400 - STANDARDS OF PROFESSIONAL CONDUCT

### .0401 CODE OF PROFESSIONAL CONDUCT

(a) A soil scientist shall conduct his practice in order to protect the public health, safety, life and welfare. The soil scientist shall at all time recognize his primary obligation to protect the life, safety, health, and welfare of the public in the performance of his professional duties.

(b) A soil scientist shall perform his services only in areas of his competence and:

- (1) shall undertake to perform assignments only when qualified by education or experience in the specific technical field of soil science involved.
- (2) shall not affix his signature or seal to any document dealing with subject matter to which he lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his direct supervisory control except that the soil scientist may affix his seal and signature to documents depicting the work of two or more professionals provided he designates by note under his seal the specific subject matter for which he is responsible.

(c) A soil scientist shall issue public statements only in an objective and truthful manner and:

- (1) shall be completely objective and truthful in all professional reports, statements or testimony. He shall include relevant and pertinent information in

such reports, statements or testimony.

- (2) when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon conviction of the accuracy and propriety of his testimony.
- (3) shall issue no statements, criticisms, or arguments on soil science matters connected with public policy which are inspired or paid for by an interested party, or parties unless he has prefaced his comment by identifying himself, by disclosing the identities of the parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matters.
- (4) shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another soil scientist, nor shall he criticize another soil scientist's work in public. If he believes that another soil scientist is guilty of misconduct or illegal practice, he shall present such information to the North Carolina Board for Licensing of Soil Scientists.

(d) A soil scientist shall avoid conflicts of interest and:

- (1) shall promptly inform his employer or client of any business association, interest, or circumstances, which could influence his judgment or the quality of his services.
- (2) shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products without full disclosure.
- (3) shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work for which he is responsible.
- (4) when in public service as a member, advisor, or employee of a governmental body or department, the soil scientist shall abstain from voting on matters involving services provided by him or his organization in private soil science practices.
- (5) shall not solicit or accept a contract from a governmental body on which a principal or officer of his organization serves as a member without full disclosure to affected parties.
- (6) shall not attempt to supplant another soil scientist in a particular employment after becoming aware that the other has been selected for the employment.

(e) A soil scientist shall solicit or accept work only on the basis of his qualifications and:

- (1) shall compete for professional employment on the basis of qualification and competence for proper accomplishment of the work. He shall not solicit



- (2) or submit proposals for professional services containing a false, fraudulent, misleading deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered. shall not falsify or permit misrepresentation of his, or his associates', academic professional qualification. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.
- (3) shall not knowingly associate with or permit the use of his name or firm name in a business venture by any person or firm which he knows, or has reasons to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.
- (4) if the soil scientist has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of the North Carolina Soil Scientist Licensing Act, he shall present such information to the Board and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

(e) A soil scientist whose professional registration is revoked or suspended by another jurisdiction, shall be subject to disciplines by the Board if the registrant's actions violate G.S. 89F or the rules in this Chapter. Conviction of a felony without restoration of civil rights, or the revocation or suspension of the license of a soil scientist by another jurisdiction, if for a cause which in the State of North Carolina would constitute a violation of G.S. 89F or of these Rules, shall be grounds for a charge of violation of the rules in this Chapter.

*History Note: Authority G.S. 89F-17;  
Temporary Adoption Eff. May 15, 1996;  
Eff. April 1, 1997.*

#### .0402 RULES OF CONDUCT OF ADVERTISING

(a) A soil scientist shall not make misleading, deceptive or false statements or claims about his professional qualifications, experience or performance in his brochures, correspondence, listings or other public communications.

(b) The prohibitions listed in Paragraph (a) of this Rule include, but are not limited to, the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading; statements intended or likely to create an unjustified expectation; statements containing prediction of future success; or statements containing an opinion as to the quality of services.

(c) Consistent with the foregoing, a soil scientist may advertise for recruitment of personnel.

(d) Consistent with the foregoing, a soil scientist may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

*History Note: Authority G.S. 89F-17;  
Temporary Adoption Eff. May 15, 1996;  
Eff. April 1, 1997.*



**LIST OF RULES CODIFIED**

**T**he 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.

**K**<sub>ey</sub>:

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**

**OCTOBER 96**

<b>TITLE</b>	<b>DEPARTMENT</b>	<b>TITLE</b>	<b>DEPARTMENT</b>
10	Human Resources	21	Occupational Licensing Boards
11	Insurance	16 -	Dental Examiners
15A	Environment, Health, and Natural Resources		

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
10	NCAC	3R	.0109			✓				11/01/96
			.0110		✓		✓			11/01/96
			.0111	✓			✓			11/01/96
			.0213 - .0214		✓		✓			11/01/96
			.0215	✓						11/01/96
			.0303 - .0304		✓		✓			11/01/96
			.0317		✓		✓			11/01/96
			.0904	✓						11/01/96
			.1113			✓				11/01/96
			.1115 - .1120			✓				11/01/96
			.1124			✓				11/01/96
			.1125	✓			✓			11/01/96
			.1126	✓						11/01/96
			.1214		✓					11/01/96
			.1216		✓					11/01/96
			.1218 - .1219			✓				11/01/96

**LIST OF RULES CODIFIED**

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
10	NCAC	3R	.1302			✓				11/01/96
			.1304 - .1309			✓				11/01/96
			.1413 - .1414		✓					11/01/96
			.1418 - .1419			✓				11/01/96
			.1613 - .1615		✓		✓			11/01/96
			.1618 - .1619			✓				11/01/96
			.1713 - .1714		✓					11/01/96
			.1719 - .1720			✓				11/01/96
			.1912		✓					11/01/96
			.1913 - .1914		✓		✓			11/01/96
			.1916		✓		✓			11/01/96
			.1917 - .1918			✓				11/01/96
			.2117			✓				11/01/96
			.2120			✓				11/01/96
			.2319 - .2320			✓				11/01/96
			.2402		✓					11/01/96
			.2404 - .2409			✓				11/01/96
			.2411	✓						11/01/96
			.2502		✓		✓			11/01/96
			.2503 - .2509			✓				11/01/96
			.2511	✓						11/01/96
			.2603			✓				11/01/96
			.2605			✓				11/01/96
			.2607 - .2610			✓				11/01/96
			.2613	✓						11/01/96
			.2718 - .2719			✓				11/01/96
			.2802		✓					11/01/96
			.2803 - .2805			✓				11/01/96
			.2806		✓					11/01/96
			.2807			✓				11/01/96
			.2809			✓				11/01/96
			.2810	✓						11/01/96

**LIST OF RULES CODIFIED**

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
10	NCAC	3R	.3103		✓					11/01/96
			.3107 - .3108			✓				11/01/96
			.3204			✓				11/01/96
			.3206 - .3207			✓				11/01/96
			.3306			✓				11/01/96
			.3401		✓		✓			11/01/96
			.3406 - .3407			✓				11/01/96
			.3502		✓					11/01/96
			.3503			✓				11/01/96
			.3506 - .3507			✓				11/01/96
			.3606 - .3607			✓				11/01/96
			.3706 - .3707			✓				11/01/96
			.3806 - .3807			✓				11/01/96
			.3902		✓		✓			11/01/96
			.3903		✓					11/01/96
			.3904			✓				11/01/96
			.3907 - .3908			✓				11/01/96
			.3909	✓						11/01/96
			.4002 - .4007		✓					11/01/96
			.4008			✓				11/01/96
			.4010 - .4011			✓				11/01/96
			.4012		✓					11/01/96
			.4102		✓		✓			11/01/96
			.4103 - .4105		✓					11/01/96
			.4106 - .4107			✓				11/01/96
			.4202		✓					11/01/96
			.4204		✓					11/01/96
			.4206 - .4207			✓				11/01/96
	26G		.0707		✓				✓	11/08/96
	35E		.0101		✓				✓	10/21/96
			.0105		✓				✓	10/21/96
			.0106		✓				✓	10/21/96



*LIST OF RULES CODIFIED*

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
10	NCAC	35E	.0308		✓				✓	10/21/96
		41P	.0008		✓					11/01/96
		42J	.0001		✓				✓	10/21/96
			.0004 - .0005		✓				✓	10/21/96
11	NCAC	8	.1001 - .1011	✓					✓	10/24/96
			.1101 - .1116	✓					✓	10/24/96
			.1201 - .1209	✓					✓	10/24/96
		10	.0602 - .0603		✓				✓	11/08/96
			.0606	✓					✓	11/08/96
15A	NCAC	2B	.0201					✓		
		2C	.0211					✓		
		2H	.0225	✓					✓	11/08/96
			.0506					✓		
		2Q	.0102		✓		✓			11/01/96
		7H	.0304		✓				✓	10/10/96
			.0305		✓				✓	10/10/96
		13C						✓		
21	NCAC	16H	.0104		✓		✓			11/01/96
			.0202		✓		✓			11/01/96

***This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, November 21, 1996, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. 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, November 18, 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**

Bill Graham  
James Mallory, III  
Paul Powell  
Anita White

**RULES REVIEW COMMISSION MEETING DATES**

November 21, 1996	March 20, 1997
December 19, 1996	April 17, 1997
January 16, 1997	May 15, 1997
February 20, 1997	June 19, 1997

