

NORTH CAROLINA REGISTER

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Commerce
Environment, Health, and Natural Resources
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Insurance
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Labor
Nursing, Board of
Nursing Home Administrators, Board of
Transportation
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

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NORTH CAROLINA REGISTER

Publication Schedule

(October 1996 - July 1997)

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS		NOTICE OF TEXT (either column A or column B)						
volume and issue number	issue date	last day for filing	end of comment period	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact		
						end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session
11:13	10/01/96	09/10/96	12/02/96	12/16/96	10/16/96	10/31/96	11/20/96	01/30/97	12/02/96	12/20/96	05/10/98
11:14	10/15/96	09/24/96	12/16/96	01/02/97	10/30/96	11/14/96	11/20/96	01/30/97	12/16/96	12/20/96	05/10/98
11:15	11/01/96	10/11/96	12/31/96	01/02/97	11/18/96	12/02/96	12/20/96	05/10/98	12/31/96	01/21/97	05/10/98
11:16	11/15/96	10/24/96	01/14/97	01/15/97	12/02/96	12/16/96	12/20/96	05/10/98	01/14/97	01/21/97	05/10/98
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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> <ul style="list-style-type: none">(1) temporary rules;(2) notices of rule-making proceedings;(3) text of proposed rules;(4) text of permanent rules approved by the Rules Review Commission;(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;(6) Executive Orders of the Governor;(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;(8) orders of the Tax Review Board issued under G.S. 105-241.2; and(9) other information the Codifier of Rules determines to be helpful to the public. <p>COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.</p>	<p>ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.</p> <p>LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.</p>	<p>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p> <p>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.</p>	<p>EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p>END OF REQUIRED COMMENT PERIOD</p> <p>(1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.</p> <p>(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</p> <p>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p> <p>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.</p>

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

North Carolina Department of Labor
Division of Occupational Safety and Health
319 Chapanoke Road
Raleigh, NC 27603

(919) 662-4575

NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS

In consideration of G.S. 150B-21.5(c) the Occupational Safety and Health Division of the N.C. Department of Labor hereby gives notice that the *North Carolina Administrative Code* at 13 NCAC 07A .0301 automatically includes amendments to certain parts of the *Code of Federal Regulations*, including Title 29, Part 1903--Inspections, Citations and Proposed Penalties. The effective date of the following automatic verbatim adoption was May 30, 1997.

The March 31, 1997, *Federal Register* (62 FR 61, 15324-15340) contained a final rule concerning abatement verification that amended 29 CFR 1903. The amendment reduces documentation submittal requirements associated with corrected violations (abatement verification) and enhances employee notification methods. OSHNC procedures and practices for abatement verification documentation are already similar to this amendment. However, there are a number of new/revised employer requirements in the new final rule. The following is a topical list of the major changes:

- Methods for modification of abatement dates
- Abatement certification content and time limit for certifying that abatement is complete
- Requirements and methods related to employee notification, including posting requirements
- Abatement Plan requirements
- Additional abatement requirements for violations involving movable equipment

The *Federal Register* (FR), as cited above, contains both technical and economic discussions that explain the basis for the changes.

For additional information regarding this notice please contact:

Peggy D. Morris
Division of Occupational Safety and Health
319 Chapanoke Road
Raleigh, NC 27603
(919) 662-4581

U.S. Department of Justice

Civil Rights Division

IKP:JBG:NT:tib
DJ 166-012-3
97-0472

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

April 14, 1997

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

Dear Mr. Nichols:

This refers to the schedule for the April 29, 1997, special election for District 3 for the Board of Education of Beaufort 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 submission on February 11, 1997; supplemental information was received on February 12, 1997.

The Attorney General does not interpose any objection to the specified change. 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 change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

IKP:DHH:KIF:jdp
DJ 166-012-3
97-0594
97-0713
97-0816

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

April 23, 1997

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

Dear Mr. Warren:

This refers to three annexations, (Ordinance Nos. 19, 21 and 30 (1997)) and their district designation for the City of Greensboro in Guilford 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 February 24, March 5 and 13, 1997.

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).

Sincerely,

Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Chief, Voting Section

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 3U - CHILD DAY CARE
STANDARDS**

Notice of Rule-making Proceedings is hereby given by the NC Child Day 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 3U .2500 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 110-91; 143B-168.3

Statement of the Subject Matter: Requirements for child care programs serving school age children.

Reason for Proposed Action: To review the requirements for child care programs serving school age children.

Comment Procedures: Questions or written comments regarding this matter may be directed to Nancy Guy, APA Coordinator, Division of Child Development, 319 Chapanoke Road, P.O. Box 29553, Raleigh, NC 27626-0553, (919) 662-4543.

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 4 - DEPARTMENT OF COMMERCE

OF CREDIT UNIONS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Commerce, Credit Union Division intends to amend rules cited as 4 NCAC 6C .0205, .0407 and adopt rule 6C .0409. Notice of Rule-making Proceedings was published in the Register on December 15, 1995.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 10:30 a.m. on June 24, 1997 at the North Carolina Credit Union Division, 1110 Navaho Drive, Suite 300, Raleigh, NC 27609.

Reason for Proposed Action:

4 NCAC 6C .0205 - Restricted Activities of Directors: Officials: Employees have been interpreting and creating inconsistent policies and procedures among state chartered credit unions. The new action will make it easier to interpret and will allow consistency among credit union policies and procedures and improve compliance.

4 NCAC 6C .0407 - Business Loans will be amended to be consistent with the Federal Regulation 701.21 H, Member Business Loans, which is the regulation for all federally insured credit unions.

4 NCAC 6C .0409 - Loan Limitations is proposed to make the limitations applicable to all types of loans made in credit unions. The existing rule is hidden in the Business Loan regulation.

Comment Procedures: Any interested person may present his/her comments either in writing prior to or at the hearing or orally at the hearing, for a maximum of ten minutes. Any person may request information by writing or calling Mr. Antonio Knox, Credit Union Division, 1110 Navaho Dr., Suite 300, Raleigh, NC 27609, Telephone (919)850-2929. Comments will be accepted through July 2, 1997.

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

CHAPTER 6 - CREDIT UNION DIVISION

SUBCHAPTER 6C - CREDIT UNIONS

SECTION .0200 - ORGANIZATION

.0205 LOANS TO CREDIT UNION OFFICIALS

(a) The Board of directors and committee officers shall not be entitled to special privileges in borrowing funds, and those loan policies and restrictions which apply to members in general shall in all respects be applicable to such officials. Therefore, loans to officials may never be at terms, amounts or on conditions more favorable than those extended to other borrowers. A member of the credit committee shall not act on his own application for a loan. Officials. For purposes of this Rule, an "official" is a member of the board of directors, credit committee or supervisory committee; the President, Chief Executive Officer, Chief Financial Officer, Comptroller, General Manager, Treasurer/Manager or Executive Vice President; and attorneys and accountants of the credit union.

(b) It shall be unlawful for an officer, director or employee of a credit union: Loans to Officials. A loan or line of credit extended to an official as the borrower, direct obligor, endorser, cosigner or guarantor with direct or indirect pecuniary interest in the loan shall be reviewed, by the Board of Directors or a duly appointed committee thereof, as provided in Paragraph (c) of this Rule, at the next regular meeting following the date of such extension of credit, provided the following computation produces a total amount in excess of twenty-five thousand dollars (\$25,000) including limits of credit cards.

- (1) to have any interest, directly or indirectly, in the proceeds of a loan or of a purchase or sale made by a credit union, unless such loan, purchase or sale is authorized expressly by resolution of the Board of directors, provided such resolution is approved by vote of at least two-thirds of the Directors of a credit union; any interested director taking no part in the appraisal of said properties or in such vote; Add:
 - (A) the loan amount extended for the current loan;
 - (B) the outstanding balances of loans, including the used portion of an approved line of credit, extended to or endorsed, cosigned or guaranteed by the official; and
 - (C) the total unused portion of approved lines of credit extended to or endorsed, cosigned or guaranteed by the official.
- (2) to have any interest, direct or indirect, in the purchase at less than its face value of any evidence of a savings account or other indebtedness issued by a credit union: Subtract from the above total:

- (A) the amount of shares pledged by the official on loans or lines of credit extended to, or endorsed, cosigned or guaranteed by the official; and
- (B) the amount of shares pledged by the official on the current loan or line of credit.

(c) Penalty. ~~Any violation of these provisions shall be sufficient basis for removal of any such officer, director or employee of a credit union by the Administrator. Review of Loans to Officials By Duly Appointed Committee. The board of directors may appoint a committee to review and report on loans made to officials. All members of the committee shall be on the board of directors. The committee shall meet before the regular monthly board meeting to review all officials' loans that have been approved since the previous meeting. The committee shall make a report to the board which shall consist of at least the official's loan number, his or her title or position, the amount of the loan, purpose of the loan, aggregate amount of indebtedness to the credit union and a statement regarding compliance with loan policies. Each credit union's board of directors must review this loan approval report on a monthly basis. This review may be done at the regular monthly board meeting. In the event the board does not meet monthly, a procedure must be established whereby a written report will be sent to each director on a monthly basis.~~

(d) Nonpreferential treatment. The rates, terms and conditions on a loan or line of credit either made to or endorsed, co-signed or guaranteed by:

- (1) an official;
- (2) an immediate family member of an official; or
- (3) any individual having a common ownership, investment or other pecuniary interest in a business enterprise with an official or with an immediate family member of an official, shall not be more favorable than the rates, terms and conditions for comparable loans or lines of credit to other credit union members. "Immediate family members" means a spouse or other family member living in the same household.

(e) Avoidance of Conflicts. No official or any employee of the credit union shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his pecuniary interest or the pecuniary interest of any corporation, partnership, or association (other than the credit union) in which he is directly or indirectly interested.

(f) Indirect Benefits. It shall be unlawful for an official or employee to:

- (1) have any interest whatsoever or to benefit in any manner in the proceeds of a loan or from the sale by the credit union of any real or personal property unless the official or employee has disclosed to the board of directors of the credit union the nature and extent of the benefit which will be received and such loan or sale, regardless of the amount of money involved, has been approved by a vote of at least two thirds of the directors of the credit union;

or

- (2) to have any interest direct or indirect, in the purchase at less than its face value of any savings account or evidence of indebtedness issued by a credit union.

(g) Penalty. A violation of the provisions of this Rule shall be sufficient basis for removal of any official or employee by the Administrator.

Authority G.S. 54-109.12; 54-109.19; 54-109.39.

SECTION .0400 - LOANS

.0407 BUSINESS LOANS

(a) Ten-Percent Limit. ~~No loan or line of credit advance may be made to any member if such loan or advance would cause that member to be indebted to the North Carolina Credit Union upon loans and advances made to the member in aggregate amount exceeding 10 percent of the Credit Union's total unimpaired shares and surplus. In the case of member business loans, as herein defined, additional limitations apply as set forth in this Rule: Prohibited fees. A North Carolina credit union shall not make any loan or extend any line of credit if, either directly or indirectly, any commission, fee or other compensation is to be received by the Credit Union's directors, committee members, senior management employees, loan officers, or any immediate family members of such individuals, in connection with underwriting, insuring, servicing or collecting the loan or line of credit. However, salary (except commissions) for employees is not prohibited by this Section. For purposes of this Section, "senior management employees" means the Credit Union's chief executive officer (typically this individual holds the title of President or Treasurer/Manager), any assistant chief executive officers (e.g., Assistant President, Vice President or Assistant Treasurer/Manager), and the chief financial officer (Comptroller), and "immediate family member" means a spouse or other family member living in the same household.~~

(b) Prohibited fees. ~~A North Carolina credit union shall not make any loan or extend any line of credit if, either directly or indirectly, any commission, fee or other compensation is to be received by the Credit Union's directors, committee members, senior management employees, loan officers, or any immediate family members of such individuals, in connection with underwriting, insuring, servicing or collecting the loan or line of credit. However, salary (except commissions) for employees is not prohibited by this Section. For purposes of this Section, "senior management employees" means the Credit Union's chief executive officer (typically this individual holds the title of President or Treasurer/Manager), any assistant chief executive officers (e.g., Assistant President, Vice President or Assistant Treasurer/Manager), and the chief financial officer (Comptroller), and "immediate family member" means a spouse or other family member living in the same household.~~

(c) Nonpreferential Treatment. ~~The rates, terms and~~

conditions on any loan or line of credit either made to, or endorsed or guaranteed by:

- ~~(1) an official;~~
- ~~(2) an immediate family member or an official, or~~
- ~~(3) any individual having a common ownership, investment or other pecuniary interest in a business enterprise with an official or with an immediate family member of an official, shall not be more favorable than the rates, terms and conditions for comparable loans or lines of credit to other credit union members. "Immediate family member" means a spouse or other family member living in the same household.~~

~~(b)(d)~~ Member Business Loans:

(1) Definitions:

(A) Member business loans mean any loan, line of credit, or letter of credit, the proceeds of which will be used for commercial, corporate, business, investment property or venture, or agriculture purpose, except that the following shall not be considered member business loans for purposes of this Section:

- (i) A loan or loans fully secured by a lien on a one to four family dwelling that is the member's primary residence.
- (ii) A loan that is fully secured by shares in the credit union or deposits in other financial institutions.
- (iii) A loan meeting the general definition of member business loans under ~~Subparagraph (d)~~ Subparagraph (b)(1)(A) of this Rule, and, made to a borrower or an associated member ~~as defined in Subparagraph (d)(1)(A) of this Rule~~, which, when added to other such loans to the borrower or associated member, is less than ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000).
- (iv) A loan, the repayment of which is fully insured or fully guaranteed by, or where there is an advance commitment to purchase in full by, any agency of the federal government or of a state or any of its political subdivisions.
- (v) A loan granted by a corporate credit union operating under the provisions of the North Carolina General Statutes to another credit union.

(B) Reserves means reserve fund, undivided earnings, current earnings, and excludes the Allowance for Loan Losses.

(C) Associated Member means any member

with a shared ownership, investment or other pecuniary interest in a business or commercial endeavor with the borrower.

- (D) Immediate Family Member means a spouse, or other family member living in the same household.
- (E) Loan-to-Value (LTV) ratio means the quotient of the aggregate amount of all sums borrowed from all sources on an item of collateral divided by the market value of the collateral used to secure the loan.
- (F) Construction or development loan means a financing arrangement for the purpose of acquisition of property or rights to property or rights to property including land or structures with the intent of conversion into income-producing property including residential housing for rental or sale, commercial or industrial use, or a similar use.