**MEETING DATE: NOVEMBER 21, 1996**

**LOG OF FILINGS**

**RULES SUBMITTED: SEPTEMBER 20, 1996 THROUGH OCTOBER 20, 1996**

AGENCY/DIVISION	RULE NAME	RULE	ACTION
<b>DHR/SOCIAL SERVICES COMMISSION</b>			
	Organization and Administration	10 NCAC 41P .0002	Amend
	Placement Services	10 NCAC 41P .0005	Amend
	Adoptive Home Recruitment	10 NCAC 41P .0006	Amend
	Preplacement Assessment	10 NCAC 41P .0008	Amend
	Notification	10 NCAC 41P .0009	Amend
	Services to Adoptive Applicants	10 NCAC 41P .0010	Amend
	Legal Process	10 NCAC 41P .0011	Amend
	Records	10 NCAC 41P .0012	Amend
	Fees	10 NCAC 41P .0013	Adopt
	Availability	10 NCAC 42A .0701	Adopt
	Case Management Activities	10 NCAC 42A .0702	Adopt
	Designated Agencies	10 NCAC 42A .0703	Adopt
	Competency of Staff	10 NCAC 42B .1209	Repeal
	Staff Competency	10 NCAC 42B .1210	Adopt
	Training Program Content	10 NCAC 42B .1211	Adopt
	Resident Assessment	10 NCAC 42B .2402	Adopt
	Resident Care Plan	10 NCAC 42B .2403	Adopt
	Licensed Health Professional	10 NCAC 42B .2404	Adopt
	Cooperation	10 NCAC 42B .2405	Adopt
	Competency of Staff	10 NCAC 42C .2010	Repeal
	Staff Competency	10 NCAC 42C .2011	Adopt
	Training Program	10 NCAC 42C .2012	Adopt

Resident Assessment	10 NCAC 42C .3701	Adopt
Resident Care Plan	10 NCAC 42C .3702	Adopt
Licensed Health Support	10 NCAC 42C .3703	Adopt
Cooperation with Case Managers	10 NCAC 42C .3704	Adopt
Competency of Staff	10 NCAC 42D .1409	Repeal
Staff Competency	10 NCAC 42D .1410	Adopt
Training Program	10 NCAC 42D .1411	Adopt
Resident Assessment	10 NCAC 42D .1827	Adopt
Resident Care Plan	10 NCAC 42D .1828	Adopt
Licensed Health Support	10 NCAC 42D .1829	Adopt
Cooperation with Case Managers	10 NCAC 42D .1830	Adopt
Definitions	10 NCAC 49A .0002	Amend
Initial Interview	10 NCAC 49B .0202	Amend
Prospective Budgeting	10 NCAC 49B .0310	Amend
Changes in Situation	10 NCAC 49B .0502	Amend

**DEHNR/ENVIRONMENTAL MANAGEMENT COMMISSION**

Tar-Pamlico River	15A NCAC 2B .0229	Adopt
Neuse River Basin	15A NCAC 2B .0315	Amend
Miscellaneous Volatile Emissions	15A NCAC 2D .0518	Amend
New Source	15A NCAC 2D .0524	Amend
Prevention of Deterioration	15A NCAC 2D .0530	Amend
Applicability	15A NCAC 2D .0902	Amend
Compliance Schedules	15A NCAC 2D .0907	Repeal
Compliance Schedules	15A NCAC 2D .0909	Amend
Alternative Compliance Schedules	15A NCAC 2D .0910	Repeal
Exception	15A NCAC 2D .0911	Repeal
Compliance Schedule	15A NCAC 2D .0946	Repeal
Stage II Vapor Recovery	15A NCAC 2D .0954	Amend
National Emission Standards	15A NCAC 2D .1110	Amend
Maximum Achievable Control	15A NCAC 2D .1111	Amend
Applicability	15A NCAC 2D .1402	Amend
Compliance Schedules	15A NCAC 2D .1403	Amend
Activities Exempted	15A NCAC 2Q .0102	Amend
Where to Obtain Applications	15A NCAC 2Q .0104	Amend
Confidential Information	15A NCAC 2Q .0107	Amend
Application	15A NCAC 2Q .0507	Amend
Permit Shield	15A NCAC 2Q .0512	Amend
Administrative Permit	15A NCAC 2Q .0514	Amend
Minor Permit	15A NCAC 2Q .0515	Amend
Reopening for Cause	15A NCAC 2Q .0517	Amend

**DEHNR/COASTAL RESOURCES COMMISSION**

Development Initiated	15A NCAC 7H .0104	Amend
AECs in Ocean Hazard Areas	15A NCAC 7H .0304	Amend
General Identification	15A NCAC 7H .0305	Amend
Specific Use Standards	15A NCAC 7H .0308	Amend
General Definitions	15A NCAC 7J .0102	Amend

**DEHNR/WILDLIFE RESOURCES COMMISSION**

Deer	15A NCAC 10B .0203	Amend
Wild Turkey	15A NCAC 10B .0209	Amend
Public Mountain Trout Waters	15A NCAC 10C .0205	Amend
Creel and Size Limits	15A NCAC 10C .0305	Amend
Hunting on Game Lands	15A NCAC 10D .0003	Amend



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**RULES REVIEW COMMISSION**

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**DEHNR/DIVISION OF PARKS AND RECREATION**

Fees and Charges	15A NCAC 12B .1206	Adopt
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**EDUCATION/STANDARDS BOARD FOR PUBLIC SCHOOL ADMINISTRATION**

Definitions	16 NCAC 7 .0101	Adopt
General Information	16 NCAC 7 .0102	Adopt
Exemptions	16 NCAC 7 .0103	Adopt
Program Requirements	16 NCAC 7 .0104	Adopt
Certification Patterns	16 NCAC 7 .0105	Adopt
Standard Examinations	16 NCAC 7 .0106	Adopt
Certificate Renewal	16 NCAC 7 .0107	Adopt
Expired Certificates	16 NCAC 7 .0108	Adopt
Reciprocity in Certification	16 NCAC 7 .0109	Adopt
Temporary Permit	16 NCAC 7 .0110	Adopt
Certificate Suspension	16 NCAC 7 .0111	Adopt
Criminal History Checks	16 NCAC 7 .0112	Adopt

**REVENUE/CORPORATE INCOME & FRANCHISE TAX DIVISION**

Doing Business Defined	17 NCAC 5C .0102	Amend
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**DEPARTMENT OF REVENUE**

Change in Ownership	17 NCAC 7B .0118	Amend
Refunds	17 NCAC 7B .1602	Amend
Refunds to Counties	17 NCAC 7B .1702	Amend
Refunds to Hospitals	17 NCAC 7B .1802	Amend
Rental of Films	17 NCAC 7B .3103	Amend
Commercial Cable Companies	17 NCAC 7B .3106	Amend
Exempt Sales	17 NCAC 7B .4202	Amend
Receipts of Laundries	17 NCAC 7B .4501	Amend

**STATE BOARD OF REFRIGERATION EXAMINERS**

Scoring Examinations	21 NCAC 60 .0204	Amend
Requirements	21 NCAC 60 .0207	Amend
Use of License	21 NCAC 60 .0314	Amend

**NC CERTIFICATION BOARD FOR SOCIAL WORK**

Examination Fee	21 NCAC 63 .0306	Amend
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**NC STATE BOARD OF COMMUNITY COLLEGES**

Limitations in Reporting	23 NCAC 2D .0325	Amend
Student Refund	23 NCAC 3A .0113	Adopt

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**RULES REVIEW OBJECTIONS****BOARD OF DENTAL EXAMINERS**

21 NCAC 16H .0104 - Approved Education and Training Programs	RRC Objection	09/19/96
Agency Revised Rule	Obj. Removed	10/17/96
21 NCAC 16H .0202 - Specific Permitted Functions of Dental Assistant I	RRC Objection	09/19/96
Agency Revised Rule	Obj. Removed	10/17/96

**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
Agency Responded	Obj. Cont'd	09/19/96

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<i>Rule Returned to Agency</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<b>Eff.</b>	<b>10/01/96</b>
15A NCAC 2B .0103 - Analytical Procedures		RRC Objection	07/18/96
<i>No Response from Agency</i>		<i>Obj. Cont'd</i>	08/15/96
<i>Agency Revised Rule</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Rule Returned to Agency</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<b>Eff.</b>	<b>10/01/96</b>
15A NCAC 2B .0109 - Waters Affected by Dredge and Fill Activities		RRC Objection	07/18/96
<i>No Response from Agency</i>		<i>Obj. Cont'd</i>	08/15/96
		<i>Obj. Removed</i>	09/19/96
15A NCAC 2B .0201 - Antidegradation Policy		RRC Objection	07/18/96
<i>No Response from Agency</i>		<i>Obj. Cont'd</i>	08/15/96
<i>Agency Responded</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Rule Returned to Agency</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<b>Eff.</b>	<b>10/01/96</b>
15A NCAC 2B .0202 - Definitions		RRC Objection	07/18/96
<i>No Response from Agency</i>		<i>Obj. Cont'd</i>	08/15/96
<i>Agency Revised Rule</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Rule Returned to Agency</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<b>Eff.</b>	<b>10/01/96</b>
15A NCAC 2B .0231 - Wetland Standards (Rule .0231 was Noticed as Rule .0220)		RRC Objection	07/18/96
<i>No Response from Agency</i>		<i>Obj. Cont'd</i>	08/15/96
<i>Agency Responded</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Rule Returned to Agency</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<b>Eff.</b>	<b>10/01/96</b>
15A NCAC 2C .0211 - Permits		RRC Objection	08/15/96
<i>Agency Revised Rule</i>		<i>Obj. Removed</i>	09/19/96
15A NCAC 2C .0213 - Additional Criteria and Standards Applicable to Class 5 Wells		RRC Objection	08/15/96
<i>Agency Revised Rule</i>		<i>Obj. Removed</i>	09/19/96
15A NCAC 2C .0214 - Abandonment and Change-of-Status of Wells		RRC Objection	08/15/96
<i>Agency Revised Rule</i>		<i>Obj. Removed</i>	09/19/96
15A NCAC 2H .0501 - Purpose		RRC Objection	07/18/96
<i>No Response from Agency</i>		<i>Obj. Cont'd</i>	08/15/96
<i>Agency Responded</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Rule Returned to Agency</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<b>Eff.</b>	<b>10/01/96</b>
15A NCAC 2H .0502 - Application		RRC Objection	07/18/96
<i>No Response from Agency</i>		<i>Obj. Cont'd</i>	08/15/96
<i>Agency Responded</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Rule Returned to Agency</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<b>Eff.</b>	<b>10/01/96</b>
15A NCAC 2H .0503 - Public Notice		RRC Objection	07/18/96
<i>No Response from Agency</i>		<i>Obj. Cont'd</i>	08/15/96
<i>Agency Responded</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Rule Returned to Agency</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<b>Eff.</b>	<b>10/01/96</b>
15A NCAC 2H .0504 - Hearing		RRC Objection	07/18/96
<i>No Response from Agency</i>		<i>Obj. Cont'd</i>	08/15/96
<i>Agency Responded</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Rule Returned to Agency</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<b>Eff.</b>	<b>10/01/96</b>
15A NCAC 2H .0506 - Criteria for Review of Applications		RRC Objection	07/18/96
<i>No Response from Agency</i>		<i>Obj. Cont'd</i>	08/15/96
<i>Agency Revised Rule</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Rule Returned to Agency</i>		<i>Obj. Cont'd</i>	09/19/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<b>Eff.</b>	<b>10/01/96</b>
15A NCAC 2H .0507 - Issuance of Certification		RRC Objection	07/18/96

# RULES REVIEW COMMISSION

<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>08/15/96</i>
<i>Agency Responded</i>	<i>Obj. Cont'd</i>	<i>09/19/96</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>09/19/96</i>
<b>Agency Filed Rule for Codification Over RRC Objection</b>	<b>Eff.</b>	<b>10/01/96</b>
<b>Commission for Health Services</b>		
<i>15A NCAC 13C .0302 - General Provisions</i>	<i>RRC Objection</i>	<i>09/19/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>10/17/96</i>
<i>15A NCAC 13C .0304 - Minimum Qualifications for Registered Env. Consultants</i>	<i>RRC Objection</i>	<i>09/19/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>10/17/96</i>
<i>15A NCAC 13C .0306 - Technical Standards for Registered Environmental Consultants</i>	<i>RRC Objection</i>	<i>09/19/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>10/17/96</i>
<i>15A NCAC 18A .3106 - Abatement</i>	<i>RRC Objection</i>	<i>07/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>08/15/96</i>
<b>Wildlife Resources Commission</b>		
<i>15A NCAC 10F .0104 - Certificate of Number</i>	<i>RRC Objection</i>	<i>07/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>08/15/96</i>
<i>15A NCAC 10F .0105 - Numbering Pattern</i>	<i>RRC Objection</i>	<i>07/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>08/15/96</i>
<b>HUMAN RESOURCES</b>		
<b>Facility Services</b>		
<i>10 NCAC 3R .0305 - Filing Applications</i>		
<i>Rule Withdrawn by Agency</i>		<i>10/17/96</i>
<i>10 NCAC 3R .1003 - State Medical Facilities Plan</i>		
<i>Rule Withdrawn by Agency</i>		<i>10/17/96</i>
<i>10 NCAC 3R .1127 - Required Staffing and Staff Training</i>		
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<i>10 NCAC 3R .2410 - Information Required of Applicant</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3R .2412 - Staffing and Staff Training</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3R .2510 - Information Required of Applicant</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3R .2512 - Staffing and Staff Training</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3R .2612 - Information Required of Applicant</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3R .3030 - Facility and Service Need Determinations</i>	<i>RRC Objection</i>	<i>10/17/96</i>
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<i>10 NCAC 3R .3050 - Policies</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3U .0102 - Definitions</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3U .0704 - Preservice Requirements for Administrators</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3U .0710 - Preservice Requirements for Teachers and Aides</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3U .2701 - Application for Permits</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3U .2702 - Criminal Record Check Requirements for Child Care Providers</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3U .2703 - Criminal Record Check Reqs for Current Child Care Providers</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>10 NCAC 3U .2704 - Criminal Record Check Reqs for Nonregistered Home Providers</i>	<i>RRC Objection</i>	<i>10/17/96</i>
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<i>10 NCAC 41F .0707 - Criminal Histories</i>	<i>RRC Objection</i>	<i>07/18/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>08/15/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>09/19/96</i>
<i>10 NCAC 41F .0813 - Criminal History Checks</i>	<i>RRC Objection</i>	<i>07/18/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>08/15/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>09/19/96</i>
<i>10 NCAC 41F .0814 - Training Requirements</i>	<i>RRC Objection</i>	<i>07/18/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>08/15/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>09/19/96</i>



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11 NCAC 20 .0101 - Definitions	RRC Objection	08/15/96
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11 NCAC 20 .0402 - Organization Structure	RRC Objection	08/15/96
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11 NCAC 20 .0404 - Application	RRC Objection	08/15/96
Agency Revised Rule	Obj. Removed	09/19/96
11 NCAC 20 .0406 - Provider Files	RRC Objection	08/15/96
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11 NCAC 20 .0501 - Program	RRC Objection	08/15/96
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11 NCAC 20 .0502 - Structure	RRC Objection	08/15/96
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11 NCAC 20 .0505 - Quality of Care Complaints	RRC Objection	08/15/96
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11 NCAC 20 .0701 - Accessibility of Providers	RRC Objection	08/15/96
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21 NCAC 37H .0102 - Continuing Education Programs of Study	RRC Objection	07/18/96
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21 NCAC 54 .1901 - Types	RRC Objection	08/15/96
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**REVENUE**

17 NCAC 1C .0504 - EFT General Requirements	RRC Objection	08/15/96
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21 NCAC 69 .0102 - Duties of Officers	RRC Objection	09/19/96
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21 NCAC 69 .0302 - Definitions	RRC Objection	09/19/96
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21 NCAC 69 .0303 - Requirements	RRC Objection	09/19/96
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21 NCAC 69 .0304 - Units	RRC Objection	09/19/96
Agency Revised Rule	Obj. Removed	10/17/96
21 NCAC 69 .0305 - Determination of Credit	RRC Objection	09/19/96
Agency Revised Rule	Obj. Removed	10/17/96
21 NCAC 69 .0307 - Exemptions	RRC Objection	09/19/96
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21 NCAC 69 .0401 - Code of Professional Conduct	RRC Objection	09/19/96
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21 NCAC 69 .0402 - Rules of Conduct of Advertising	RRC Objection	09/19/96
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19A NCAC 2D .1102 - Definitions	RRC Objection	08/15/96
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19A NCAC 2D .1108 - Goals	RRC Objection	08/15/96
Agency Revised Rule	Obj. Removed	09/19/96
19A NCAC 2D .1111 - Performance Related Replacement of Eligible Firms	RRC Objection	08/15/96
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*19A NCAC 3E .0511 - Registration of Interstate Authority  
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*RRC Objection 09/19/96  
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*19A NCAC 6B .0412 - Procurements  
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*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

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Joselito D. Pilar v. Department of Human Resources	95 CSE 1180	Chess	03/01/96	
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Patrick Orlando Crump v. Department of Human Resources	95 CSE 1221	Nesnow Smith	03/05/96	
Peter Robert Kovolsky v. Department of Human Resources	95 CSE 1230	Becton	03/11/96	
Tony Lee Zapata v. Department of Human Resources	95 CSE 1266	Gray	05/02/96	
Lawrence Dow Dean v. Department of Human Resources	95 CSE 1267	Morrison	03/29/96	
Carl E. Coffey v. Department of Human Resources	95 CSE 1270	Nesnow Smith	03/15/96	
Keith Dewayne Senters v. Department of Human Resources	95 CSE 1273	Phipps	04/01/96	
Lonnie Dawes v. Department of Human Resources	95 CSE 1274	Nesnow Smith	06/12/96	
Mickey Turner v. Department of Human Resources	95 CSE 1278	Nesnow Smith	03/14/96	
James Joseph Gallagher v. Department of Human Resources	95 CSE 1280	Chess	03/19/96	
James Thomas McRae v. Department of Human Resources	95 CSE 1296	Chess	03/15/96	
Vincent E. Koehler v. Department of Human Resources	95 CSE 1301	Phipps	05/09/96	
David J. Moseley v. Department of Human Resources	95 CSE 1304	Chess	03/29/96	