(2) Requirements. Member business loans, as defined in ~~Subparagraph (d)~~ Subparagraph (b)(1)(A) of this Rule may be made by credit unions only in accordance with the applicable provisions of ~~Paragraphs (a) thru (c) of this Rule~~ Rule .0409 and .0205(d) and the following additional requirements:

- (A) Written loan policies. The Board of Directors must adopt specific business loan policies and review them at least annually. The policies shall, at a minimum, address the following:
 - (i) Types of business loans that will be made;
 - (ii) The credit union's trade area for business loans;
 - (iii) Maximum amount of credit union assets, in relation to reserves, that will be invested in business loans;
 - (iv) Maximum amount of credit union assets, in relation to reserves, that will be invested in a given category or type of business loan;
 - (v) Maximum amount of credit union assets, in relation to reserves, that will be loaned to any one member or group of associated members, subject to ~~Subparagraph (d)~~ Subparagraph (b)(2)(C)(i) of this Rule;
 - (vi) Qualifications and experience of personnel involved in making and administering business loans with a minimum of two years direct experience with this type of lending;
 - (vii) Analysis of the ability of the borrower to repay the loan;
 - (viii) Documentation supporting each

- request for an extension of credit or an increase in an existing loan or line of credit shall (except where the Board of Directors finds that such documentation requirements are not generally available for a particular type of business loan and states the reasons for those findings in the credit union's written policies) include the following: balance sheet, cash flow analysis, income statement, tax data, leveraging; comparison with industry averages; receipt and periodic updating of financial statements and other documentation; including tax returns;
- (ix) Collateral requirements, including loan-to-value ratios; appraisal, title search and insurance requirements; steps to be taken to secure various types of collateral; and how often the value and marketability of collateral is reevaluated;
 - (x) Appropriate interest rates and maturities of business loans;
 - (xi) Loan monitoring, servicing and follow-up procedures, including collection procedures;
 - (xii) Provision for periodic disclosure to the credit union's members of the number and aggregate dollar amount of member business loans;
 - (xiii) Identification, by position, of those senior management employees prohibited by ~~Paragraph (c) of this Rule~~ Rule .0205(d) of this Chapter from receiving member business loans.
- (B) Other policies. The following minimum limits and policies shall also be established in writing and reviewed at least annually for loans granted under this Section:
- (i) Loans shall be granted on a fully secured basis by collateral as follows:
 - (I) Second lien for LTV ratios of up to 70 percent;
 - (II) First lien for LTV ratios of up to 80 percent;
 - (III) First lien with a LTV ratio in excess of 80 percent shall be granted only where the value in excess of 80 percent is covered through acquisition of private mortgage, or equivalent type insurance provided by an insurer acceptable to the credit union or insurance or guarantees by or subject to advance commitment to purchase by, an agency of the federal government or of a state or any of its political subdivisions, and in no event shall the LTV ratio exceed 95 percent;
 - (ii) Loans shall not be granted without the personal liability and guarantees of the principals (natural person members) except where the borrower is a not-for-profit organization as defined by the Internal Revenue Service Code (26 U.S.C. 501);
 - (iii) All loans to non-natural persons, except to other credit unions, must be secured as required in Chapter 54-109.27 of the North Carolina General Statutes.
- (C) Loan Limits.
- (i) Loans to one borrower. Unless a greater amount is approved by the Administrator, with the concurrence of the Regional Director of the National Credit Union Administration, the aggregate amount of outstanding member business loans to any one member or group of associated members shall not exceed 15 percent of the credit union's reserves (less the Allowance for Loan Losses account), or seventy-five thousand dollars (\$75,000) whichever is higher. If any portion of a member business loan is secured by shares in the credit union, or deposits in another financial institution, or fully or partially insured or guaranteed by, or subject to an advance commitment to purchase by, any agency of the federal government or of a state or any of its political subdivisions, such portion shall not be calculated in determining the 15 percent limit.
 - (ii) Exceptions. Credit unions seeking an exception from the limits of ~~Subparagraph (d)~~ Subparagraph (b)(2)(C)(i) or (d)(b)(3) of this Rule must present the Administrator of Credit Unions and the Regional Director of the National Credit Union Administration with, at a minimum; the higher limit sought; an explanation of the need by the members to raise the limit and ability of the credit union to manage this

activity; an analysis of the credit union's prior experience making member business loans; and a copy of its business lending policy. The analysis of credit union experience in making member business loans shall document the history of loan losses, loan delinquency, volume and cyclical or seasonal patterns, diversification, concentrations of credit to one borrower or group of associated borrowers in excess of 15 percent of reserves (less the Allowance of Loan Losses account), underwriting standards and practices, types of loans grouped by purpose and collateral and qualifications of personnel responsible for underwriting and administering member business loans. The credit union must have written approval of the Administrator of Credit Unions and the Regional Director of the National Credit Union Administration to exceed the limitations contained in this Rule.

(iii) **Maturity.** Member business loans shall be granted for periods consistent with the purpose, security, creditworthiness of the borrower and sound lending policies.

(iv) **Monitoring requirement.** Credit unions with member business loans in excess of 100 percent of reserves (less the Allowance for Loan Losses account) shall submit the following information regarding member business loans to the Administrator on a quarterly basis: the aggregate total of loans outstanding; the amount of loans delinquent in excess of 30 days; the balance of the allowance for member business loan losses; the aggregate total of all concentrations of credit to one borrower or group of associated borrowers in excess of 15 percent of reserves (less the Allowance for Loan Losses account); the total number and amount of all construction, development or speculative loans; and any other information pertinent to the safe and sound condition of the member business loan portfolio.

(D) **Allowance for loan losses.**

(i) The determination whether a member business loan will be classified as

substandard, doubtful, or loss, for purposes of the valuation allowance for loan losses, will rely on factors not limited to the delinquency of the loan. Nondelinquent loans may be classified depending on an evaluation of factors, including but not limited to, the adequacy of analysis and documentation.

(ii) Loans classified shall be reserved as follows:

(I) Substandard loans at ten percent of outstanding amount unless other factors (e.g. history of such loans at the Credit Union) indicate a greater or lesser amount is appropriate. Loans classified as substandard loans are inadequately protected by the current sound worth and paying capacity of the obligor or of the collateral pledged, if any. Loans classified must have a well-defined weakness or weaknesses that jeopardize the liquidation of the debt. They are characterized by the distinct possibility that the Credit Union will sustain some loss if the deficiencies are not corrected. Loss potential, while existing in the aggregate amount of substandard loans, does not have to exist in individual loans classified substandard.

(II) Doubtful loans at 50 percent of outstanding amount. Loans classified as doubtful loans have all the weaknesses inherent in ones classified substandard, with the added characteristic that the weaknesses make collection or liquidation in full, on the basis of currently existing facts, conditions, and values, highly questionable and improbable. The possibility of loss is extremely high, but because of certain important and reasonably specific pending factors which may work to the advantage and strengthening of the loan its classification as an estimated loss is deferred

until its more exact status is determined. Pending factors include: proposed merger, acquisition, or liquidation actions, capital injection, perfecting liens on additional collateral, and refinancing plans.

- (III) Loss loans at 100 percent of outstanding amount. Loans classified as loss loans are considered uncollectible and of such little value that their continuance as loans is not warranted. This classification does not necessarily mean that the loan has absolutely no recovery or salvage value, but rather it is not practical or desirable to defer writing off this basically worthless asset even though partial recovery may occur in the future.

- (3) Construction and development lending. Loans granted under this Section to finance the construction or development of commercial or residential property shall be subject to the following additional provisions:

- (A) The aggregate of all such loans, excluding any portion of a loan secured by shares in the credit union, or deposits in another financial institution, or fully or partially insured or guaranteed by, or subject to an advance commitment to purchase by, any agency of the Federal Government or of a State or any of its political subdivisions, shall not exceed 15 percent of reserves (less the Allowance for Loan Losses account);
- (B) The borrower shall have a minimum of 35 percent equity interest in the project being financed;
- (C) Funds for such projects shall be released following on-site inspections by independent personnel, qualified as in this Rule, in accordance with a preapproved draw schedule.

- (4) Prohibitions.

- (A) Senior management employees. A credit union may not make member business loans to the following:
- (i) Any member of the Board of Directors who is compensated as such;
 - (ii) The credit union's chief executive officer (typically this individual holds the title of President or Treasurer/Manager);
 - (iii) Any assistant chief executive officers

(e.g. Assistant President, Vice-President or Assistant Treasurer/Manager);

- (iv) The chief financial officer (Comptroller);
- (v) Any associated member or immediate family member of the senior management employees listed in ~~Subparagraphs (d)~~ Subparagraphs (b)(4)(A)(i) thru (iv) of this Rule.

- (B) Equity kickers/joint ventures. A credit union shall not grant a member business loan where a portion of the amount of income to be received by the credit union in conjunction with such loan is tied to the profit or sale of the business or commercial endeavor for which the loan is made.

- (5) Recordkeeping. All loans, lines of credit, or letters of credit, the proceeds of which will be used for a commercial, corporate, business, investment property or venture, or agriculture purpose, shall be separately identified in the records of the credit union and reported as such in financial and statistical reports required by the Administrator or the Regional Director of the National Credit Union Administration.

Authority G.S. 54-109.12; 54-109.21(25); 54-109.78; Federal Regulation NCUA 741.3.

.0409 LOAN LIMITATIONS

(a) No loan or line of credit advance shall be made to an individual member or immediate family member, as defined in Rule .0407 (b)(1)(D), if such a loan or line of credit advance would cause that member along with that member's immediate family to be indebted to the credit union in an aggregate amount exceeding 10 percent of the credit union's unimpaired shares and surplus. For purposes of this section "unimpaired shares" shall mean shares without any assignments or pledges. "Surplus" shall mean undivided earnings and reserves.

(b) In the case of member business loans, additional loan limitations apply as set forth in Rule .0205(d) of this Chapter and Rule .0407(b)(2)(C)(i) of this Section.

Authority G.S. 54-109.67.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Medical Care Commission intends to adopt rules cited as 10 NCAC 3B .1001 - .1002 and amend 3C .3707. Notice of Rule-making Proceedings was published in the Register on January 15, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 9:30 a.m. on September 12, 1997 at the Duke Clinic South, Medical Center Board Room #1170B, Erwin Road, Durham, NC 27712.

Reason for Proposed Action:

10 NCAC 3B .1001 - .1002 - To adopt permanent rules for the temporary version of the rules governing the health care personnel registry which were adopted pursuant to Senate Bill 855.

10 NCAC 3C .3707 - To make the rule less restrictive regarding who is qualified to issue medical orders and who can authenticate such orders.

Comment Procedures: Oral comments may be made at the public hearing and written comments may be submitted at the hearing; however, persons are encouraged to submit written comments by September 2, 1997 to allow the Commission sufficient time to review and consider the comments. Comments should be directed to the rule-making coordinate as follows: Jackie Sheppard, Rule-making Coordinator, P.O. Box 29530, Raleigh, NC 27626-0530, Fax: (919) 733-2757.

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 3 - FACILITY SERVICES

SUBCHAPTER 3B - PROCEDURAL RULES

SECTION .1000 - HEALTH CARE PERSONNEL REGISTRY

.1001 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.
- (2) "Diversion of drugs" means the unauthorized taking or use of any drug.
- (3) "Drug" means any chemical compound that may be used on or administered to humans or animals as an aid in the diagnosis, treatment or prevention of disease or other condition or for the relief of pain or suffering or to control or improve any physiological pathologic condition.
- (4) "Finding" (when used in conjunction with the Health Care Personnel Registry) means a determination by the Department that an allegation of resident abuse or neglect, misappropriation of

resident or health care facility property, diversion of drugs belonging to a resident or health care facility, and fraud against a resident or health care facility has been substantiated.

- (5) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable Federal or State Law.
- (6) "Health Care Facility" means all the facilities and agencies as defined in G.S. 131E-256(b).
- (7) "Health Care Personnel" means all the persons as defined in G.S. 131E-256(c).
- (8) "Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money without the resident's consent.
- (9) "Misappropriation of the property of a health care facility" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a health care facility's property without the facility's consent.
- (10) "Neglect" means a failure to provide goods and services necessary to avoid physical harm, mental anguish or mental illness.
- (11) "Resident" means all the individuals residing in or being served by a health care facility as defined in G.S. 131E-256(b).

Authority G.S. 131E-256.

.1002 INVESTIGATING AND REPORTING HEALTH CARE PERSONNEL

(a) The health care facility shall thoroughly investigate and document all allegations of resident abuse or neglect, misappropriation of resident or facility property, diversion of drugs belonging to a resident or facility, and fraud against a resident or facility, within five working days of the date the facility becomes aware of the alleged incident. The facility shall take whatever steps are necessary to prevent further acts of abuse, neglect, misappropriation of property, drug diversion, or fraud while the investigation is in progress.

(b) Upon completion of the investigation, the health care facility shall ensure that all allegations which appear to a reasonable person to be related to any act of resident abuse or neglect, misappropriation of resident or facility property, diversion of drugs belonging to a resident or facility, and fraud against a resident or facility are reported immediately to the Division of Facility Services. The report shall be printed or typed and mailed or faxed to the Division. The report shall include all information relevant to the investigation.

Authority G.S. 131E-256.

SUBCHAPTER 3C - LICENSING OF
HOSPITALS

SECTION .3700 - MEDICAL STAFF

.3707 MEDICAL ORDERS

(a) No medication or treatment shall be administered or discontinued except in response to the order of a member of the medical staff in accordance with established rules and regulations.

(b) Such orders shall be dated and recorded directly in the patient chart or in a computer or data processing system which provides a hard copy printout of the order for the patient chart. A method shall be established to safeguard against fraudulent recordings.

~~(c) All orders for medication or treatment shall be authenticated at the time of recording by the ordering member of the medical staff except as specified in paragraph (e) of this Rule. Authentication must be accomplished by signature, initials, computer entry or code or other methods not inconsistent with the laws, rules and regulations of any other applicable jurisdictions.~~

(c) All orders for medication or treatment shall be authenticated according to hospital policies. The order shall be taken by personnel qualified by medical staff rules and shall include the date, time, and name of persons who gave the order, and the full signature of the person taking the order.

(d) The names of drugs shall be recorded in full and not abbreviated except where approved by the medical staff.