<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Derrick L. Conyers v. Department of Human Resources	95 CSE 1308	Reilly	03/13/96	
Charles Edward Smith v. Department of Human Resources	95 CSE 1309	West	03/07/96	
Kevin Vereen v. Department of Human Resources	95 CSE 1315	Phipps	05/06/96	
James Curtis Witwer v. Department of Human Resources	95 CSE 1331	Becton	03/26/96	
Thornell Bowden v. Department of Human Resources	95 CSE 1345	Morrison	03/07/96	
Henry S. Sada v. Department of Human Resources	95 CSE 1367	Nesnow Smith	03/21/96	
Charles F. Moore v. Department of Human Resources	95 CSE 1369	Chess	03/27/96	
Daniel Leslie Baker v. Department of Human Resources	95 CSE 1373	Morrison	03/12/96	
Kenneth L. Lindsey v. Department of Human Resources	95 CSE 1375	West	06/24/96	
John L. Pike v. Department of Human Resources	95 CSE 1376	Nesnow Smith	03/21/96	
Wm. R. Evans v. Department of Human Resources	95 CSE 1377	Becton	03/11/96	
Rory J. Curry v. Department of Human Resources	95 CSE 1380	Mann	03/15/96	
Lorin A. Brown v. Department of Human Resources	95 CSE 1382	Reilly	04/18/96	
Marcus Anthony Butts v. Department of Human Resources	95 CSE 1405	Nesnow Smith	03/27/96	
Cynthia Pinder v. Department of Human Resources	95 CSE 1406	Becton	03/11/96	
Rhonnice J. Williams v. Department of Human Resources	95 CSE 1407	Chess	05/06/96	
Ramon Domenech v. Department of Human Resources	95 CSE 1408	Phipps	03/11/96	
Lennard J. Watson v. Department of Human Resources	95 CSE 1414	Mann	08/23/96	
Dennis L. McNeill v. Department of Human Resources	95 CSE 1435	Becton	03/13/96	
Tony A. Rogers v. Department of Human Resources	95 CSE 1436	Chess	05/16/96	
Rick E. Atkins v. Department of Human Resources	95 CSE 1437	Phipps	04/01/96	
Timothy A. Ratley (Jeanes) v. Department of Human Resources	95 CSE 1465	Morrison	03/26/96	
Richard E. Reader v. Department of Human Resources	95 CSE 1469	Nesnow Smith	04/29/96	
Wendel McDonald v. Department of Human Resources	95 CSE 1470	Becton	07/29/96	
Wilbur Dwayne Bault v. Department of Human Resources	95 CSE 1475	West	03/13/96	
Reginald B. Bratton Sr. v. Department of Human Resources	96 CSE 0002	Mann	08/23/96	
James C. Smith v. Department of Human Resources	96 CSE 0034	Gray	05/10/96	
Ronald D. Johnson v. Department of Human Resources	96 CSE 0084	Nesnow Smith	03/27/96	
Johnny Leary v. Department of Human Resources	96 CSE 0085	Becton	05/03/96	
Jimmy Strickland v. Department of Human Resources	96 CSE 0119	Chess	07/08/96	
John W. Scott v. Department of Human Resources	96 CSE 0130	Mann	03/15/96	
Calvin S. Austin v. Department of Human Resources	96 CSE 0140	Phipps	05/17/96	
Derek Henslee v. Department of Human Resources	96 CSE 0188	Reilly	05/17/96	
Donald L. Carr, Jr. v. Department of Human Resources	96 CSE 0200	West	05/30/96	
Norman Waycaster v. Department of Human Resources	96 CSE 0245	Becton	05/16/96	
Andre Duncan v. Department of Human Resources	96 CSE 0249	Chess	09/25/96	
Lorenzo Wilson v. Department of Human Resources	96 CSE 0257	Phipps	05/06/96	
Mark Kevin Burns v. Department of Human Resources	96 CSE 0271	Morrison	06/24/96	
Cyril Lloyd Payne v. Department of Human Resources	96 CSE 0272	Reilly	05/31/96	
Charles H. Johnson v. Department of Human Resources	96 CSE 0295	West	07/15/96	
Willie James Myers v. Department of Human Resources	96 CSE 0299	Becton	07/19/96	
Christopher F. Byrne v. Department of Human Resources	96 CSE 0336	Chess	06/26/96	
Richard Painall Burch v. Department of Human Resources	96 CSE 0339	Phipps	06/27/96	
Charles Gillispie v. Department of Human Resources	96 CSE 0365	Mann	07/23/96	
Teresa Reynolds v. Department of Human Resources	96 CSE 0369	Gray	07/23/96	
Thornell Bowden v. Department of Human Resources	96 CSE 0370	Morrison	05/17/96	
Kenneth Edward Burns v. Department of Human Resources	96 CSE 0379	Reilly	07/18/96	
Carl R. Ritter v. Department of Human Resources	96 CSE 0380	West	05/08/96	
William Charles Rorie v. Department of Human Resources	96 CSE 0388	Nesnow Smith	08/01/96	
Leon Gibson v. Department of Human Resources	96 CSE 0389	Becton	07/02/96	
Dioni Delvalle, II v. Department of Human Resources	96 CSE 0407	Chess	07/17/96	
Gerald Roger Beachum Jr. v. Department of Human Resources	96 CSE 0411	Phipps	06/24/96	
Anderson I. Wardlow v. Department of Human Resources	96 CSE 0412	Mann	08/05/96	
Daniel J. Carter v. Department of Human Resources	96 CSE 0417	Gray	06/24/96	
Kelvin Tarlton v. Department of Human Resources	96 CSE 0424	Morrison	05/29/96	
Steven Craig Mooney v. Department of Human Resources	96 CSE 0425	Reilly	07/08/96	
John L. Cherry Jr. v. Department of Human Resources	96 CSE 0426	West	06/24/96	
Arthur Jemerson v. Department of Human Resources	96 CSE 0427	Nesnow Smith	08/01/96	
Michael S. Covington v. Department of Human Resources	96 CSE 0428	Becton	08/02/96	
Gary Steele v. Department of Human Resources	96 CSE 0429	Chess	08/26/96	
Terry Sealey v. Department of Human Resources	96 CSE 0430	Phipps	05/29/96	
Jackie L. Kopczick v. Department of Human Resources	96 CSE 0431	Mann	06/05/96	
Virginia McDowell Ramsey v. Department of Human Resources	96 CSE 0464	Gray	08/02/96	
D. Wayne Gray v. Department of Human Resources	96 CSE 0465	Morrison	08/02/96	
Claude R. Anderson v. Department of Human Resources	96 CSE 0502	Reilly	07/22/96	
Alan Kendell Locklear v. Department of Human Resources	96 CSE 0503	West	05/30/96	
Douglas F. McBryde v. Department of Human Resources	96 CSE 0518	Becton	08/19/96	
Thomas White v. Department of Human Resources	96 CSE 0519	Chess	08/29/96	

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James Trevor Emerson v. Department of Human Resources	96 CSE 0545	Phippa	07/25/96	
Ray Davis Hood v. Department of Human Resources	96 CSE 0547	Mann	09/12/96	
Leon McNair v. Department of Human Resources	96 CSE 0557	Morrison	08/08/96	
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	
Lisa Privette v. Department of Human Resources	96 CSE 0651	Becton	09/30/96	
Franklin D. Deese v. Department of Human Resources	96 CSE 0690	Mann	07/23/96	
Jan Smith Osborne v. Department of Human Resources	96 CSE 0703	Gray	10/04/96	
Mark Allen Rose Sr. v. Department of Human Resources	96 CSE 0732	Morrison	09/30/96	
Mark P. Crosby v. Department of Human Resources	96 CSE 0733	Reilly	09/30/96	
Renee G. Arriola v. Department of Human Resources	96 CSE 0790	Becton	08/14/96	
Isaac Massey Jr. v. Department of Human Resources	96 CSE 0844	Phipps	10/25/96	
Darryl Leon White v. Department of Human Resources	96 CSE 0845	Mann	10/29/96	
Philip Purnell v. Department of Human Resources	96 CSE 0878	Phipps	10/25/96	
Edwin Southard v. Department of Human Resources	96 CSE 0968	Gray	10/25/96	
Mary Vanover v. Department of Human Resources	96 CSE 0981	Morrison	10/24/96	
Cabot S. Pollard v. Department of Human Resources	96 CSE 1012	Reilly	10/28/96	
Timothy P. Ruth v. Department of Human Resources	96 CSE 1086	Becton	10/30/96	
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	
Vivian B. White v. Department of Human Resources	95 DCS 1115	Phippa	06/04/96	
Mary R. Mahon v. Department of Human Resources	95 DCS 1137*	Chess	06/11/96	
Mary R. Mahon v. Department of Human Resources	95 DCS 1142**	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	
Debra D. Hammonds v. Department of Human Resources	96 DCS 0792	Chess	10/08/96	

## 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	
Kathleen D. Jarvis v. Teachers & St. Emp. Comp. Major Med. Plan	96 INS 0075	Morrison	10/16/96	
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	

### *Education and Training Standards Division*

Freddie Levern 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	
Windell 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	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
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. Nunery 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	
Woodrow Andrew Clark v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0515	West	10/07/96	
Warren Scott Nail v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0576	Becton	08/07/96	
Zoriana Lyczkowski v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0619	Morrison	10/21/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Morrison	08/02/96	
Glenn R. Brammer v. Sheriffs' Ed. & Training Standards Comm.	96 DOJ 0839	Nesnow Smith	09/05/96	
Timothy Wayne Fulford v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0840	Nesnow Smith	09/16/96	
Brent Lee Millsaps v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0841	Chess	09/24/96	

*Private Protective Services Board*

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. Gibson 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	
Larry Boggs v. Private Protective Services Board	96 DOJ 0797	Morrison	10/10/96	
Private Protective Services Board v. Charles T. Mathis	96 DOJ 0798	Mann	08/27/96	
Private Protective Services Board v. Ricky C. Mullinax	96 DOJ 0800	Becton	10/04/96	
Private Protective Services Board v. Michael A. Smith	96 DOJ 0801	Becton	10/09/96	

**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	
Candyece Ewanda Newsome v. Hertford County Board of Education	96 EDC 0344	Chess	05/15/96	
W. and G.B., on Behalf of C.B. v. Winston-Salem/Forsyth Cty. Schools	96 EDC 0349	Mann	09/03/96	
Cyvonne Rush Bryant v. NC State Board of Education	96 EDC 0591	Becton	09/11/96	
Steve Wright Brown v. State Board of Education	96 EDC 0593	Reilly	10/11/96	
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	
Susie Whitley/Brandon Whitley v. Charlotte-Mecklenburg Bd. of Ed.	96 EDC 0964	Chess	09/17/96	
Michael Wayne Geter v. Charlotte-Mecklenburg School Board	96 EDC 1036	West	09/23/96	

**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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*Albemarle Mental Health Center*

Judy A. Gordon v. Albemarle Mental Health Center	96 OSP 0354	Chess	10/17/96	
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# CONTESTED CASE DECISIONS

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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	
Theresa Louise Whittington v. Appalachia State University	96 OSP 0350	Nesnow Smith	10/09/96	
<i>A &amp; T State University</i>				
Joey M. Carey v. A & T State University	96 OSP 0393	West	10/10/96	
<i>Caldwell County</i>				
Blake C. Pace v. Caldwell County	96 OSP 0047	Morrison	04/01/96	
<i>Catawba County Mental Health</i>				
Tonyer J. Ruff v. Catawba County Mental Health	96 OSP 0951	Becton	10/22/96	
<i>NC Central University</i>				
Francina Y. Tate v. Chancellor Julius L. Chambers, NC Central Univ.	95 OSP 1432	Nesnow Smith	04/22/96	
Renee Lynch v. NC Central University	95 OSP 1461	Nesnow Smith	10/03/96	11:15 NCR 1255
<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	
Carolyn Cheek v. Department of Correction	95 OSP 1441	Nesnow Smith	09/19/96	
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 Propat 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	
Ann Williams v. Department of Correction	96 OSP 0279	Phipps	10/31/96	
Haydee C. Craver v. Department of Correction, Christopher Phillipa	96 OSP 0348	Phippa	05/15/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0372**	Nesnow Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0373**	Nesnow Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0374**	Nesnow Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0375**	Nesnow Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0376**	Nesnow Smith	07/05/96	
Rebecca A. Faison v. Department of Correction for Women	96 OSP 0383	Becton	10/01/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	96 OSP 0397	Gray	08/15/96	
James A. Klein v. Department of Correction	96 OSP 0434	Gray	10/29/96	
Tony R. Broffman v. Department of Correction	96 OSP 0625	Becton	08/29/96	
Mary Hargraves v. Department of Correction	96 OSP 0674	Nesnow Smith	09/05/96	
Michael S. Doe v. Caswell Center	96 OSP 0691	Phipps	09/23/96	
Timothy L. Willis v. Caswell Correctional Center	96 OSP 0715	West	07/30/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0780	Nesnow Smith	10/16/96	
Sharon Oxendine v. Department of Correction	96 OSP 0999	Becton	10/22/96	
<i>Department of Crime Control and Public Safety</i>				
Jerry Lee Fields v. State Highway Patrol	94 OSP 1174* <sup>10</sup>	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 0249* <sup>9</sup>	Nesnow Smith	07/23/96	
Hearl Oxendine v. Crime Control & Public Safety, St. Highway Patrol	95 OSP 0697	Nesnow Smith	10/16/96	
Jerry Lee Fields v. State Highway Patrol	95 OSP 0836* <sup>10</sup>	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 1050* <sup>9</sup>	Nesnow Smith	07/23/96	

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<i>Durham County Health Department</i>				
Lylla D. Stockton v. Durham County Health Department	95 OSP 0176	West	07/02/96	
<i>East Carolina University</i>				
Gregory Lapicki v. East Carolina University	94 OSP 1721	Reilly	09/26/96	
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>				
Robert Ann "Robin" Hood v. Environment, Health, & Natural Resources	95 OSP 0035	Reilly	04/09/96	
Kathy B. Vinson v. Dept. of Environment, Health, & Natural Resources	95 OSP 0203	Gray	09/18/96	11:13 NCR 1087
Donald E. Batts v. Division of Adult Health, EHNR	95 OSP 1071	Nesnow Smith	10/01/96	
<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	
Cynthia D. Hickman v. DHR, Central School for the Deaf	96 OSP 0191	Becton	09/23/96	
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	
Kim A. Bell v. Walter B. Jones Alcohol & Drug Abuse Treatment Center	96 OSP 0597	Becton	09/11/96	
Lynn S. Hales v. John Umstead Hospital	96 OSP 0729	West	10/02/96	
Deborah Ayala v. DHR/DSS/Child Support Enforcement	96 OSP 1062	Nesnow Smith	10/29/96	
<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>Haywood County Department of Social Services</i>				
Carol Hubbard v. Haywood County Department of Social Services	95 OSP 1084	Reilly	08/30/96	11:13 NCR 1092

# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<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>				
Loretta Lawson v. Rockingham County DSS	96 OSP 0471	West	06/13/96	
<i>Vance County Department of Social Services</i>				
Robert Eugene Davis v. Vance County Department of Social Services	96 OSP 0157	Reilly	10/28/96	
<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>Wilson County Department of Social Services</i>				
Karen R. Davis v. Wilson County Department of Social Services	96 OSP 0394	Chess	10/16/96	
<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	
<i>Department of Public Instruction</i>				
Johnny Leak v. Public Schools of NC, Dept. of Public Instruction	96 OSP 0861	Phipps	09/05/96	
McLennard Jay v. Person County Schools	96 OSP 0862	Phipps	09/04/96	
<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* <sup>1</sup>	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* <sup>1</sup>	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	

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\* Consolidated cases.



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<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Dwight Odell Graves v. DOT Maintenance, Caswell County	96 OSP 0616	Morrison	10/24/96	
R.L. Singleton v. Department of Transportation	96 OSP 0683	Becton	08/12/96	
Stephanie Taylor v. Department of Motor Vehicles	96 OSP 0955	Becton	08/29/96	11:13 NCR 1095
<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	Chesa	08/30/96	
Nellie Joyce Ferguson v. UNC Physicians & Assoc., Charles Foskey, Dir.	96 OSP 0977	Phipps	10/02/96	
Mae Helen Lewis v. UNC Greensboro - Physical Plant	96 OSP 1000	Reilly	10/21/96	
<i>Wake County Board of Health</i>				
Debbie L. Whitley v. Env. Health Div. Wake Cty. Dept. of Health	96 OSP 1090	Nesnow Smith	09/05/96	
<i>Western Carolina University</i>				
Kristin K. Parkinson v. Western Carolina University	96 OSP 0987	Becton	10/22/96	
STATE TREASURER				
Donald B. Durham v. Teachers' & St. Employees Retirement Sys.	92 DST 1066	Chesa	07/17/96	11:09 NCR 810
Joyce Clyburn v. Dept. of State Treasurer Retirement Systems Division	96 DST 1087	Nesnow Smith	10/18/96	
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. Houlik v. UNC Hospitals	96 UNC 0588	Morrison	08/09/96	

*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
12	Justice	Electrolysis	19
13	Labor	Foresters	20
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
23	Community Colleges	Nursing Home Administrators	37
24	Independent Agencies	Occupational Therapists	38
25	State Personnel	Opticians	40
26	Administrative Hearings	Optometry	42
27	NC State Bar	Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Practicing Psychologists	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
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		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
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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.