~~(e) Verbal orders shall be taken and transcribed in the patient's medical record by personnel qualified according to medical staff bylaws and rules. The order shall include the date, time, and full signature of the person taking the order and shall be countersigned by a physician within 24 hours. Authentication must be accomplished by signature, initials, computer entry code, or other methods not inconsistent with the laws, rules and regulations of any other applicable jurisdictions.~~

~~(f)(e)~~ The medical staff shall establish a written policy in conjunction with the pharmacy committee or its equivalent for all medications not specifically prescribed as to time or number of doses to be automatically stopped after a reasonable time limit, but no more than 14 days. The prescriber shall be notified according to established policies and procedures at least 24 hours before an order is automatically stopped.

Authority G.S. 131E-79.

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Medical Care Commission intends to adopt rules cited as 10 NCAC 3D .2001, .2101 - .2106, .2201 - .2203, .2301 - .2303, and .2401. Notice of Rule-making Proceedings was published in the Register on December 15, 1995.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 9:00 a.m. on September 12, 1997 at the Duke Clinic South, Medical Center Board Room #1170B, Erwin Road, Durham, NC.

Reason for Proposed Action: G.S. 131E-162 authorizes the Medical Care Commission to establish rules for a comprehensive trauma system in North Carolina. These rules will establish criteria for the trauma system and codify the process of designation for Level I, Level II, and Level III Trauma Centers. This will include the definitions to be used, the criteria by which applications will be evaluated, and the designation process itself.

Comment Procedures: Persons who wish to make comment regarding these proposed rules should contact: Ms. Sharon Rhyne, Hospital Programs Specialist, NC Office of Emergency Medical Services, PO Box 29530, Raleigh, NC 27626-0530, Tele: (919) 733-2285, Fax: (919) 733-7021.

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 3 - FACILITY SERVICES

SUBCHAPTER 3D - RULES AND REGULATIONS
GOVERNING AMBULANCE
SERVICE AND TRAUMA SYSTEMS

SECTION .2000 - GENERAL INFORMATION

.2001 DEFINITIONS

The following definitions apply throughout this Subchapter:

- (1) "Advanced Life Support Professional (ALS Professional)" means a certified emergency medical dispatcher, early defibrillation responder, medical first responder, emergency medical technician, emergency medical technician-intermediate, or emergency medical technician-paramedic whether working on a paid or volunteer basis.
- (2) "Advanced Life Support Program (ALS Program)" means a program of prehospital emergency medical care whereby definitive medical care is delivered to a victim of sudden injury or illness by appropriately educated and certified ALS professionals operating under the direction of a sponsor hospital.
- (3) "Ambulance Call Report" means a written or electronic record of out-of-hospital activities pertaining to the care of an individual patient.
- (4) "Bypass" means the transport of an Emergency Medical Services patient past a normally used Emergency Medical Services receiving facility for

- the purposes of accessing a designated trauma center or a higher level trauma center.
- (5) "Contingencies" means conditions placed on a hospital's designation which, if unmet, can result in the loss or amendment of a hospital's designation.
 - (6) "Continuous Quality Improvement (CQI)" means a system in which outcome data is used to modify the process of patient care and prevent repetition of adverse events.
 - (7) "Deficiencies" are essential items for a trauma center's designation (as defined in the document entitled "North Carolina's Trauma Center Criteria" dated November 1, 1996, which is incorporated by reference) that are determined to be unsatisfactory which can serve as the basis for the denial of a trauma center designation or renewal.
 - (8) "Department" means the North Carolina Department of Human Resources.
 - (9) "Diversion" means that a hospital of its own volition reroutes a trauma patient to a trauma center.
 - (10) "E-Code" is a numeric identifier that defines the cause of injury, taken from the International Classification of Diseases (ICD).
 - (11) "Hospital" means a licensed facility as defined in G.S. 131E-176.
 - (12) "Level I Trauma Center" is a regional resource trauma center that has the capability of providing leadership, research and total care for every aspect of injury from prevention to rehabilitation.
 - (13) "Level II Trauma Center" is a hospital that provides definitive trauma care regardless of the severity of injury, but may not be able to provide the same comprehensive care as a Level I trauma center, and does not have trauma research as a primary objective.
 - (14) "Level III Trauma Center" is a hospital that provides prompt assessment, resuscitation, emergency operations, and stabilization and arranges for hospital transfer as needed to a Level I or II trauma center.
 - (15) "NCOEMS" means the North Carolina Office of Emergency Medical Services.
 - (16) "Regional Advisory Committee (RAC)" is a group representing trauma care providers and the community, affiliated with a Level I or II trauma center, for the purpose of regional trauma planning, establishing, and maintaining a coordinated trauma system.
 - (17) "Request for Proposal (RFP)" is a standardized state document that must be completed by each hospital seeking initial or renewal trauma center designation.
 - (18) "Transfer Agreement" means a formal written agreement between two agencies specifying the appropriate transfer of patient populations delineating the conditions and methods of transfer.
 - (19) "Trauma Center" is a hospital facility designated by the state of North Carolina and distinguished by its ability to immediately manage, on a 24-hour basis, the severely injured patient or those at risk for severe injury.
 - (20) "Trauma Center Criteria" means essential or desirable characteristics approved by the Medical Care Commission to define Level I, II or III trauma centers.
 - (21) "Trauma Center Designation" means a formalized process of approval in which a hospital voluntarily seeks to have its trauma care capabilities and performance evaluated by experienced on-site reviewers.
 - (22) "Trauma Minimum Data Set" means the basic data required of all hospitals for submission to the trauma statewide database.
 - (23) "Trauma Patient" is a person who has sustained acute injury and by means of a standardized field triage criteria (anatomic, physiologic and mechanism of injury) is judged to be at significant risk of mortality or major morbidity.
 - (24) "Trauma Protocols" are standards for practice in a variety of situations within the trauma system.
 - (25) "Trauma Registry" is an OEMS maintained database to provide information for analysis and evaluation of the quality of patient care, including epidemiological and demographic characteristics of trauma patients.
 - (26) "Trauma Service" means a clinical service established by the medical staff that has oversight of and responsibility for the care of the trauma patient.
 - (27) "Trauma System" means an integrated network that ensures that acutely injured patients are expeditiously taken to hospitals appropriate for their level of injury.
 - (28) "Trauma Team" means a group of health care professionals organized to provide coordinated and timely care to the trauma patient.
 - (29) "Triage" is a predetermined schematic for patient distribution based upon established medical needs.
 - (30) "Weaknesses" are significant areas of concern identified in conjunction with a hospital's request for trauma center designation or renewal. A significant number or magnitude of weaknesses can result in denial of a hospital's request for initial or renewal trauma center designation.

Authority G.S. 131-162.

SECTION .2100 - TRAUMA CENTER STANDARDS AND APPROVAL

.2101 LEVEL I TRAUMA CENTER CRITERIA

(a) To receive designation as a Level I Trauma Center, a hospital shall have the following:

- (1) a trauma service which has been operational for at least six months prior to application;
- (2) membership in and inclusion of all trauma patient records in the North Carolina Trauma Registry for at least six months prior to submitting an RFP application;
- (3) a trauma medical director who is a board certified surgeon with demonstrated special competence in trauma care;
- (4) a full-time trauma nurse coordinator (TNC) who is a registered nurse, licensed by the North Carolina Board of Nursing;
- (5) a full-time trauma registrar (TR) who has a working knowledge of medical terminology, is able to operate a personal computer, and has demonstrated the ability to extract data from the medical record;
- (6) clinical services in General Surgery, Neurologic Surgery, Orthopedic Surgery, Emergency Medicine, and Anesthesiology;
- (7) response of a trauma team to provide evaluation and treatment of a trauma patient 24-hours-per-day that includes:
 - (A) an in house PGY4 or senior general surgical resident, at a minimum, who is a member of that hospital's surgical residency program and responds within 20 minutes of notification;
 - (B) a trauma attending who responds within 20 minutes of notification and participates in therapeutic decisions and is present at all operative procedures;
 - (C) an emergency physician who is present in the emergency department 24-hours-per-day who is either board certified or prepared in emergency medicine (by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine) or board certified or eligible by the American Board of Surgery, American Board of Family Practice, or American Board of Internal Medicine and practices emergency medicine as his primary specialty. This physician serves as a designated member of the trauma team until the arrival of the trauma surgeon;
 - (D) neurosurgery and orthopaedic surgery specialists who are never simultaneously on call at another Level II or higher trauma center, who are available within 30 minutes of notification as long as there is either an in-house attending neurosurgeon/orthopedic surgeon; a PGY2 or higher in-house neurosurgery/orthopedic surgery resident or an in-house trauma surgeon or emergency physician as long as the institution can

document management guidelines and annual continuing medical education for neurosurgical/orthopedic emergencies. There must be a specified written back-up on the call schedule whenever the neurosurgical/orthopedist is simultaneously on call at a hospital other than the trauma center;

- (E) an in-house anesthesiologist or a PGY4 anesthesiology chief resident as long as an anesthesiologist on call is advised and promptly available within 20 minutes;
- (8) a written credentialing process established by the department of surgery to approve attending general surgeons covering the trauma service. These surgeons must have a minimum of board certification in general surgery within five years of completing residency;
- (9) two separate call schedules. One shall be for trauma, one for general surgery. In those instances where a physician may simultaneously be listed on both schedules, there must be a defined back-up surgeon listed on the trauma schedule. If a surgeon is simultaneously on call at more than one hospital, there must be a defined back-up listed on the trauma schedule. In addition, the hospital shall publish an on-call schedule for neurosurgeons, orthopedic surgeons and other major specialists;
- (10) standard written protocols relating to trauma care management must be formulated and routinely updated;
- (11) criteria to ensure team activation within 20 minutes prior to patient arrival (in instances where the hospital has at least 20 minutes notification), trauma service admission, and evaluation of patients w/multiple system or major injury based upon the earliest recognition of the following physiologic criteria:
 - (A) shock;
 - (B) respiratory distress;
 - (C) airway compromise;
 - (D) spinal cord injury;
 - (E) unresponsiveness (Glasgow Coma Scale \leq 8) w/potential for multiple injuries;
 - (F) trauma score \leq 12 (when in field);
- (12) prompt surgical consults that shall be initiated based upon the following criteria:
 - (A) falls \geq 20 feet;
 - (B) pedestrian struck by motor vehicle;
 - (C) motor vehicle crash with:
 - (i) ejection (includes motorcycle);
 - (ii) rollover;
 - (iii) speed \geq 40 miles per hour; or
 - (iv) death at the scene;
 - (D) proximal amputations;
 - (E) burn plus trauma;
 - (F) vascular compromise;

- (G) crush to chest or pelvis;
- (H) two or more proximal long bone fractures;
and
- (I) gunshot wound to torso, neck, or proximal
extremities;
- (13) within 30 minutes of notification, availability of
services to include:
 - (A) cardiac surgery;
 - (B) cardiology;
 - (C) hand surgery;
 - (D) infectious disease;
 - (E) internal medicine and subspecialties;
 - (F) microvascular surgery (replant/flaps);
 - (G) obstetric/gynecologic surgery;
 - (H) ophthalmic surgery;
 - (I) oral/maxillofacial surgery;
 - (J) pediatric surgery;
 - (K) pediatrics;
 - (L) plastic surgery;
 - (M) pulmonary medicine;
 - (N) radiology;
 - (O) thoracic surgery provided by a board
certified thoracic surgeon or general trauma
surgeon with thoracic surgical privileges;
and
 - (P) urologic surgery;
- (14) an emergency department which has at a minimum:
 - (A) a designated physician director who, if hired
after January 1, 1992, is board certified or
board prepared in emergency medicine (by
the American Board of Emergency Medicine
or the American Osteopathic Board of
Emergency Medicine);
 - (B) 24-hour-per-day staffing by physicians
physically present in the Emergency
Department who:
 - (i) are either board certified or prepared
in emergency medicine (by the
American Board of Emergency
Medicine or the American
Osteopathic Board of Emergency
Medicine) or board certified or
eligible by the American Board of
Surgery, American Board of Family
Practice, or American Board of
Internal Medicine;
 - (ii) are designated members of the trauma
team; and
 - (iii) and practices emergency medicine as
his primary specialty;
 - (C) nursing personnel with experience in trauma
care who continually monitor the trauma
patient from hospital arrival to disposition
to an intensive care unit, operating room, or
patient care unit;
 - (D) resuscitation equipment for patients of all
ages to include:
 - (i) airway control and ventilation
equipment (laryngoscopes,
endotracheal tubes, bag-mask
resuscitators, pocket masks, and
oxygen);
 - (ii) pulse oximetry;
 - (iii) end-tidal carbon dioxide
determination equipment;
 - (iv) suction devices;
 - (v) electrocardiograph-oscilloscope-
defibrillator;
 - (vi) apparatus to establish central venous
pressure monitoring;
 - (vii) intravenous fluids and administration
devices to include large bore
catheters;
 - (viii) sterile surgical sets for airway
control/cricothyrotomy,
thoracotomy, vascular access, and
chest decompression;
 - (ix) apparatus for gastric decompression;
 - (x) 24-hour-per-day X-ray capability;
 - (xi) two-way communication equipment
for communication with the
emergency transport system;
 - (xii) skeletal traction devices, including
capability for cervical traction;
 - (xiii) arterial catheters;
 - (xiv) thermal control equipment for
patients; and
 - (xv) thermal control equipment for blood
and fluids;
- (15) an operating suite which is immediately available
24-hours-per-day and has at a minimum:
 - (A) 24-hour-per-day immediate availability of in
house staffing;
 - (B) equipment for patients of all ages to
include:
 - (i) cardiopulmonary bypass capability;
 - (ii) operating microscope;
 - (iii) thermal control equipment for
patients;
 - (iv) thermal control equipment for blood
and fluids;
 - (v) 24-hour-per-day X-ray capability
including c-arm image intensifier;
 - (vi) endoscopes;
 - (vii) craniotomy instruments; and
 - (viii) capability of fixation of long-bone
and pelvic fractures;
- (16) a postanesthetic recovery room or surgical
intensive care unit which has at a minimum:
 - (A) 24-hour-per-day in house staffing by
registered nurses and other essential
personnel;
 - (B) equipment for patients of all ages to
include:

- (i) capability for continuous monitoring of temperature, hemodynamics, and gas exchange;
 - (ii) capability for continuous monitoring of intracranial pressure;
 - (iii) pulse oximetry;
 - (iv) end tidal carbon dioxide determination capability;
 - (v) thermal control equipment for patients; and
 - (vi) thermal control equipment for blood and fluids;
- (17) an intensive care unit for trauma patients which has at a minimum:
 - (A) a designated surgical director of trauma patients;
 - (B) a physician on duty in the intensive care unit 24-hours-per-day or immediately available from within the hospital as long as this physician is not the sole physician on call for the emergency department;
 - (C) maximum ratio of one nurse per two patients on each shift;
 - (D) equipment for patients of all ages to include:
 - (i) airway control and ventilation equipment (laryngoscopes, endotracheal tubes, bag-mask resuscitators and pocket masks);
 - (ii) oxygen source with concentration controls;
 - (iii) cardiac emergency cart;
 - (iv) temporary transvenous pacemaker;
 - (v) electrocardiograph-oscilloscope-defibrillator;
 - (vi) cardiac output monitoring capability;
 - (vii) electronic pressure monitoring capability;
 - (viii) mechanical ventilator;
 - (ix) patient weighing devices;
 - (x) pulmonary function measuring devices;
 - (xi) temperature control devices; and
 - (xii) intracranial pressure monitoring devices;
 - (E) within 30 minutes of request, be able to perform blood gas measurements, hematocrit level, and chest X-ray studies;
- (18) acute hemodialysis capability;
- (19) physician-directed burn center staffed by nursing personnel trained in burn care or a written transfer agreement with a burn center;
- (20) acute spinal cord management capability or written transfer agreement with a designated spinal cord injury rehabilitation center when one exists within the region;
- (21) acute head injury management capability or written transfer agreement with a designated head injury center when one exists within the region;
- (22) radiological capabilities which has at a minimum:
 - (A) 24-hour-per-day in-house radiology technician;
 - (B) 24-hour-per-day in-house computerized tomography technician;
 - (C) sonography;
 - (D) nuclear scanning;
 - (E) computed tomography;
 - (F) angiography; and
 - (G) neuroradiology;
- (23) a rehabilitation service which provides at a minimum:
 - (A) a professional staff trained in rehabilitation care of critically injured patients;
 - (B) for major trauma patients, functional assessment and recommendations regarding short and long term rehabilitation needs within one week of the patient's admission to the hospital or as soon as hemodynamically stable;
 - (C) full in-house rehabilitation service or a written transfer agreement with a rehabilitation facility accredited by the Commission on Accreditation of Rehabilitation Facilities; and
 - (D) substance abuse evaluation and counseling capability;
- (24) 24-hour-per-day clinical laboratory service which must include at a minimum:
 - (A) standard analysis of blood, urine, and other body fluids;
 - (B) blood typing and cross-matching;
 - (C) coagulation studies;
 - (D) comprehensive blood bank or access to a community central blood bank with storage facilities;
 - (E) blood gases and pH determination;
 - (F) microbiology; and
 - (G) drug and alcohol screening capability;
- (25) a quality improvement program to include:
 - (A) a state approved trauma registry;
 - (B) morbidity and mortality reviews;
 - (C) multidisciplinary trauma conference, at least quarterly, to include physicians, nurses, pre-hospital personnel, and a variety of other care givers which critiques individual cases and discusses educational issues related to trauma;
 - (D) utilization review;
 - (E) documentation and review of times and reasons for trauma related diversion of patients; and
 - (F) documentation and review of response times for trauma surgeons, neurosurgeons, anesthesiologists, and orthopedists;
- (26) an outreach program to include:
 - (A) written transfer agreements to address the

- transfer and receipt of trauma patients:
- (B) programs for physicians within the community and within the referral area (to include telephone and on-site consultations) about how to access the trauma center resources and refer patients within the system;
 - (C) development of a Regional Advisory Committee (RAC) as specified in Rule .2302 of this Subchapter;
 - (D) development of regional criteria for coordination of trauma care;
 - (E) assessment of impact on trauma morbidity and mortality and on patient outcome; and
 - (F) assessment of trauma system operations at the regional level;
- (27) a program of trauma prevention and public education to include:
- (A) epidemiology research to include studies in injury control, collaboration with other institutions on research, monitoring progress of prevention programs, and consultation with qualified researchers on evaluation measures;
 - (B) surveillance methods to include trauma registry data, special Emergency Department and field collection projects;
 - (C) designation of a trauma prevention coordinator, which may be part of the trauma nurse coordinator effort; and
 - (D) outreach activities, program development, information resources and collaboration with existing national, regional, and state trauma programs;
- (28) a trauma research program designed to produce new knowledge applicable to the care of injured patients to include:
- (A) a designated trauma research director;
 - (B) regular meetings of a research group;
 - (C) if required, proposals reviewed by institutional review board;
 - (D) study designs which include the development and testing of clearly defined hypotheses;
 - (E) presentation of research material at local, regional, or national meetings; and
 - (F) publication of research material in peer-reviewed journals;
- (29) a documented continuing education program for staff physicians, nurses, allied health personnel, and community physicians to include:
- (A) an annual education program on the rehabilitation of major trauma patients for physicians, nurses and ancillary staff that deal in the early phase of care of these patients, including the efficacy of early rehabilitation interventions, long term sequelae of neurologic trauma, and long term functional prognosis of major trauma patients;
- (B) assurance of:
- (i) 20 hours of category I trauma related continuing medical education every two years for all attending general surgeons on the trauma service;
 - (ii) 20 hours of category I trauma related continuing medical education every two years for all emergency physicians;
 - (iii) 20 hours of category I trauma related continuing medical education (beyond in house in services) every two years for the trauma nurse coordinator;
 - (iv) eight hours of trauma registry related or trauma related continuing education each year, as deemed appropriate by the trauma nurse coordinator, for the trauma registrar;
 - (v) at least an 80% compliance rate for 16 hours of trauma related continuing education (as approved by the trauma nurse coordinator) every two years related to trauma care for RN's and LPN's in transport programs, emergency departments, primary intensive care units, primary trauma floors, and other areas deemed appropriate by the trauma nurse coordinator; and
 - (vi) eight contact hours of trauma related continuing education each year for physician assistants and mid-level practitioners routinely caring for trauma patients; and
- (30) an organ procurement program which includes medical and legal criteria for donation, role of organ procurement organizations and role of trauma care professionals.
- (b) Initial designation as a Level I Trauma Center is valid for a period of three years. Hospitals may be issued a renewal designation for four years by demonstrating continued compliance with all criteria specified in Paragraph (a) of this Rule.
- Authority G.S. 131E-162.*
- .2102 LEVEL II TRAUMA CENTER CRITERIA**
- (a) To receive designation as a Level II Trauma Center, a hospital shall have the following:
- (1) a trauma service which has been operational for at least six months prior to application;
 - (2) membership in and inclusion of all trauma patient records in the North Carolina Trauma Registry for

- at least six months prior to application;
- (3) a trauma medical director who is a board certified surgeon with demonstrated special competence in trauma care;
- (4) a full-time trauma nurse coordinator (TNC) who is a registered nurse, licensed by the North Carolina Board of Nursing;
- (5) a full-time trauma registrar (TR) who has a working knowledge of medical terminology, is able to operate a personal computer, and has demonstrated the ability to extract data from the medical record;
- (6) clinical services in General Surgery, Neurologic Surgery, Orthopedic Surgery, Emergency Medicine, and Anesthesiology;
- (7) response of a trauma team to provide evaluation and treatment of a trauma patient 24-hours-per-day that includes:
 - (A) a trauma attending who responds within 20 minutes of notification and participates in therapeutic decisions and is present at all operative procedures;
 - (B) an emergency physician who is present in the emergency department 24-hours-per-day who is either board certified or prepared in emergency medicine (by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine) or board certified or eligible by the American Board of Surgery, American Board of Family Practice, or American Board of Internal Medicine and practices emergency medicine as his primary specialty. This physician serves as a designated member of the trauma team until the arrival of the trauma surgeon;
 - (C) neurosurgery and orthopedic surgery specialists who are never simultaneously on call at another Level II or higher trauma center, who are available within 30 minutes of notification as long as there is either an in-house attending neurosurgeon/orthopedic surgeon; a PGY2 or higher in-house neurosurgery/orthopedic surgery resident; or an in-house emergency physician or the on-call trauma surgeon as long as the institution can document management guidelines and annual continuing medical education for neurosurgical/orthopedic emergencies. There must be a specified written back-up on the call schedule whenever the neurosurgeon/orthopedic surgeon is simultaneously on call at a hospital other than the trauma center;
 - (D) an in-house anesthesiologist or a PGY4 anesthesiology chief resident as long as an anesthesiologist on call is advised and promptly available within 20 minutes or an in-house CRNA under physician supervision pending the arrival of the anesthesiologist;
- (8) a written credentialing process established by the department of surgery to approve attending general surgeons covering the trauma service. These surgeons must have a minimum of board certification in general surgery within five years of completing residency;
- (9) two separate call schedules. One shall be for trauma, one for general surgery. In those instances where a physician may simultaneously be listed on both schedules, there must be a defined back-up surgeon listed on the trauma schedule. If a surgeon is simultaneously on call at more than one hospital, there must be a defined back-up listed on the trauma schedule. In addition, the hospital shall publish an on-call schedule for neurosurgeons, orthopedic surgeons and other major specialists;
- (10) standard written protocols relating to trauma care management must be formulated and routinely updated;
- (11) criteria to ensure team activation within 20 minutes prior to patient arrival (in instances where the hospital has at least 20 minutes notification), trauma service admission, and evaluation of patients w/multiple system or major injury based upon the earliest recognition of the following physiologic criteria:
 - (A) shock;
 - (B) respiratory distress;
 - (C) airway compromise;
 - (D) spinal cord injury;
 - (E) unresponsiveness (Glasgow Coma Scale \leq 8) w/potential for multiple injuries;
 - (F) trauma score \leq 12 (when in field);
- (12) prompt surgical consults that shall be initiated based upon the following criteria:
 - (A) falls \geq 20 feet;
 - (B) pedestrian struck by motor vehicle;
 - (C) motor vehicle crash with:
 - (i) ejection (includes motorcycle);
 - (ii) rollover;
 - (iii) speed \geq 40 miles per hour; or
 - (iv) death at the scene;
 - (D) proximal amputations;
 - (E) burn plus trauma;
 - (F) vascular compromise;
 - (G) crush to chest or pelvis;
 - (H) two or more proximal long bone fractures; and
 - (I) gunshot wound to torso, neck, or proximal extremities;
- (13) within 30 minutes of notification, availability of services to include:
 - (A) cardiology;
 - (B) internal medicine and subspecialties;

- (C) obstetric/gynecologic surgery;
- (D) ophthalmic surgery;
- (E) oral/maxillofacial surgery;
- (F) pediatrics;
- (G) plastic surgery;
- (H) pulmonary medicine;
- (I) radiology;
- (J) thoracic surgery provided by a board certified thoracic surgeon or general trauma surgeon with thoracic surgical privileges; and
- (K) urologic surgery;
- (14) an emergency department which has at a minimum;
 - (A) a designated physician director who, if hired after January 1, 1992, is board certified or board prepared in emergency medicine (by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine);
 - (B) 24-hour-per-day staffing by physicians physically present in the Emergency Department who:
 - (i) are either board certified or prepared in emergency medicine (by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine) or board certified or eligible by the American Board of Surgery, American Board of Family Practice, or American Board of Internal Medicine;
 - (ii) are designated members of the trauma team; and
 - (iii) practice emergency medicine as their primary specialty;
 - (C) nursing personnel with experience in trauma care who continually monitor the trauma patient from hospital arrival to disposition to an intensive care unit, operating room, or patient care unit;
 - (D) resuscitation equipment for patients of all ages to include:
 - (i) airway control and ventilation equipment (laryngoscopes, endotracheal tubes, bag-mask resuscitators, pocket masks, and oxygen);
 - (ii) pulse oximetry;
 - (iii) end-tidal carbon dioxide determination equipment;
 - (iv) suction devices;
 - (v) electrocardiograph-oscilloscope-defibrillator;
 - (vi) apparatus to establish central venous pressure monitoring;
 - (vii) intravenous fluids and administration devices to include large bore catheters;
- (viii) sterile surgical sets for airway control/cricothyrotomy, thoracotomy, vascular access, and chest decompression;
- (ix) apparatus for gastric decompression;
- (x) 24-hour-per-day X-ray capability;
- (xi) two-way communication equipment for communication with the emergency transport system;
- (xii) skeletal traction devices, including capability for cervical traction;
- (xiii) arterial catheters;
- (xiv) thermal control equipment for patients; and
- (xv) thermal control equipment for blood and fluids;
- (15) an operating suite which is immediately available 24-hours-per-day and which has at a minimum;
 - (A) 24-hour-per-day immediate availability of in house staffing;
 - (B) equipment for patients of all ages to include:
 - (i) thermal control equipment for patients;
 - (ii) thermal control equipment for blood and fluids;
 - (iii) 24-hour-per-day X-ray capability including c-arm image intensifier;
 - (iv) endoscopes;
 - (v) craniotomy instruments; and
 - (vi) capability of fixation of long-bone and pelvic fractures;
- (16) a postanesthetic recovery room or surgical intensive care unit which has at a minimum;
 - (A) 24-hour-per-day in house staffing by registered nurses and other essential personnel;
 - (B) equipment for patients of all ages to include:
 - (i) capability for continuous monitoring of temperature, hemodynamics, and gas exchange;
 - (ii) capability for continuous monitoring of intracranial pressure;
 - (iii) pulse oximetry;
 - (iv) end tidal carbon dioxide determination capability;
 - (v) thermal control equipment for patients; and
 - (vi) thermal control equipment for blood and fluids;
- (17) an intensive care unit for trauma patients which has at a minimum;
 - (A) a designated surgical director of trauma patients;