## ACUPUNCTURE LICENSING BOARD

21 NCAC 01 .0301 10:22 NCR 2860

21 NCAC 01 .0705 10:17 NCR 2228 10:22 NCR 2834 \*

21 NCAC 01 .0709 10:17 NCR 2228 10:22 NCR 2834 \*

## ADMINISTRATIVE HEARINGS

### Hearings Division

26 NCAC 03 .0301 11:03 NCR 110 11:09 NCR 588 \*

26 NCAC 03 .0302 11:03 NCR 110 11:09 NCR 588 \*

26 NCAC 03 .0303 11:03 NCR 110 11:09 NCR 588 \*

26 NCAC 03 .0304 11:03 NCR 110 11:09 NCR 588 \*

26 NCAC 03 .0305 11:03 NCR 110 11:09 NCR 588 \*

### Rules Division

26 NCAC 02C .0102 11:09 NCR 570 11:13 NCR 1058 \*

26 NCAC 02C .0103 11:09 NCR 570 11:13 NCR 1058 \*

26 NCAC 02C .0111 11:09 NCR 570 11:13 NCR 1058 \*

26 NCAC 02C .0307 11:09 NCR 570 11:13 NCR 1058 \*

26 NCAC 02C .0401 11:09 NCR 570 11:13 NCR 1058 \*

26 NCAC 02C .0502 11:09 NCR 570 11:13 NCR 1058 \*

## ADMINISTRATION

1 NCAC 39 .0101 10:16A NCR 1672 \*

1 NCAC 39 .0201 10:16A NCR 1672 11:14 NCR 1111 \*

### State Building Commission

1 NCAC 30G .0101 11:04 NCR 194

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1 NCAC 30G .0103		11:04 NCR 194								
1 NCAC 30G .0104		11:04 NCR 194								
1 NCAC 30G .0105		11:04 NCR 194								
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2 NCAC 09C .0701	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*						
2 NCAC 09C .0702	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*						
2 NCAC 09C .0704	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*						
2 NCAC 48A .0206	10:24 NCR 3056		11:06 NCR 324	*						
2 NCAC 48A .0211	10:24 NCR 3056		11:06 NCR 324	*						
2 NCAC 48A .0214	10:24 NCR 3056		11:06 NCR 324	*						
2 NCAC 48A .1103	10:24 NCR 3056		11:06 NCR 324	*						
2 NCAC 48A .1110	10:24 NCR 3056		11:06 NCR 324	*						
2 NCAC 48B .0112	10:24 NCR 3056		11:06 NCR 324	*						
2 NCAC 48B .0114	10:24 NCR 3056		11:06 NCR 324	*						
2 NCAC 48B .0119	10:24 NCR 3056		11:06 NCR 324	*						
2 NCAC 48B .0120	10:24 NCR 3056		11:06 NCR 324	*						
2 NCAC 52B .0200	11:14 NCR 1107			*						
2 NCAC 52B .0201	10:24 NCR 3056		11:06 NCR 324	*						
2 NCAC 52B .0300	11:14 NCR 1107		11:06 NCR 324	*						
2 NCAC 52C .0700	11:14 NCR 1107		11:06 NCR 324	*						
<b>Marketing Authority</b>										
2 NCAC 43F	11:14 NCR 1107		11:06 NCR 324	*						
2 NCAC 43H	11:14 NCR 1107									
2 NCAC 43L	11:14 NCR 1107									
<b>Plant Conservation Board</b>										
2 NCAC 48F .0301	11:07 NCR 407		11:11 NCR 883	*						
2 NCAC 48F .0302	11:07 NCR 407		11:11 NCR 883	*						

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2 NCAC 48F .0305	11:07 NCR 407		11:11 NCR 883	*						
2 NCAC 48F .0306	11:07 NCR 407		11:11 NCR 883	*						
<b>COMMERCE</b>										
4 NCAC 01E	11:09 NCR 569									
4 NCAC 01F	11:09 NCR 569									
4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I	11:09 NCR 569									
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K	11:09 NCR 569									
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4 NCAC 01K .0501	11:09 NCR 569									
4 NCAC 01K .0502	11:09 NCR 569									
4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
4 NCAC 19L .0401	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0403	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0404	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0407	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0501	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0502	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0505	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0706	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0707	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0708	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0802	11:09 NCR 569		11:14 NCR 1113	*						



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4 NCAC 19L .0805	11:09 NCR 569									
4 NCAC 19L .0901	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0906	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0907	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1002	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1004	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1009	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1011	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1301	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1302	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1303	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1701	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1702	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1703	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1801	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1803	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1804	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1900	11:09 NCR 569		11:14 NCR 1113	*						
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4 NCAC 06C .0205	10:18 NCR 2398									
4 NCAC 06C .0407	10:18 NCR 2398									
4 NCAC 06C .0409	10:18 NCR 2398									
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4 NCAC 12C .0007					Approve	07/18/96			11:10 NCR 843	
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4 NCAC 13A.0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A.0102	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A.0105	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A.0202	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A.0203	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A.0204	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0001	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0002	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0003	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0004	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0005	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13C.0001	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13D.0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0102	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0103	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0201	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0202	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0301	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0302	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0401	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0402	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0403	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0404	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0405	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0501	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0502	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0601	10:24 NCR 3056		11:13 NCR 1040	*						

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4 NCAC 13E .0602	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0603	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0701	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0702	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0801	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0803	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0901	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0902	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13F .0301	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13F .0302	10:24 NCR 3056		11:13 NCR 1040	*						
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23 NCAC 02D .0325	10:24 NCR 3058		11:09 NCR 585	*						
23 NCAC 02E .0203	10:24 NCR 3058		11:09 NCR 585	*						
23 NCAC 03A .0113	10:24 NCR 3058		11:09 NCR 585	*						
<b>CULTURAL RESOURCES</b>										
<b>USS North Carolina Battleship Commission</b>										
7 NCAC 05 .0202	10:18 NCR 2398		11:04 NCR 188	*						11:01 NCR 2
7 NCAC 05 .0203	10:18 NCR 2398		11:04 NCR 188	*						11:09 NCR 590
7 NCAC 05 .0204	10:18 NCR 2398		11:04 NCR 188	*						
7 NCAC 05 .0207	10:18 NCR 2398		11:04 NCR 188	*						
<b>ENVIRONMENT, HEALTH, AND NATURAL RESOURCES</b>										
15A Public Notice										
15A Public Notice										
15A NCAC 01K	10:19 NCR 2506									
15A NCAC 01M .0101		11:06 NCR 368								
15A NCAC 01M .0102		11:06 NCR 368								
15A NCAC 01M .0201		11:06 NCR 368								
15A NCAC 01M .0202		11:06 NCR 368								



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15A NCAC 01M .0301		11:06 NCR 368								
15A NCAC 01M .0302		11:06 NCR 368								
15A NCAC 01M .0303		11:06 NCR 368								
15A NCAC 01M .0304		11:06 NCR 368								
15A NCAC 01M .0305		11:06 NCR 368								
15A NCAC 01M .0306		11:06 NCR 368								
<b>Coastal Resources Commission</b>										
15A NCAC 07 11:04 NCR 183										
15A NCAC 07H .0104 10:24 NCR 3045			11:07 NCR 409	*						11:09 NCR 575
15A NCAC 07H .0106 10:16 NCR 1921			11:04 NCR 190	*	Approve	09/19/96	*			Notice Subject Matter
15A NCAC 07H .0208 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .0304 10:24 NCR 3045			11:07 NCR 409	*						11:09 NCR 575
15A NCAC 07H .0304 11:15 NCR 1200		11:15 NCR 1226								
15A NCAC 07H .0305 11:15 NCR 1200		11:15 NCR 1226								
15A NCAC 07H .0306 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .0309 11:08 NCR 442			11:12 NCR 981	*						
15A NCAC 07H .1104 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .1202 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .1204 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .1205 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .1304 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .1404 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .1504 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .1600 11:15 NCR 1200										
15A NCAC 07H .1704 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .1804 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .1904 11:04 NCR 183			11:11 NCR 907	*						
15A NCAC 07H .2004 11:04 NCR 183			11:11 NCR 907	*						

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15A NCAC 07H .2104	11:04 NCR 183		11:11 NCR 907	*						
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	*						
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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	L/S/E						
			11:14 NCR 1136							
15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824	L						
			11:14 NCR 1136							
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L						
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15A NCAC 02B .0234	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0235	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0236	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	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 .0101	11:15 NCR 1200									
15A NCAC 02D .0104	11:15 NCR 1200									
15A NCAC 02D .0105	11:15 NCR 1200									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0202	11:15 NCR 1200									
15A NCAC 02D .0302	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0518	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0530	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0531	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317		11:16 NCAC 1271	*						
15A NCAC 02D .0610	11:15 NCR 1200									
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	*						



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15A NCAC 02D .0911	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0946	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0953	11:15 NCR 1200									
15A NCAC 02D .0954	10:24 NCR 3045		11:08 NCR 472	*						
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1107	11:15 NCR 1200									
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 .1201	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1202	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1203	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1204	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1205	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1206	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1207	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1208	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1209	10:24 NCR 3045		11:16 NCR 1271	L/SE						
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 02D .2200	11:15 NCR 1200									
15A NCAC 0211 .0225	11:15 NCR 1200	11:15 NCR 1225								
15A NCAC 0211 .0610	11:08 NCR 442									
15A NCAC 0211 .1202	11:15 NCR 1200									
15A NCAC 0211 .1203	11:15 NCR 1200									

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15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
15A NCAC 02L	11:15 NCR 1200									
	11:15 NCR 1204									
15A NCAC 02L .0106		10:19 NCR 2508								
15A NCAC 02L .0115	11:15 NCR 1200									
	11:15 NCR 1204									
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02N	11:15 NCR 1200									
	11:15 NCR 1204									
15A NCAC 02P	11:15 NCR 1200									
	11:15 NCR 1204									
15A NCAC 02P .0402		10:19 NCR 2512								
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102			11:08 NCR 472	S/L						
15A NCAC 02Q .0102	10:24 NCR 2400									
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 .0312	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0313	10:24 NCR 3045		11:16 NCR 1271	*						
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						
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 .0525	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0527	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0607	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0700	11:08 NCR 442									