- (B) a physician on duty in the intensive care unit 24-hours-per-day or immediately available from within the hospital as long as this physician is not the sole physician on call for the emergency department;
- (C) maximum ratio of one nurse per two patients on each shift;
- (D) equipment for patients of all ages to include:
 - (i) airway control and ventilation equipment (laryngoscopes, endotracheal tubes, bag-mask resuscitators and pocket masks);
 - (ii) oxygen source with concentration controls;
 - (iii) cardiac emergency cart;
 - (iv) temporary transvenous pacemaker;
 - (v) electrocardiograph-oscilloscope-defibrillator;
 - (vi) cardiac output monitoring capability;
 - (vii) electronic pressure monitoring capability;
 - (viii) mechanical ventilator;
 - (ix) patient weighing devices;
 - (x) pulmonary function measuring devices;
 - (xi) temperature control devices; and
 - (xii) intracranial pressure monitoring devices;
- (E) within 30 minutes of request, be able to perform blood gas measurements, hematocrit level, and chest X-ray studies;
- (18) acute hemodialysis capability or utilization of a written transfer agreement;
- (19) physician-directed burn center staffed by nursing personnel trained in burn care or a written transfer agreement with a burn center;
- (20) acute spinal cord management capability or written transfer agreement with a designated spinal cord injury rehabilitation center when one exists within the region;
- (21) acute head injury management capability or written transfer agreement with a designated head injury center when one exists within the region;
- (22) radiological capabilities which has at a minimum:
 - (A) 24-hour-per-day in-house radiology technician;
 - (B) 24-hour-per-day in-house computerized tomography technician;
 - (C) sonography;
 - (D) computed tomography; and
 - (E) angiography;
- (23) a rehabilitation service which provides at a minimum:
 - (A) a professional staff trained in rehabilitation care of critically injured patients;
 - (B) for major trauma patients, functional assessment and recommendations regarding short and long term rehabilitation needs within one week of the patient's admission to the hospital or as soon as hemodynamically stable;
- (C) full in-house rehabilitation service or a written transfer agreement with a rehabilitation facility accredited by the Commission on Accreditation of Rehabilitation Facilities; and
- (D) substance abuse evaluation and counseling capability;
- (24) 24-hour-per-day clinical laboratory service which must include at a minimum:
 - (A) standard analysis of blood, urine, and other body fluids;
 - (B) blood typing and cross-matching;
 - (C) coagulation studies;
 - (D) comprehensive blood bank or access to a community central blood bank with storage facilities;
 - (E) blood gases and pH determination;
 - (F) microbiology; and
 - (G) drug and alcohol screening capability;
- (25) a quality improvement program to include:
 - (A) a state approved trauma registry;
 - (B) morbidity and mortality reviews;
 - (C) multidisciplinary trauma conference, at least quarterly, to include physicians, nurses, pre-hospital personnel, and a variety of other care givers which critiques individual cases and discusses educational issues related to trauma;
 - (D) utilization review;
 - (E) documentation and review of times and reasons for trauma related diversion of patients; and
 - (F) documentation and review of response times for trauma surgeons, neurosurgeons, anesthesiologists, and orthopedists;
- (26) an outreach program to include:
 - (A) written transfer agreements to address the transfer and receipt of trauma patients;
 - (B) programs for physicians within the community and within the referral area (to include telephone and on-site consultations) about how to access the trauma center resources and refer patients within the system;
 - (C) development of a Regional Advisory Committee (RAC) as specified in Rule .2302 of this Subchapter;
 - (D) development of regional criteria for coordination of trauma care;
 - (E) assessment of impact on trauma morbidity and mortality and on patient outcome; and
 - (F) assessment of trauma system operations at the regional level;
- (27) a program of trauma prevention and public

education to include:

- (A) designation of a trauma prevention coordinator, which may be part of the trauma nurse coordinator effort; and
 - (B) outreach activities, program development, information resources and collaboration with existing national, regional, and state trauma programs;
- (28) a documented continuing education program for staff physicians, nurses, allied health personnel, and community physicians to include:
- (A) an annual education program on the rehabilitation of major trauma patients for physicians, nurses and ancillary staff that deal in the early phase of care of these patients, including the efficacy of early rehabilitation interventions, long term sequelae of neurologic trauma, and long term functional prognosis of major trauma patients;
 - (B) assurance of:
 - (i) 20 hours of category I trauma related continuing medical education every two years for all attending general surgeons on the trauma service;
 - (ii) 20 hours of category I trauma related continuing medical education every two years for all emergency physicians;
 - (iii) 20 hours of category I trauma related continuing medical education (beyond in house in services) every two years for the trauma nurse coordinator;
 - (iv) eight hours per year trauma registry related or trauma related continuing education, as deemed appropriate by the trauma nurse coordinator, for the trauma registrar;
 - (v) at least an 80% compliance rate for 16 hours of trauma related continuing education (as approved by the trauma nurse coordinator) every two years related to trauma care for RN's and LPN's in transport programs, emergency departments, primary intensive care units, primary trauma floors, and other areas deemed appropriate by the trauma nurse coordinator; and
 - (vi) eight contact hours of trauma related continuing education each year for physician assistants and mid-level practitioners routinely caring for trauma patients; and
- (29) an organ procurement program which includes medical and legal criteria for donation, role of

organ procurement organizations and role of trauma care professionals.

- (b) Initial designation as a Level II Trauma Center is valid for a period of three years. Hospitals may be issued a renewal designation for four years by demonstrating continued compliance with all criteria specified in Paragraph (a) of this Rule.

Authority G.S. 131E-162.

.2103 LEVEL III TRAUMA CENTER CRITERIA

(a) To receive designation as a Level III Trauma Center, a hospital shall have the following:

- (1) a trauma service which has been operational for at least six months prior to application;
- (2) membership in and inclusion of all trauma patient records in the North Carolina Trauma Registry for at least six months prior to application;
- (3) a trauma medical director who is a board certified surgeon with demonstrated special competence in trauma care;
- (4) a designated trauma nurse coordinator (TNC) who is a registered nurse, licensed by the North Carolina Board of Nursing;
- (5) a trauma registrar (TR) who has a working knowledge of medical terminology, is able to operate a personal computer, and has demonstrated the ability to extract data from the medical record;
- (6) clinical services in General Surgery, Emergency Medicine, and Anesthesiology;
- (7) response of a trauma team to provide evaluation and treatment of a trauma patient 24-hours-per-day that includes:
 - (A) a trauma attending who responds within 30 minutes of notification and participates in therapeutic decisions and is present at all operative procedures;
 - (B) an emergency physician who is present in the emergency department 24-hours-per-day who is either board certified or prepared in emergency medicine (by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine) or board certified or eligible by the American Board of Surgery, American Board of Family Practice, or American Board of Internal Medicine and practices emergency medicine as his primary specialty. This physician serves as a designated member of the trauma team until the arrival of the trauma surgeon;
 - (C) an anesthesiologist who is on-call and available within 20 minutes of notification or an in-house CRNA under physician supervision pending the arrival of the anesthesiologist within 20 minutes of

- notification;
- (8) a written credentialing process established by the department of surgery to approve attending general surgeons covering the trauma service. These surgeons must have a minimum of board certification in general surgery within five years of completing residency;
 - (9) two separate call schedules. One shall be for trauma, one for general surgery. In those instances where a physician may simultaneously be listed on both schedules, there must be a defined back-up surgeon listed on the trauma schedule. If a surgeon is simultaneously on call at more than one hospital, there must be a defined back-up listed on the trauma schedule;
 - (10) standard written protocols relating to trauma care management must be formulated and routinely updated;
 - (11) criteria to ensure team activation within 20 minutes prior to patient arrival (in instances where the hospital has at least 20 minutes notification), trauma service admission, and evaluation of patients w/multiple system or major injury based upon the earliest recognition of the following physiologic criteria:
 - (A) shock;
 - (B) respiratory distress;
 - (C) airway compromise;
 - (D) spinal cord injury;
 - (E) unresponsiveness (Glasgow Coma Scale < 8) w/potential for multiple injuries;
 - (F) trauma score < 12 (when in field);
 - (12) prompt surgical consults that shall be initiated based upon the following criteria:
 - (A) falls greater than 20 feet;
 - (B) pedestrian struck by motor vehicle;
 - (C) motor vehicle crash with:
 - (i) ejection (includes motorcycle);
 - (ii) rollover;
 - (iii) speed greater than 40 miles per hour;
 - or
 - (iv) death at the scene;
 - (D) proximal amputations;
 - (E) burn plus trauma;
 - (F) vascular compromise;
 - (G) crush to chest or pelvis;
 - (H) two or more proximal long bone fractures; and
 - (I) gunshot wound to torso, neck, or proximal extremities;
 - (13) internal medicine and subspecialties within 30 minutes of notification;
 - (14) an emergency department which has at a minimum:
 - (A) a designated physician director who, if hired after January 1, 1992, is board certified or board prepared in emergency medicine (by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine);
 - (B) 24-hour-per-day staffing by physicians by physicians physically present in the Emergency Department who:
 - (i) are either board certified or prepared in emergency medicine (by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine) or board certified or eligible by the American Board of Surgery, American Board of Family Practice, or American Board of Internal Medicine;
 - (ii) are designated members of the trauma team; and
 - (iii) practice emergency medicine as their primary specialty;
 - (C) nursing personnel with experience in trauma care who continually monitor the trauma patient from hospital arrival to disposition to an intensive care unit, operating room, or patient care unit;
 - (D) resuscitation equipment for patients of all ages to include:
 - (i) airway control and ventilation equipment (laryngoscopes, endotracheal tubes, bag-mask resuscitators, pocket masks, and oxygen);
 - (ii) pulse oximetry;
 - (iii) suction devices;
 - (iv) electrocardiograph-oscilloscope-defibrillator;
 - (v) apparatus to establish central venous pressure monitoring;
 - (vi) intravenous fluids and administration devices to include large bore catheters;
 - (vii) sterile surgical sets for airway control/cricothyrotomy, thoracotomy, vascular access, and chest decompression;
 - (viii) apparatus for gastric decompression;
 - (ix) 24-hour-per-day X-ray capability;
 - (x) two-way communication equipment for communication with the emergency transport system;
 - (xi) skeletal traction devices, including capability for cervical traction;
 - (xii) thermal control equipment for patients; and
 - (xiii) thermal control equipment for blood and fluids;
 - (15) an operating suite which has at a minimum:
 - (A) thermal control equipment for patients;
 - (B) thermal control equipment for blood and fluids;

- (16) a postanesthetic recovery room or surgical intensive care unit which has at a minimum:
 - (A) 24-hour-per-day availability of registered nurses within 30 minutes from inside or outside the hospital;
 - (B) equipment for patients of all ages to include:
 - (i) capability for continuous monitoring of temperature, hemodynamics, and gas exchange;
 - (ii) pulse oximetry;
 - (iii) thermal control equipment for patients; and
 - (iv) thermal control equipment for blood and fluids;
- (17) an intensive care unit for trauma patients which has at a minimum:
 - (A) a designated surgical director of trauma patients;
 - (B) a physician on duty in the intensive care unit 24-hours-per-day or immediately available from within the hospital (which may be a physician who is the sole physician on call for the Emergency Department);
 - (C) equipment for patients of all ages to include:
 - (i) airway control and ventilation equipment (laryngoscopes, endotracheal tubes, bag-mask resuscitators and pocket masks);
 - (ii) oxygen source with concentration controls;
 - (iii) cardiac emergency cart;
 - (iv) temporary transvenous pacemaker;
 - (v) electrocardiograph-oscilloscope-defibrillator;
 - (vi) cardiac output monitoring capability;
 - (vii) electronic pressure monitoring capability;
 - (viii) mechanical ventilator;
 - (ix) patient weighing devices;
 - (x) pulmonary function measuring devices; and
 - (xi) temperature control devices;
 - (D) within 30 minutes of request, be able to perform blood gas measurements, hematocrit level, and chest X-ray studies;
- (18) physician-directed burn center staffed by nursing personnel trained in burn care or a written transfer agreement with a burn center;
- (19) acute spinal cord management capability or written transfer agreement with a designated spinal cord injury rehabilitation center when one exists within the region;
- (20) acute head injury management capability or written transfer agreement with a designated head injury center when one exists within the region;
- (21) radiological capabilities which have at a minimum:
 - (A) radiology technician available within 30 minutes of notification or documentation that procedures are available within 30 minutes;
 - (B) if the capability of computed tomography exists in the hospital, the computed tomography technician must be available within 30 minutes of notification;
- (22) full in house rehabilitation service or a written transfer agreement with a rehabilitation facility accredited by the Commission on Accreditation of Rehabilitation Facilities;
- (23) 24-hour-per-day clinical laboratory service which must include at a minimum:
 - (A) standard analysis of blood, urine, and other body fluids;
 - (B) blood typing and cross-matching;
 - (C) coagulation studies;
 - (D) comprehensive blood bank or access to a community central blood bank with storage facilities;
 - (E) blood gases and pH determination; and
 - (F) microbiology;
- (24) a quality improvement program to include:
 - (A) a state approved trauma registry;
 - (B) morbidity and mortality reviews;
 - (C) multidisciplinary trauma conference, at least quarterly, to include physicians, nurses, pre-hospital personnel, and a variety of other care givers which critiques individual cases and discusses educational issues related to trauma;
 - (D) utilization review;
 - (E) documentation and review of times and reasons for trauma related diversion of patients; and
 - (F) documentation and review of response times for trauma surgeons and anesthesiologists;
- (25) an outreach program to include:
 - (A) written transfer agreements to address the transfer and receipt of trauma patients;
 - (B) programs for physicians within the community and within the referral area (to include telephone and on-site consultations) about how to access the trauma center resources and refer patients within the system; and
 - (C) participation in a Regional Advisory Committee (RAC);
- (26) a documented continuing education program for staff physicians, nurses, allied health personnel, and community physicians to assure:
 - (A) 20 hours of category I trauma related continuing medical education every two years for all attending general surgeons on

the trauma service;

- (B) 20 hours of category I trauma related continuing medical education every two years for all emergency physicians;
 - (C) 20 hours of category I trauma related continuing medical education (beyond in house in services) every two years for the trauma nurse coordinator;
 - (D) eight hours per year trauma registry related or trauma related continuing education, as deemed appropriate by the trauma nurse coordinator, for the trauma registrar;
 - (E) at least an 80% compliance rate for 16 hours of trauma related continuing education (as approved by the trauma nurse coordinator) every two years related to trauma care for RN's and LPN's in transport programs, emergency departments, primary intensive care units, primary trauma floors, and other areas deemed appropriate by the trauma nurse coordinator; and
 - (F) eight contact hours of trauma related continuing education each year for physician assistants and mid-level practitioners routinely caring for trauma patients;
- (27) an organ procurement program which includes medical and legal criteria for donation, role of organ procurement organizations and role of trauma care professionals; and
- (28) a written plan specifying its role in the regional trauma network.

(b) Initial designation as a Level III Trauma Center is valid for a period of three years. Hospitals may be issued a renewal designation for four years by demonstrating continued compliance with all criteria specified in Paragraph (a) of this Rule.

Authority G.S. 131E-162.

.2104 SUBMISSION OF REQUEST FOR PROPOSAL (RFP)

(a) Hospitals desiring to be considered for initial trauma center designation shall complete and submit an original and five copies of a bound RFP to the Office of Emergency Medical Services at least 30 days prior to the State Emergency Medical Services Advisory Council meeting at which the application is to be considered. A schedule of meetings for the State Emergency Medical Services Advisory Council may be obtained from the Office of Emergency Medical Services at PO Box 29530, Raleigh, North Carolina 27626-0530. The RFP shall include, at a minimum, the following:

- (1) information which supports compliance with the criteria contained in "North Carolina's Trauma Center Criteria", dated November 1, 1996 which is incorporated by reference;
- (2) a justification by Level I or II applicants of the

need for the trauma center that includes, at a minimum

- (A) the population to be served and the extent to which the population is under served for trauma care with the methodology used to reach this conclusion;
- (B) geographic considerations to include catchment area and distance from other trauma centers; and
- (C) trauma patient volume and severity of injury for the facility for the twenty-four month period of time preceding the application. (The trauma center shall show that its trauma service will be taking care of at least two hundred trauma patients with an Injury Severity Score (ISS) greater than or equal to 13 during the first two year period of its designation. This criteria shall be met without jeopardizing the volume at any other designated Level I or II trauma center sharing all or part of its catchment area so as to jeopardize existing trauma center's ability to meet this same 200 patient minimum.

(b) Hospitals seeking a renewal of trauma center designation shall complete and submit an original and five copies of a bound RFP to the Office of Emergency Medical Services at least 30 days prior to the site survey.

(c) For initial trauma center designation, the hospital shall request a consultant visit by the Office of Emergency Medical Services and have a visit within one year prior to submission of the RFP.

(d) The RFP shall demonstrate that the hospital meets the standards for the designation level applied for as found in Rule .2101, .2102, or .2103 of this Section.

Authority G.S. 131E-162.

.2105 INITIAL DESIGNATION PROCESS

(a) A hospital interested in pursuing trauma center designation shall submit a letter of intent to the Office of Emergency Medical Services and request approval to submit an RFP based upon a review of the regional data. The Office of Emergency Medical Services shall procure the regional data to ascertain the hospital's ability to satisfy the justification of need information on trauma patient volume and severity of injury required in Rule .2104(a)(2)(A-C) of this Section. The Office of Emergency Medical Services shall notify the hospital in writing of its decision. The RAC shall also be notified of the approval so necessary changes in protocols can be considered.

(b) The Office of Emergency Medical Services shall review the RFP and provide comments to the State Emergency Medical Services Advisory Council.

(c) The State Emergency Medical Services Advisory Council shall make a recommendation to the Office of Emergency Medical Services to proceed with a site visit or identify documentation necessary prior to a site visit.

(d) If the State Emergency Medical Services Advisory Council does not recommend a site visit, and the Office of Emergency Medical Services concurs, the reasons shall be forwarded to the hospital in writing within thirty days of the decision. The Office of Emergency Medical Services shall specify a period of time, which shall be no longer than one year, during which the hospital shall address the concerns in writing and request reconsideration. If the hospital fails to respond within the required time period, it shall reapply for designation by following the process outlined in Rule .2104 of this Section.

(e) If the State Emergency Medical Services Advisory Council recommends the hospital for a site visit, and the Office of Emergency Medical Services concurs, the hospital shall be notified within thirty days and the site visit shall be conducted within six months of the recommendation. The site visit shall be scheduled on a date mutually agreeable to the hospital and the Office of Emergency Medical Services.

(f) A hospital shall assume financial responsibility for the initial site visit and any required follow-up site visits pertaining to the initial designation. These charges, which shall follow guidelines for reimbursement of expenses for state employees, shall include expenses for transportation, meals, lodging and a personal services fee for each site surveyor.

(g) The composition of a Level I or II site survey team shall be as follows:

- (1) one out-of-state Fellow of the American College of Surgeons;
- (2) one in-state emergency physician, who is a member of the North Carolina College of Emergency Physicians;
- (3) one in-state trauma surgeon who is a member of the North Carolina Committee on Trauma;
- (4) one out-of-state trauma nurse coordinator;
- (5) the medical advisor of the Office of Emergency Medical Services; and
- (6) the Hospital Programs Specialist of the Office of Emergency Medical Services.

One physician, usually the one from out-of-state, shall be designated the primary reviewer. Any in-state reviewer (except the Office of Emergency Medical Services representatives) shall be from outside the planning region in which the hospital is located.

(h) The composition of a Level III site survey team shall be as follows:

- (1) one Fellow of the American College of Surgeons, who is a member of the North Carolina Committee on Trauma;
- (2) one emergency physician who is a member of the North Carolina College of Emergency Physicians;
- (3) a trauma nurse coordinator;
- (4) the medical advisor of the Office of Emergency Medical Services; and
- (5) the Hospital Programs Specialist of the Office of Emergency Medical Services.

All site team members for a Level III visit shall be from in-

state, and all (except for the Office of Emergency Medical Services representatives) shall be from outside the planning region in which the hospital is located. One of the physicians shall be designated the primary reviewer.

(i) On the day of the site visit, the hospital shall make available all required patient medical charts.

(j) When a hospital is approved for a site visit, the Office of Emergency Medical Services shall notify the Regional Emergency Medical Services Councils within the primary catchment area of the proposed trauma center to allow for comment on the request for designation.

(k) All criteria defined in Rule .2101, .2102 or .2103 of this Subchapter shall be met for initial designation at the level requested. No deficiencies shall be permitted.

(l) The reports of the site survey team and the staff recommendation shall be reviewed by the State Emergency Medical Services Advisory Council at its next regularly scheduled meeting which is more than 45 days following the site visit. Based upon the RFP, the site visit report, and the staff recommendation, the State Emergency Medical Services Advisory Council shall recommend to the Secretary of the Department that the request for trauma center designation be approved or denied.

(m) The hospital shall be notified, in writing, of the State Emergency Medical Services Advisory Council's and OEMS' final recommendation within 30 days of the Advisory Council meeting.

(n) The final decision regarding trauma center designation shall be rendered by the Secretary of the Department.

Contingencies on the designation, as well as required due dates and documentation, shall be specified at the time written notification is provided of the designation. Satisfaction of contingencies may require an additional site visit.

Authority G.S. 131E-162; 143-509(3).

.2106 RENEWAL DESIGNATION PROCESS

(a) Prior to the end of the designation period, the Office of Emergency Medical Services shall forward to the hospital an RFP for completion. Simultaneously, the Office of Emergency Medical Services shall notify the Regional Emergency Medical Services Councils within the primary catchment area of the trauma center to allow for comment on the request for renewal.

(b) The RFP shall be submitted at least 30 days prior to the site visit in accordance with Rule .2104(b) of this Subchapter.

(c) A site visit shall be conducted within 120 days prior to the end of the designation period. The site visit shall be scheduled on a date mutually agreeable to the hospital and the Office of Emergency Medical Services.

(d) A hospital shall assume financial responsibility for the renewal site visit and any required follow-up visits pertaining to the renewal designation. These charges, which shall follow guidelines for reimbursement of expenses for state employees, shall include those related to the transportation,

meals, lodging and personal services fee for each site surveyor.

(e) The composition of a Level I or II site survey team shall be the same as that specified in Rule .2105(g) of this Subchapter. One physician, usually the one from out-of-state, shall be designated the primary reviewer. Any in-state reviewer (except the Office of Emergency Medical Services representatives) shall be from outside the planning region in which the hospital is located.

(f) The composition of a Level III site survey team shall be the same as that specified in Rule .2105(h) of this Subchapter. All site team members for a Level III visit shall be from in-state, and all (except for the Office of Emergency Medical Services representatives) shall be from outside the planning region in which the hospital is located. One of the physicians shall be designated the primary reviewer.

(g) On the day of the site visit, the hospital shall make available all required patient medical charts.

(h) The written reports of the site survey team and the staff recommendation shall be reviewed by the State Emergency Medical Services Advisory Council at its next regularly scheduled meeting which is more than 45 days following the site visit. Based upon the RFP, the site visit report, and the staff recommendation, the State Emergency Medical Services Advisory Council shall recommend to the Secretary of the Department that the request for trauma center renewal be approved or denied.

(i) The hospital shall be notified in writing of the State Emergency Medical Services Advisory Council's and OEMS' final recommendation within 30 days of the Advisory Council meeting.

(j) The final decision regarding trauma center renewal shall be rendered by the Secretary of the Department. Contingencies on the renewal, as well as required due dates and documentation, shall be specified at the time written notification is provided of the renewal. Satisfaction of contingencies may require an additional site visit.

Authority G.S. 131E-162; 143-509(3).

SECTION .2200 - ENFORCEMENT

.2201 DENIAL, PROBATION, VOLUNTARY WITHDRAWAL OR REVOCATION OF TRAUMA CENTER DESIGNATION

(a) The Department may deny the designation of a trauma center for any of the following reasons:

- (1) failure to substantially comply with the requirements of Section .2100 of this Subchapter;
- (2) attempting to obtain a trauma center designation through fraud or misrepresentation; or
- (3) a significant number or magnitude of deficiencies and/or weaknesses to suggest that patient care may be compromised.

(b) The Department may amend any trauma center designation from a full designation to a probationary designation whenever the Department finds that:

- (1) the trauma center has substantially failed to comply

with the provisions of G.S. 131E-162 and the rules adopted under that article; or

- (2) there is no reasonable probability the trauma center can remedy the deficiencies and/or weaknesses within a reasonable length of time; or
- (3) the trauma center fails to meet contingencies placed upon it at the time of its initial designation or renewal; or
- (4) there is no reasonable probability the trauma center shall be able to remain in compliance with the designation rules for the foreseeable future.

(c) The Department shall give the trauma center written notice of the amendment to the designation. This notice shall be given personally or by certified mail and shall set forth:

- (1) the length of the probationary designation (not to exceed one year);
- (2) the factual allegations;
- (3) the statutes or rules alleged to be violated; and
- (4) notice of the hospital's right to a contested case hearing on the amendment of the designation.

(d) The probationary designation shall be effective immediately upon its receipt by the trauma center and shall be posted in a prominent location at the primary business location of the trauma center, accessible to public view, in lieu of the full designation. The probationary designation shall remain in effect until:

- (1) the Department restores the trauma center to full designation status; or
- (2) the Department revokes the designation.

(e) The Department may revoke a trauma center designation whenever the Department finds that the trauma center has substantially failed to comply with the provisions of G.S. 131E-162 and the rules adopted under that article and:

- (1) it is not reasonably probable that the trauma center can remedy the deficiencies within a reasonable length of time; or
- (2) although the trauma center may be able to remedy the deficiencies within a reasonable period of time, it is not reasonably probable that the trauma center shall be able to remain in compliance with designation rules for the foreseeable future; or
- (3) the trauma center fails to meet contingencies placed upon it at the time of its initial designation or renewal; or
- (4) failure to comply endangers the health, safety or welfare of the patients cared for in the trauma center.

(f) The Department may revoke a trauma center designation whenever it finds that the trauma center fails to resolve issues that resulted in a voluntary withdrawal of the designation.

(g) The issuance of a probationary designation is not a procedural prerequisite to the revocation of a designation pursuant to Paragraph (e) of this Rule.

(h) With the Department's approval, a trauma center may voluntarily withdraw its designation for a maximum of one year by submitting a written request. This request shall

include the reasons for withdrawal and a plan for resolution of the issues. To reactivate the designation, the facility shall provide written documentation of compliance that is acceptable to the Department. Voluntary withdrawal shall not affect the original expiration date of the trauma center's designation.

(i) In the event of a revocation or voluntary withdrawal, the Department shall provide written notification to all hospitals and Emergency Medical Services providers within the regional trauma network. The Department shall provide written notification to same if, and when, the voluntary withdrawal reverts to full designation.

Authority G.S. 131E-162.

.2202 PROCEDURES FOR APPEAL OF DENIAL, PROBATION, OR REVOCATION

Appeal of denial, probation, or revocation of a trauma center designation shall follow the law regarding contested cases found in G.S. 150B.

Authority G.S. 131E-162.

.2203 MISREPRESENTATION OF DESIGNATION

(a) Hospitals shall not represent themselves as a trauma center unless they are currently designated by the Department pursuant to Section .2000 of this Subchapter.

(b) Designation applies only to the hospital that submitted the RFP and underwent the formal site survey and does not extend to its satellite facilities or affiliates.

Authority G.S. 131E-162.

SECTION .2300 - TRAUMA SYSTEM DESIGN

.2301 STATE TRAUMA SYSTEM PLAN

(a) The state trauma system plan consists of regional trauma system plans and policies, coordinated and monitored by the Office of Emergency Medical Services.

(b) The Office of Emergency Medical Services shall require that each hospital choose a Regional Advisory Committee (RAC) within six months of the effective date of this rule. Each RAC shall include at least one Level I or II trauma center. Any hospital changing its affiliation shall report the change in writing to the Office of Emergency Medical Services within 30 days of the date of the change.

(c) The Office of Emergency Medical Services shall notify each RAC of its hospital membership.

(d) The RAC shall submit a report semi-annually to the Office of Emergency Medical Services that assesses compliance with the regional trauma system plan and specifies any updates to the plan.

Authority G.S. 131E-162.

.2302 REGIONAL TRAUMA SYSTEM PLAN

(a) A Level I or II trauma center shall facilitate development of and provide staff support for the RAC which shall include, at a minimum, the following:

- (1) the trauma medical director from the Trauma Center;
- (2) a trauma nurse coordinator;
- (3) an emergency physician;
- (4) an Emergency Medical Services provider representative;
- (5) a representative from each hospital participating in the RAC;
- (6) community representatives; and
- (7) an advanced life support medical director.

(b) The RAC shall submit a plan, within one year of notification of the RAC membership, to the Office of Emergency Medical Services containing at a minimum:

- (1) organizational structure to include the roles of the members of the system;
- (2) goals and objectives to include the orientation of providers to the regional system;
- (3) RAC membership list, rules of order, terms of office, meeting schedule (held at a minimum of two times per year);
- (4) copies of documents and information required by the Office of Emergency Medical Services as defined in Rule .2303 of this Section;
- (5) system evaluation tools to be utilized; and
- (6) written documentation of regional support for the plan.

(c) The Office of Emergency Medical Services shall provide written approval or denial of submissions from the RAC based on compliance with the state trauma system.

(d) If submissions are incomplete or denied, recommendations and necessary consultations shall be provided by the Office of Emergency Medical Services.

(e) Resubmissions shall be due within three months of notification by the Office of Emergency Medical Services.

(f) Upon notification of the approval of a hospital to submit an RFP for initial trauma center designation by the Office of Emergency Medical Services pursuant to Rule .2105(a) of this Subchapter, the RAC shall adjust protocols as needed to facilitate the additional trauma center. The RAC shall then, after a review of at least six months of the hospital's trauma data, provide a written recommendation to the Office of Emergency Medical Services as to the appropriateness of the hospital's application for trauma center designation.

Authority G.S. 131E-162.