NPDES Permits

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15A NCAC 13A .0001 11:16 NCR 1269  
 15A NCAC 13A .0005 11:16 NCR 1269  
 15A NCAC 13A .0007 11:16 NCR 1269  
 15A NCAC 13A .0011 11:16 NCR 1269  
 15A NCAC 13A .0012 11:16 NCR 1269  
 15A NCAC 13A .0019 11:16 NCR 1269  
 15A NCAC 13B .1627 11:08 NCR 442  
 15A NCAC 13B .1800 11:08 NCR 442  
 15A NCAC 13C .0301 10:18 NCR 2317  
 15A NCAC 13C .0302 10:18 NCR 2317  
 15A NCAC 13C .0303 10:18 NCR 2317  
 15A NCAC 13C .0304 10:18 NCR 2317  
 15A NCAC 13C .0305 10:18 NCR 2317  
 15A NCAC 13C .0306 10:18 NCR 2317  
 15A NCAC 13C .0307 10:18 NCR 2317  
 15A NCAC 13C .0308 10:18 NCR 2317  
 15A NCAC 18A 11:04 NCR 183  
 15A NCAC 18A .0134 11:08 NCR 442  
 15A NCAC 18A .0136 11:08 NCR 442  
 15A NCAC 18A .0137 11:08 NCR 442  
 15A NCAC 18A .0159 11:08 NCR 442  
 15A NCAC 18A .0168 11:08 NCR 442  
 15A NCAC 18A .0169 11:08 NCR 442  
 15A NCAC 18A .0173 11:08 NCR 442  
 15A NCAC 18A .0174 11:08 NCR 442  
 15A NCAC 18A .0175 11:08 NCR 442

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15A NCAC 18A .0176	11:08 NCR 442		11:12 NCR 987	*						
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	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 18A .2701					Approve	06/20/96	*		11:08 NCR 536	



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15A NCAC 20D .0243					Approve	04/18/96			11:04 NCR 209	
15A NCAC 21H .0111		11:06 NCR 371								
15A NCAC 21H .0113		11:06 NCR 371								
15A NCAC 21I .0101		11:07 NCR 422								
15A NCAC 21J .0101		11:07 NCR 422								
<b>Marine Fisheries Commission</b>										
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 03J .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03J .0401			10:21 NCR 2688	*	Approve	05/16/96	*			
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0201	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03M .0202	11:03 NCR 110	11:11 NCR 938		*						
15A NCAC 03M .0204		11:14 NCR 1153		*						
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	11:14 NCR 1153		*						
15A NCAC 03M .0507		11:11 NCR 938	11:11 NCR 888	*						
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	*						
<b>Parks and Recreation</b>										
15A NCAC 12B .1206	10:18 NCR 2317		11:12 NCR 985	*						
<b>Soil and Water Conservation</b>										
15A NCAC 06E .0002	11:08 NCR 442		11:12 NCR 979	*						
15A NCAC 06E .0002		11:12 NCR 1004								

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15A NCAC 06E .0003	11:08 NCR 442		11:12 NCR 979	*						
15A NCAC 06E .0005		11:12 NCR 1004								
<b>Wildlife Resources Commission</b>										
15A NCAC 10B .0106	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		11:16 NCR 1291	
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	*	Approve	10/17/96			11:16 NCR 1291	
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		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0302	11:05 NCR 272		11:14 NCR 1150	*						

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15A NCAC 10F .0303	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			11:14 NCR 1156	
15A NCAC 10F .0305	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			11:10 NCR 843	
15A NCAC 10F .0307	11:02 NCR 76		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10F .0307	11:08 NCR 451		11:14 NCR 1150	*						
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	*	Approve	09/19/96			11:14 NCR 1156	
15A NCAC 10F .0317	11:13 NCR 1039									
15A NCAC 10F .0327	11:14 NCR 1109									
15A NCAC 10F .0339	11:13 NCR 1039									
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 10F .0367	11:16 NCR 1269									
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	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0103	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0202	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0203	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0206	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0302	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0303	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0401	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0402	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10G .0403	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10G .0404	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10G .0501	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10I .0001	10:22 NCR 2829		11:04 NCR 191	*	Approve	09/19/96			11:14 NCR 1156	
15A NCAC 10I .0002	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		11:16 NCR 1291	

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Wildlife Proclamation

11:03 NCR 104

Wildlife Proclamation

11:04 NCR 182

## FINAL DECISION LETTERS

Voting Rights Act

11:01 NCR 1

Voting Rights Act

11:04 NCR 181

Voting Rights Act

11:06 NCR 315

Voting Rights Act

11:07 NCR 405

Voting Rights Act

11:13 NCR 1038

Voting Rights Act

11:16 NCR 1263

## GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0204 10:22 NCR 2829 11:06 NCR 372 11:09 NCR 583

11:16 NCR 1291

21 NCAC 12 .0503 10:22 NCR 2829 11:06 NCR 372 11:09 NCR 584

11:16 NCR 1291

## GOVERNOR'S EXECUTIVE ORDERS

Number 95 - Eff. 04/24/96

11:05 NCR 270

Number 96 - Eff. 06/14/96

11:08 NCR 441

Number 97 - Eff. 07/12/96

11:10 NCR 817

Number 98 - Eff. 08/09/96

11:11 NCR 880

Number 99 - Eff. 09/05/96

11:14 NCR 1101

Number 100 - Eff. 09/12/96

11:14 NCR 1101

Number 101 - Eff. 09/12/96

11:14 NCR 1101

Number 102 - Eff. 10/02/96

11:15 NCR 1197

Number 103 - Eff. 10/10/96

11:15 NCR 1197

Number 104 - Eff. 10/10/96

11:15 NCR 1197

## HOUSING FINANCE AGENCY

24 NCAC 01P .0101

11:14 NCR 1154

24 NCAC 01P .0102

11:14 NCR 1154

24 NCAC 01P .0103

11:14 NCR 1154



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24 NCAC 01P .0201		11:14 NCR 1154								
24 NCAC 01P .0202		11:14 NCR 1154								
24 NCAC 01P .0203		11:14 NCR 1154								
<b>HUMAN RESOURCES</b>										
10 NCAC 41P .0013	11:06 NCR 323	11:08 NCR 528	11:12 NCR 966	L						
<b>Aging</b>										
10 NCAC 22	10:23 NCR 2956									
<b>Child Day Care Commission</b>										
10 NCAC 03U .0102		10:20 NCR 2593	11:10 NCR 819	S	Object	10/17/96				
10 NCAC 03U .0604	11:03 NCR 109		11:09 NCR 571	*						
10 NCAC 03U .0700	11:08 NCR 449									
10 NCAC 03U .0704	10:19 NCR 2506		11:04 NCR 188	*	Object	10/17/96				
10 NCAC 03U .0705	11:14 NCR 1108									
10 NCAC 03U .0710	10:22 NCR 2829		11:04 NCR 188	*	Object	10/17/96				
10 NCAC 03U .0901	11:08 NCR 449									
10 NCAC 03U .1717	11:14 NCR 1108									
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	Object	10/17/96				
10 NCAC 03U .2702		10:20 NCR 2593	11:10 NCR 819	S	Object	10/17/96				
10 NCAC 03U .2703		10:20 NCR 2593	11:10 NCR 819	S	Object	10/17/96				
10 NCAC 03U .2704		10:20 NCR 2593	11:10 NCR 819	S	Object	10/17/96				
<b>Facility Services</b>										
10 NCAC 03	10:18 NCR 2399									
10 NCAC 03R .3001		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3010		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96			11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3020		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291	11:11 NCR 888

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10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3030		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96				11:11 NCR 888
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3032		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3040		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96				11:11 NCR 888
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3050		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96				11:11 NCR 888
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
<b>Medical Assistance</b>										
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	11:15 NCR 1205								
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0104	11:16 NCR 1268									
10 NCAC 26H .0212		11:15 NCR 1205								
10 NCAC 26H .0213		11:15 NCR 1205								
10 NCAC 26H .0506		11:02 NCR 77								
10 NCAC 26H .0506	10:21 NCR 2686									
10 NCAC 26H .0602	11:09 NCR 569	11:13 NCR 1062		S/L						
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										11:06 NCR 316
10 NCAC 50D .0101	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0102	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0103	10:24 NCR 3057	11:04 NCR 196								

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					Action	Date				
10 NCAC 50D .0201	10:24 NCR 3057	11:04 NCR 196								
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								
<b>Medical Care Commission</b>										
10 NCAC 03B	11:16 NCR 1268				Approve	04/18/96			11:04 NCR 206	
10 NCAC 03C .6208										
<b>Mental Health, Developmental Disabilities and Substance Abuse Services</b>										
10 NCAC 14V .3402	11:08 NCR 449		11:14 NCR 1124							*
10 NCAC 14V .3803	11:08 NCR 449		11:14 NCR 1124							*
10 NCAC 14V .5602	11:08 NCR 449		11:14 NCR 1124							*
10 NCAC 15A .0128	11:08 NCR 449		11:14 NCR 1124							*
10 NCAC 15A .0129	11:08 NCR 449		11:14 NCR 1124							*
10 NCAC 18W .0201	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0202	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0204	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0206	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0207	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0208	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0210	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124							S

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					Action	Date				
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0214	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0216	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0218	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 45H .0200	11:08 NCR 449									
Social Services Commission										
10 NCAC 35E .0101		11:16 NCR 1288								
10 NCAC 35E .0105		11:16 NCR 1288								
10 NCAC 35E .0106		11:16 NCR 1288								
10 NCAC 35E .0308		11:16 NCR 1288								
10 NCAC 41F	10:23 NCR 2956									
10 NCAC 41F .0705	10:23 NCR 2956		11:03 NCR 111	L	Approve	07/18/96	*		11:15 NCR 1229	
10 NCAC 41F .0706		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96				
10 NCAC 41F .0707		10:21 NCR 2726	11:03 NCR 111	S	Object	07/18/96	*		11:15 NCR 1229	
					Approve	09/19/96				
10 NCAC 41F .0812		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96			11:15 NCR 1229	
10 NCAC 41F .0813		10:21 NCR 2726	11:03 NCR 111	S	Object	07/18/96	*		11:15 NCR 1229	
					Approve	09/19/96				
10 NCAC 41F .0814	10:23 NCR 2956		11:03 NCR 111	L	Object	07/18/96	*		11:15 NCR 1229	
					Approve	09/19/96				
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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					Action	Date				
10 NCAC 41P .0008	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	10/17/96			11:16 NCR 1291	Notice Not Required
10 NCAC 41P .0008										
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	*						