.2303 REGIONAL TRAUMA SYSTEM POLICY DEVELOPMENT

The RAC shall oversee the development of the regional trauma system to include:

- (1) public information and education programs to include system access and injury prevention;
- (2) written trauma system protocols to address the

following:

- (A) dispatch;
 - (B) triage and treatment at the scene and in the emergency department and shall include:
 - (i) Priority selection (for treatment and transport decisions) based upon anatomic and physiologic factors; and
 - (ii) Guidelines to facilitate the rapid assessment and initial resuscitation of the severely injured patient including primary and secondary survey. Criteria addressing management during transport should include continued assessment and management of airway, cervical spine, breathing, circulation, neurologic and secondary parameters, communication and documentation.
 - (C) transport and treatment which shall address:
 - (i) guidelines to determine the appropriate mode of transport and level of care required to transport, considering patient condition, requirement for trauma center resources, family requests and capability of transferring entity.
 - (ii) criteria addressing management during transport, to include continued assessment and stabilization of airway, cervical spine, breathing, circulation, neurologic and secondary parameters, medication protocols, communication and documentation.
 - (D) bypass procedures which define:
 - (i) patient identification and selection based on anatomic, physiologic and mechanism of injury factors;
 - (ii) circumstances and criteria for bypass decisions;
 - (iii) time and distance criteria; and
 - (iv) helicopter or ground unit use for transports which bypass closer facilities.
 - (E) diversion procedures which shall include delineation of specific factors such as hospital census and/or acuity, physician availability, staffing issues, disaster status, or transportation which would require routing of a patient to another trauma center. A plan to assist referring hospitals in locating care for the diverted patient shall be outlined and a system to track diversions shall be maintained.
- (3) transfer agreements (to include those with other hospitals, as well as specialty care facilities such as burn, pediatrics, spinal cord and rehabilitation)

which shall outline mutual understandings between facilities to transfer/accept certain patients. These shall specify responsible parties, documentation requirements and minimum care requirements.

Authority G.S. 131E-162.

SECTION .2400 - FORMS

.2401 SOURCE OF FORMS AND DOCUMENTS

One copy of any form or document referenced in this Subchapter may be obtained free of charge from the North Carolina Office of Emergency Medical Services, Division of Facility Services, Department of Human Resources, Post Office Box 29530, Raleigh, North Carolina 27626-9530, telephone (919) 733-2285.

Authority G.S. 131E-162.

Notice is hereby given in accordance with G.S. 150B-21.2 that the DHR - Division of Medical Assistance intends to amend rule cited as 10 NCAC 26H .0506. Notice of Rule-making Proceedings was published in the Register on January 2, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 1:30 p.m. on June 18, 1997 at the Kirby Building - Room 132, 1985 Umstead Drive, Raleigh, NC.

Reason for Proposed Action: *The proposed rule establishes the Medicaid reimbursement methodology for personal care services in adult care homes, as allowed by state law (1995 S.L. Chapter 507, Sec. 23.10). In addition, the proposed rule establishes cost settlement procedures for publicly owned adult care homes participating in the personal care services program.*

Comment Procedures: *Written comments concerning this rule-making action must be submitted by August 1, 1997 to Portia W. Rochelle, Rule-making Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603. Oral comments may be presented at the hearing. A fiscal note statement is available for review or may be obtained from the agency upon request.*

Fiscal Note: *This Rule does affect the expenditures or revenues of state or local government funds. This Rule does have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26H - REIMBURSEMENT PLANS

SECTION .0500 - REIMBURSEMENT FOR SERVICES

.0506 PERSONAL CARE SERVICES

Reimbursement to personal care services providers will be an hourly all inclusive fee as developed by the Division of Medical Assistance based on the cost of the service.

(a) Personal care services in recipient's home, prescribed in accordance with a plan of treatment and provided by a qualified person under supervision of a registered nurse. Payment is based on a negotiated hourly fee not to exceed reasonable cost.

(b) The Division of Medical Assistance will enter into contracts with private and public non-medical inpatient institutions using 42 CFR 434-12 for the provision of personal care services for State/County Special Assistance clients residing in adult care homes.

(1) Effective August 1, 1995 reimbursement is determined by the Division of Medical Assistance based on a capitation per diem fee derived from review of industry costs and determination of reasonable costs with annual inflation adjustments. The initial basic per diem fee is based on one hour of services per patient day. Additional payments may be made utilizing the basic one hour per diem fee as a factor, for Medicaid eligibles that have a demonstrated need for additional care. The initial basic one hour fee is computed by determining the estimated salary, fringes, direct supervision and allowable overhead. The fee(s) may be recalculated from a cost reporting period selected by the state. Payments may not exceed the limits set in 42 CFR 447.361.

(2) Effective January 1, 1996 public providers will be paid on an interim basis using the above method. Payments are to be cost settled with any overpayment repaid to the Division of Medical Assistance. No additional payment will be made due to cost settlement.

(c) These changes to the Payment for Services Prospective Reimbursement Plan for Personal Care Services will become effective when the Health Care Financing Administration, US Department of Health and Human Service, approves amendments submitted to HCFA by the Director of the Division of Medical Assistance as #MA 95-07 and #MA 95-33 wherein the Director proposes amendments of the State Plans to amend payment for services - Prospective Reimbursement Plan for Personal Care Services.

Authority G.S. 108A-25(b); 108A-54; 108A-55; 131D-4.1; 131D-4.2; 1995 S.L., c. 507, s. 23.10; 42 C.F.R. 440.170(f).

TITLE 15A - ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend rules cited as 15A NCAC 10F .0308 and .0339. Notice of Rule-making Proceedings was published in the Register on February 3, 1997.

Proposed Effective Date: July 1, 1998

A Public Hearing will be conducted at 10:00 a.m. on June 18, 1997 at the Archdale Building, Wildlife Conference Room, 512 N. Salisbury Street, Raleigh, NC 27604.

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

Comment Procedures: Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from June 2, 1997 through July 3, 1997. Such written comments must be delivered or mailed to NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

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 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

.0308 CLAY COUNTY

(a) Regulated Area. This Rule applies to ~~that portion the waters of Lake Chatuge which is located within the boundaries of Clay County; that lie within 50 yards of the boat ramp at Ho-Hum Campground.~~

(b) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area established with the approval of the Executive Director, or his representative, on the regulated area.

(c) Speed Limit. It is unlawful to operate any motorboat or vessel at a speed greater than no-wake speed within 50 yards of the High Bridge, Gibson Cove access area, Chatuge Cove Complex II Marina, Lakeside Cottages and Marina, Chatuge Dam Spillway access area located on the regulated area.

(d) Placement and Maintenance of Markers. The Board of Commissioners of Clay County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United

States Coast Guard and the United States Army Corps of Engineers. With regard to marking Lake Chatuge, supplementary standards as set forth in Rule .0301(g)(1) to (7) of this Section shall apply.

Authority G.S. 75A-3; 75A-15.

.0339 MCDOWELL COUNTY

(a) Regulated Areas. This Rule applies to the following waters located on Lake James in McDowell County:

- (1) that area adjacent to the shoreline of the McDowell Wildlife Club property;
- (2) that area adjacent to the shoreline of the Marion Moose Club property;
- (3) that area known as Morgan Cove;
- (4) that area within 50 yards of the shoreline at the New Manna Baptist Youth Camp;
- (5) that area within 50 yards of the shoreline at Burnett's Landing;
- (6) the cove area adjacent to the State Park swimming area;
- (7) the cove area adjacent to the State Park picnic area and dock;
- (8) that area within 50 yards of camping areas in the Lake James State Park as designated by the appropriate markers;
- (9) that area within 50 yards of the boat launching

ramp at the Marion Lake Club;

- (10) that area within 50 yards in either direction from the marina docks in Plantation Point Cove;
- (11) that designated area of Goodman's Landing Cove within 50 yards of the swimming area and boat docks of Goodman's ~~Campground~~; Campground;
- (12) that area beginning at the rock shoals located at Deerfield Campground downstream for a distance of approximately 200 yards as delineated by appropriate markers;
- (13) that area along the north shoreline of Lakeview Pointe as delineated by appropriate markers.

(b) Speed Limit. No person shall operate any motorboat or vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) Restricted Swimming Areas. No person operating or responsible for the operation of any vessel, surfboard or waterskis shall permit the same to enter any marked swimming area located on the regulated area.

(d) Placement and Maintenance of Markers. The Board of Commissioners of McDowell County is designated a suitable agency for placement and maintenance of the markers implementing this Rule.

Authority G.S. 75A-3; 75A-15.

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: *Commission for Mental Health, Developmental Disabilities and Substance Abuse Services. Publication of this temporary rule shall serve as the Notice of Text pursuant to G.S. 150B-21.2(c). Notice of Rule-making Proceedings was published in the Register on July 15, 1996.*

Rule Citation: *10 NCAC 45H .0203*

Effective Date of Temporary Rule: *May 13, 1997*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 90-88; 90-90; 143B-147*

Proposed Effective Date for Permanent Rule: *July 1, 1998*

Instructions on How to Demand a Public Hearing: *A demand for public hearing must be requested in writing within 15 days of this notice and addressed to Charlotte F. Hall, Division of MH/DD/SAS, 325 N. Salisbury Street, Albemarle Bldg., Raleigh, NC 27603-5906.*

Reason for Proposed Action: *To be consistent with actions by the Drug Enforcement Administration in placing Remifentanyl in Schedule II of the Controlled Substances Act. This action will allow Remifentanyl, marketed under the trade name of ULTIVA, to be used as an intravenous analgesic agent for use during the induction and maintenance of general anesthesia and monitored anesthesia care.*

Comment Procedures: *Written comments concerning this Rule should be submitted to Charlotte F. Hall, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, 325 N. Salisbury Street, Albemarle Bldg., Suite 558, Raleigh, NC 27603-5906, FAX 919-733-8259. Comments period will remain through August 14, 1997.*

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

**CHAPTER 45 - COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES
AND SUBSTANCE ABUSE SERVICES**

SUBCHAPTER 45H - DRUG TREATMENT FACILITIES

SECTION .0200 - SCHEDULES OF CONTROLLED SUBSTANCES

.0203 SCHEDULE II

(a) Schedule II shall consist of the drugs and other substances by whatever official name, common or usual name, chemical name or brand name and designated listed in this Rule. Each drug or substance has been assigned the Drug Enforcement Administration controlled substances code number set forth opposite it.

(b) Substances, Vegetable Origin or Chemical Synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from the substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

- (1) opium and opiate, and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, nalbuphine, dextrophan, naloxone, naltrexone, and nalmefene and their respective salts but including the following:
 - (A) Raw opium 9600
 - (B) Opium extracts 9610
 - (C) Opium fluid extracts 9620

(D)	Powdered opium	9639
(E)	Granulated opium	9640
(F)	Tincture of opium	9630
(G)	Codeine	9050
(H)	Ethylmorphine	9190
(I)	Hydrocodone	9193
(J)	Hydromorphone	9150
(K)	Metopon	9260
(L)	Morphine	9300
(M)	Oxycodone	9143
(N)	Oxymorphone	9652
(O)	Thebaine	9333
(P)	Etorphine hydrochloride	9059
(2)	any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in Subparagraph (1) of this Paragraph (b), except that these substances shall not include isoquinoline alkaloids of opium;	
(3)	opium poppy and poppy straw	9650
(4)	coca leaves (9040) and any salts, compound, derivative or preparation of coca leaves and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine (9041) or ecgonine (9180);	
(5)	concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy) (9670).	
(c) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation, dextrophan excepted:		
(1)	Alfentanil	9737
(2)	Alphaprodine	9010
(3)	Anileridine	9020
(4)	Benzitramide	9800
(5)	Carfentanil	9743
(6)	Dihydrocodeine	9120
(7)	Diphenoxylate	9170
(8)	Fentanyl	9801
(9)	Isomethadone	9226
(10)	Levomethorphan	9210
(11)	Levo-alpha-acetylmethadol [Some other names: levo-alpha-acetylmethadol, levomethadyl acetate, LAAM]	9648
(12)	Levorphanol	9220
(13)	Metazocine	9240
(14)	Methadone	9250
(15)	Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane	9254
(16)	Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid	9802
(17)	Pethidine(meperidine)	9230
(18)	Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine	9232
(19)	Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate	9233
(20)	Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid	9234
(21)	Phenazocine	9715
(22)	Piminodine	9730
(23)	Racemethorphan	9732
(24)	Racemorphan	9733
(25)	<u>Remifentanil</u>	<u>9739</u>
(26)	(25) Sufentanil	9740
(d) Stimulants. Unless specifically excepted or unless listed in another schedule any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:		
(1)	Amphetamine, its salts, optical isomers, and salts of its optical isomers	1100
(2)	Methamphetamine, its salts, isomers and salts of its isomers	1105
(3)	Phenmetrazine and its salts	1631

(4)	Methylphenidate	1724
(5)	Phenylacetone	
	Some trade or other names:	
	Phenyl-2-propanone; P2P; benzyl	
	methyl Ketone; methyl benzyl Ketone;	8501
(6)	Phencyclidine	7471
(A)	1-Phenylcyclohexylamine	7460
(B)	1-Piperidinocyclohexanecarbonitrile (PCC)	8603

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Amobarbital	2125
(2)	Glutethimide	2250
(3)	Pentobarbital	2270
(4)	Secobarbital	2315

(f) Hallucinogenic Substances.

(1)	Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product	7369
	[Some other names for dronabinol: [(6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran-1-ol], or (-)-delta-9-(trans)-tetrahydrocannabinol]	
(2)	Nabilone [Another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].	7369

History Note: Authority G.S. 90-88; 90-90; 143B-147;
Eff. June 30, 1978;
Amended Eff. January 1, 1994; April 1, 1993; August 1, 1991; August 1, 1989;
Temporary Amendment Eff. May 13, 1997.