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10 NCAC 42D .1829		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42D .1830		10:21 NCR 2729	11:12 NCR 967	*						
10 NCAC 42J .0001		11:16 NCR 1288								
10 NCAC 42J .0004		11:16 NCR 1288								
10 NCAC 42J .0005		11:16 NCR 1288								
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 .0204	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0205	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0206	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0208	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0209	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0210	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0214	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0218	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0222	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0224	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0226	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20B .0227	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20C .0603	11:08 NCR 450		11:13 NCR 1051	*						
10 NCAC 20D .0204	11:08 NCR 450		11:13 NCR 1051	*						

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INSURANCE										
11 NCAC 08 .1001		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1002		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1003		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1004		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1005		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1006		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1007		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1008		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1009		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1010		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1011		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1101		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1102		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1103		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1104		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1105		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1106		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1107		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1108		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1109		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1110		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1111		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1112		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1113		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1114		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1115		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1116		11:15 NCR 1212								Filed over objection

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11 NCAC 08 .1201		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1202		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1203		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1204		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1205		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1206		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1207		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1208		11:15 NCR 1212								Filed over objection
11 NCAC 08 .1209		11:15 NCR 1212								Filed over objection
11 NCAC 10 .0602		11:15 NCR 1223								Filed over objection
11 NCAC 10 .0603		11:15 NCR 1223								Filed over objection
11 NCAC 10 .0606		11:15 NCR 1223								Filed over objection
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	
<b>JUSTICE</b>										
<b>Attorney General/Company Police</b>										
12 NCAC 021 .0101										
12 NCAC 021 .0206										
12 NCAC 021 .0210										
<b>Alarm Systems Licensing Board</b>										
12 NCAC 11 .0202	10:24 NCR 3057		11:14 NCR 1136	*						
<b>Criminal Justice Education and Training Standards Commission</b>										
12 NCAC 09A .0103	11:14 NCR 1109				Approve	04/18/96			11:04 NCR 208	
12 NCAC 09B .0102	11:14 NCR 1109				Approve	04/18/96			11:04 NCR 208	
12 NCAC 09B .0111	11:14 NCR 1109				Approve	04/18/96			11:04 NCR 208	
12 NCAC 09B .0206	11:14 NCR 1109									
12 NCAC 09B .0224	11:14 NCR 1109									
12 NCAC 09B .0225	11:14 NCR 1109									



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12 NCAC 09B .0409 11:14 NCR 1109  
 12 NCAC 09C .0304 11:14 NCR 1109  
 12 NCAC 09C .0307 11:14 NCR 1109  
 12 NCAC 09C .0309 11:14 NCR 1109  
 12 NCAC 09C .0601 11:14 NCR 1109  
 12 NCAC 09C .0602 11:14 NCR 1109  
 12 NCAC 09C .0603 11:14 NCR 1109  
 12 NCAC 09C .0604 11:14 NCR 1109  
 12 NCAC 09C .0605 11:14 NCR 1109  
 12 NCAC 09C .0606 11:14 NCR 1109

## Private Protective Services Board

12 NCAC 07D 11:10 NCR 818  
 12 NCAC 07D 11:16 NCR 1268  
 12 NCAC 07D .0100 11:16 NCR 1268  
 12 NCAC 07D .0104 11:16 NCR 1268  
 12 NCAC 07D .0201 11:10 NCR 818  
 12 NCAC 07D .0204 11:14 NCR 1108  
 12 NCAC 07D .0504 11:10 NCR 818  
 12 NCAC 07D .0701 11:10 NCR 818  
 12 NCAC 07D .0801 11:10 NCR 818  
 12 NCAC 07D .0902 11:10 NCR 818  
 12 NCAC 07D .1106 11:14 NCR 1108

## 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

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					Action	Date				
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									
<b>MEDICAL BOARD</b>										
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	*			
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	
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	

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					Action	Date				
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	
<b>NURSING, BOARD OF</b>										
21 NCAC 36 .0320	11:14 NCR 1109									
<b>NURSING HOME ADMINISTRATORS</b>										
21 NCAC 37D .0202		11:11 NCR 940								
21 NCAC 37G .0102		11:11 NCR 940								
<b>PSYCHOLOGY BOARD</b>										
21 NCAC 54 .2704					Approve	04/18/96			11:04 NCR 236	
21 NCAC 54 .2706					Approve	04/18/96			11:04 NCR 236	
<b>PUBLIC EDUCATION</b>										
16 NCAC 01A .0001					Approve	05/16/96			11:05 NCR 286	
16 NCAC 01A .0003					Approve	05/16/96			11:05 NCR 283	
<b>Standards Board for Public School Administration</b>										
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	*						
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	*						

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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	*						
<b>REAL ESTATE COMMISSION</b>										
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	*						
<b>REFRIGERATION EXAMINERS</b>										
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	*						
<b>REVENUE</b>										
17 NCAC 01C .0504		10:20 NCR 2599		*	Object Approve	08/15/96 09/19/96			11:14 NCR 1156	
17 NCAC 01C .0506		10:20 NCR 2599		*	Approve	08/15/96				
17 NCAC 01C .0506			11:10 NCR 838	*						
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	



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					Action	Date				
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	
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	*						

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					Action	Date				
17 NCAC 07B .4902 Tax Review Board			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	11:02 NCR 72
Tax Review Board										11:06 NCR 318
Tax Review Board										11:14 NCR 1104
Tax Review Board										11:16 NCR 1266
<b>SOCIAL WORK, BOARD OF</b>										
21 NCAC 63 .0306		10:21 NCR 2739	11:03 NCR 118	*						
<b>SOIL SCIENTISTS, BOARD FOR LICENSING</b>										
21 NCAC 69 .0101	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0102	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object Approve	09/19/96 10/17/96	*		11:16 NCR 1291	
21 NCAC 69 .0103	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0104	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0201	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0202	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96	*		11:14 NCR 1156	
21 NCAC 69 .0301	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0302	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve Object Approve	09/19/96 10/17/96	*		11:14 NCR 1156	
21 NCAC 69 .0303	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object Approve	09/19/96 10/17/96	*		11:16 NCR 1291	
21 NCAC 69 .0304	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object Approve	09/19/96 10/17/96	*		11:16 NCR 1291	
21 NCAC 69 .0305	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object Approve	09/19/96 10/17/96	*		11:16 NCR 1291	
21 NCAC 69 .0306	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96	*		11:14 NCR 1156	

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21 NCAC 69 .0307	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object	09/19/96			11:16 NCR 1291	
21 NCAC 69 .0308	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	10/17/96	*			
21 NCAC 69 .0401	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0402	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object	09/19/96	*		11:16 NCR 1291	
21 NCAC 69 .0501	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	10/17/96	*		11:16 NCR 1291	
				*			*		11:14 NCR 1156	

## STATE PERSONNEL COMMISSION

25 NCAC 01D .2501		11:13 NCR 1062								
25 NCAC 01D .2503		11:13 NCR 1062								
25 NCAC 01D .2504		11:13 NCR 1062								
25 NCAC 01D .2505		11:13 NCR 1062								
25 NCAC 01D .2507		11:13 NCR 1062								
25 NCAC 01D .2508		11:13 NCR 1062								
25 NCAC 01D .2509		11:13 NCR 1062								
25 NCAC 01D .2511		11:13 NCR 1062								
25 NCAC 01D .2513		11:13 NCR 1062								
25 NCAC 01D .2514		11:13 NCR 1062								
25 NCAC 01D .2516		11:13 NCR 1062								

25 NCAC 01E .0705	11:14 NCR 1110									
25 NCAC 01E .0707	11:14 NCR 1110									
25 NCAC 01E .0709	11:14 NCR 1110									

10:23 NCR 2960

25 NCAC 01J .0613										
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Approve 03/21/96

11:01 NCR 26

## SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD

21 NCAC 68	10:18 NCR 2401									
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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	
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	



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					Action	Date				
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	
<b>TRANSPORTATION</b>										
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				
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	Object	08/15/96	*		11:14 NCR 1156	
					Approve	09/19/96				
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				
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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	*		11:14 NCR 1156	
					Approve	09/19/96				
19A NCAC 02D.1103	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	

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(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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 Approve	08/15/96 09/19/96	*		11:14 NCR 1156	
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 Approve	08/15/96 09/19/96	*		11:14 NCR 1156	
19A NCAC 02D .1112	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
<b>Motor Vehicles, Division of</b>										
19A NCAC 03E .0501	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0502	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
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19A NCAC 03E .0511	11:01 NCR 13		11:07 NCR 416	*	Approve	10/17/96	*		11:16 NCR 1291	
19A NCAC 03E .0512	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
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19A NCAC 03E .0514	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
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19A NCAC 03J .0101	11:11 NCR 882		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
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