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of April 17, 1997 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 1998 Short 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	03U	.0707*	11:17 NCR 1338
10	NCAC	26G	.0707	11:18 NCR 1371
11	NCAC	12	.1702* Eff. May 1, 1997	not required, G.S. 150B-21.5(a)(5)
12	NCAC	09A	.0103	11:20 NCR 1539
12	NCAC	09B	.0111	11:20 NCR 1539
12	NCAC	09B	.0206	11:20 NCR 1539
12	NCAC	09B	.0224	11:20 NCR 1539
12	NCAC	09B	.0225	11:20 NCR 1539
12	NCAC	09B	.0409	11:20 NCR 1539
12	NCAC	09C	.0304	11:20 NCR 1539
12	NCAC	09C	.0307*	11:20 NCR 1539
12	NCAC	09C	.0309	11:20 NCR 1539
12	NCAC	09C	.0601 - .0608	11:20 NCR 1539
15A	NCAC	02D	.0535	11:16 NCR 1271
15A	NCAC	02D	.1201 - .1207	11:16 NCR 1277 - 1284
15A	NCAC	02D	.1208 - .1209*	11:16 NCR 1284 - 1287
15A	NCAC	02Q	.0312 - .0313	11:16 NCR 1273 - 1275
15A	NCAC	02Q	.0525	11:16 NCR 1275
15A	NCAC	02Q	.0527	11:16 NCR 1276
15A	NCAC	02Q	.0607	11:16 NCR 1277
15A	NCAC	03I	.0107* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03I	.0110* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03I	.0116* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03J	.0104* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03J	.0301* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03K	.0105* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03K	.0204* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03K	.0304* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03L	.0203* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03L	.0205* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03M	.0204	11:18 NCR 1371
15A	NCAC	03M	.0401* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03N	.0103 - .0105* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03O	.0201 - .0202* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03O	.0205* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03O	.0208* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03R	.0101 - .0105* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	03R	.0107* Eff. May 1, 1997	not required, G.S. 150B-21.5
15A	NCAC	10B	.0116	11:18 NCR 1372
15A	NCAC	10D	.0003* Eff. July 1, 1997	not required, G.S. 150B-21.5(a)(5)
15A	NCAC	10F	.0317	11:19 NCR 1427

15A	NCAC	10F	.0327*	11:20 NCR 1551
15A	NCAC	10F	.0339	11:19 NCR 1427
15A	NCAC	13A	.0101	11:20 NCR 1552
15A	NCAC	13A	.0105	11:20 NCR 1554
15A	NCAC	13A	.0107	11:20 NCR 1554
15A	NCAC	13A	.0111	11:20 NCR 1554
15A	NCAC	13A	.0112	11:20 NCR 1555
15A	NCAC	13A	.0119	11:20 NCR 1555
15A	NCAC	21I	.0101*	11:20 NCR 1555
15A	NCAC	21J	.0101*	11:20 NCR 1556
19A	NCAC	02E	.0210* Eff. May 1, 1997	not required, G.S. 150B-21.5(a)(5)
21	NCAC	36	.0320*	11:19 NCR 1428
21	NCAC	37D	.0202*	11:18 NCR 1373
21	NCAC	37G	.0102	11:18 NCR 1373

**TITLE 10 - DEPARTMENT OF HUMAN
RESOURCES**

CHAPTER 3 - FACILITY SERVICES

**SUBCHAPTER 3U - CHILD DAY CARE
STANDARDS**

**SECTION .0700 - HEALTH AND OTHER
STANDARDS FOR CENTER STAFF**

.0707 IN-SERVICE TRAINING REQUIREMENTS

(a) Each day care center shall provide, or arrange for the provision of, training for staff to assure that each new staff person who has contact with the children will receive a minimum of 10 clock hours of orientation within the first six weeks of employment. This orientation shall include training in their job-specific duties and responsibilities; a review of the child day care licensing law and regulations; a review of the individual center's personnel and operational policies, purpose, and goals; an explanation of the role of state and local government agencies, their effect on the center, their availability as a resource, and individual staff responsibilities to representatives of state and local government agencies; observation of center operations; maintaining a safe and healthy environment; and training to recognize symptoms of child abuse and neglect.

(b) The center director and any staff who have responsibility for planning and supervising a day care program, as well as staff who work directly with children, shall participate in in-service training activities annually, according to the individual's assessed needs. Staff may choose one of the following options for meeting the in-service requirement:

(1) Each staff person shall complete in-service training activities which are related to child care or to the person's job responsibilities as specified in the following Subparagraphs:

(A) persons with a four-year degree in a child care-related field of study from a regionally accredited college or university shall

complete five clock hours of training annually;

(B) persons with a two-year degree in a child care-related field of study from a regionally accredited college or university, or persons with at least fifteen years documented, full-time verifiable work experience as a teacher, director or caregiver in a licensed or registered child care arrangement and a cumulative total of more than 50 hours of in-service training approved pursuant to Rule .0708 of this Section shall complete eight clock hours of training annually;

(C) persons with a one-year certificate in a child care-related field of study from a regionally accredited college or university, or persons with at least 10 years documented, full-time verifiable work experience as a teacher, director or caregiver in a licensed or registered child care arrangement and a cumulative total of more than 50 hours of in-service training approved pursuant to Rule .0708 of this Section, or persons with a Child Development Associate Credential shall complete 10 clock hours of training annually;

(D) all other persons shall complete 20 clock hours of training annually; or

(2) If the staff person has completed 4 semester hours, 6 quarter hours, or 64 clock hours of early childhood education or child development and is enrolled in an early childhood or child development curriculum program, completion of or enrollment in a course which is required or approved for completion of that curriculum program will fulfill the annual in-service requirement.

(c) For staff working less than 40 hours per week on a regular basis and choosing the option for 20 hours of in-service training, the training requirement may be prorated as follows:

WORKING HOURS PER WEEK/CLOCK HOURS REQUIRED

0 - 10	5
11 - 20	10
21 - 30	15
31 - 40	20

(d) Clock hours of training or education related to child care may be accumulated for up to three years and counted toward the annual in-service training requirement.

*History Note: Authority G.S. 110-91(11); 143B-168.3; Eff. January 1, 1986;
Amended Eff. July 1, 1998; October 1, 1991; November 1, 1989; July 1, 1988.*

TITLE 11 - DEPARTMENT OF INSURANCE

CHAPTER 12 - LIFE AND HEALTH DIVISION

SECTION .1700 - VIATICAL SETTLEMENTS

.1702 VIATICAL SETTLEMENT PROVIDERS

(a) An application for provider registration shall be filed with the Division.

(b) Only those individuals named in the application may act as providers.

(c) A provider shall submit with the application a plan of operation, including full particulars on the manner in which the provider proposes to operate in North Carolina and the type or types of insurance policies or contracts it intends to viaticate.

(d) The provider's plan of operation shall be a narrative overview of the provider's business and shall include the following information:

- (1) A certified copy of the provider's charter and by-laws, if a corporation, and a copy of the partnership agreement, if a partnership.
- (2) A chart showing the relationship of the provider to any parent, affiliated, or subsidiary corporation.
- (3) A detailed description of the provider's marketing techniques, including a description of training programs for those individuals who will have direct contact with viators.
- (4) A list of the names of provider's directors and management personnel, including job title and a brief description of the job duties.
- (5) A schedule listing the names of financial institutions with which the provider has escrow trust agreements, indicating the balance on each account and copies of all escrow and trust agreements.
- (6) A detailed description of what steps through which the viator will have access to funds, including the source that will make such funds available.

(e) A provider shall immediately notify the Division of any change in the address of the provider and of any change in the officers and directors of the provider.

(f) Each provider shall notify the Division of any change in the plan of operation or financial information filed with its application within 10 business days after the change.

(g) Each provider shall maintain net capital of at least one hundred thousand dollars (\$100,000), or net capital plus a surety bond totaling at least one hundred thousand dollars (\$100,000). As used in this Rule, "net capital" means the excess of total assets over total liabilities as determined by generally accepted accounting principles. If any of a provider's assets have been depreciated, the amount of depreciation relative to any particular asset may be added to the depreciated cost of the assets to compute the total assets; provided however, that the amount resulting after adding such depreciation shall not exceed the fair market value of the asset. For the purpose of calculating the appropriate amount of the surety bond that is required by this Rule, net capital shall be presumed to be zero (\$0.00) in situations in which a provider's liabilities exceed the provider's assets.

(h) A power of attorney designating the Commissioner as the provider's agent for service of legal process shall be filed by every provider.

*History Note: Authority G.S. 58-2-40; 58-16-30; 58-58-42; Eff. February 1, 1996;
Amended Eff. May 1, 1997.*

TITLE 12 - DEPARTMENT OF JUSTICE

CHAPTER 9 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 9C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SECTION .0300 - CERTIFICATION OF CRIMINAL JUSTICE OFFICERS

.0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION

Each agency shall place in personnel files the official notification from the Commission of either probationary or general certification for each criminal justice officer employed or appointed by the agency. Such files shall be available for examination at any reasonable time by representatives of the Commission for the purpose of verifying compliance with these Rules. The personnel files shall also contain:

- (1) the officer's Personal History Statement;
- (2) the officer's Medical History Statement and Medical Examination Report;
- (3) documentation of the officer's drug screening results;
- (4) for the criminal justice officer, the Commission's Mandated Background Investigation Form as completed by the agency's investigator; for

criminal justice officers employed by the North Carolina Department of Correction, a written summary of the Background Investigation conducted on the officer;

- (5) a written summary of the officer's Qualifications Appraisal Interview;
- (6) documentation of the officer's educational achievements;
- (7) documentation of all criminal justice training completed by the officer;
- (8) the results of the officer's fingerprint record check;
- (9) a written summary of the officer's psychological examination results; and
- (10) for the law enforcement officer, documentation on a commission-approved form that the officer has completed the minimum in-service training as required.

History Note: Authority G.S. 17C-2; 17C-6;

Eff. January 1, 1981;

Amended Eff. August 1, 1998; January 1, 1995; July 1, 1990; July 1, 1989; June 1, 1986.

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

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2D - AIR POLLUTION CONTROL REQUIREMENTS

SECTION .1200 - CONTROL OF EMISSIONS FROM INCINERATORS

.1208 OPERATOR TRAINING AND CERTIFICATION

(a) By January 1, 2000, 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 July 1, 1999 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 July 1, 1999, 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 American Society of Mechanical Engineers on or before July 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 July 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) July 1, 1999;

(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).

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);

Eff. July 1, 1998.

.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 July 1, 1999; or

(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 July 1, 1999 but before July 1, 2001, 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.

(3) close between July 1, 1999 and July 1, 2001. 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, 2001, 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 Paragraph (g)(2) of Rule .1205 of this Section and the emission limit for dioxin and furan specified in Paragraph (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 July 1, 1999, whichever is later.

(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.

History Note: Authority G.S. 143-215.3(a)(1);

143-215.107(a)(4), (5);

Eff. October 1, 1991;

Amended Eff. July 1, 1998; April 1, 1995; December 1, 1993; March 2, 1992.

CHAPTER 3 - MARINE FISHERIES

SUBCHAPTER 3I - GENERAL RULES

SECTION .0100 - GENERAL RULES

.0107 ENDANGERED OR THREATENED SPECIES

(a) Pursuant to a cooperative agreement entered into on February 5, 1979, by the Department of Environment,

Health, and Natural Resources, the Marine Fisheries Commission, and the Wildlife Resources Commission, the Wildlife Resources Commission will exercise regulatory jurisdiction over any species of sea turtle, and their eggs and nests, consistent with designation of such species as endangered or threatened by the U.S. Fish and Wildlife Service. As provided by said agreement, the law enforcement officers of both the Marine Fisheries Division and the Wildlife Resources Commission have jurisdiction to enforce any State laws and rules, including those contained in 15A NCAC 10I, relating to endangered or threatened species of sea turtles and their eggs and nests.

(b) The Fisheries Director may close or restrict by proclamation any coastal waters with respect to taking or attempting to take any or all kinds of marine resources when the method (equipment) used is a serious threat to an endangered or threatened species listed pursuant to 16 USC 1533(c). Copies of this list may be obtained from the Division of Marine Fisheries, PO Box 769, 3441 Arendell St., Morehead City, North Carolina 28557-0769.

(c) It is unlawful to use any commercial fishing equipment in the sea turtle sanctuary located in the Atlantic Ocean adjacent to Onslow County as described in 15A NCAC 3R .0101 from June 1 through August 31, except that the Fisheries Director may, by proclamation, modify the sanctuary within the described area and vary implementation between specified dates for the protection of the sea turtle population.

History Note: Authority G.S. 113-132; 113-134; 113-138; 113-181; 113-182; 113-224; 143B-289.4;
Eff. January 1, 1991;
Recodified from 15A NCAC 3I .0007 Eff. December 17, 1996;
Amended Eff. May 1, 1997.

.0110 MILITARY PROHIBITED AND RESTRICTED AREAS

(a) Pursuant to Title 33 United States Code Section 3, the United States Army Corps of Engineers has adopted regulations which restrict access to and activities within certain areas of coastal and inland fishing waters. Federal Rules codified at 33 CFR 334.410 through 334.450 designate prohibited and restricted military areas, including locations within North Carolina coastal fishing waters, and specify activities allowed in these areas. The areas described in 33 CFR 334.420 (a) (1) BT-9 Brant Island and 334.420 (b) (1) (i) BT-11 Piney Island are designated as prohibited areas and are closed to navigation by the public at all times. The N. C. Marine Fisheries Commission and Division of Marine Fisheries do not have the authority to provide for fishing access to these two areas. Therefore, these two prohibited areas will be excluded from any rule promulgated by the Marine Fisheries Commission and any proclamation issued by the Fisheries Director which provide fishing access to areas adjacent to these two areas. Access to the military prohibited and restricted areas and enforcement of the federal

rules applicable therein is the sole responsibility of the respective federal military organization listed for each restricted area in the federal regulations.

(b) The designated areas are shown on navigational charts and specifically described in the Coastal Pilot and the Code of Federal Regulations (CFR). The descriptions in 15A NCAC 3R .0102(a) show the general location of each such area, the Federal Regulation specifically describing the areas, the Federal Regulations stating the limitations on access to and use of each such area, and the designated military authority to contact for information about permits or for access to each such area.

History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. March 1, 1994;
Recodified from 15A NCAC 3I .0010 Eff. December 17, 1996;
Amended Eff. May 1, 1997.

.0116 CORAL AND LIVE ROCK

(a) It is unlawful to harvest or possess aboard a vessel coral or live rock as defined in 15A NCAC 3I .0101(24) and (25).

(b) Live rock and coral shall be returned immediately to the waters where taken.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;
Eff. March 1, 1995;
Recodified from 15A NCAC 3I .0016 Eff. December 17, 1996;
Amended Eff. May 1, 1997.

SUBCHAPTER 3J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES

SECTION .0100 - NET RULES, GENERAL

.0104 TRAWL NETS

(a) It is unlawful to use trawl nets for the taking of finfish in internal waters, except that it shall be permissible to take or possess finfish incidental to crab or shrimp trawling in accordance with the following limitations:

- (1) It is unlawful to possess aboard a vessel while using a trawl in internal waters more than 500 pounds of finfish from December 1 through February 28 and 1,000 pounds of finfish from March 1 through November 30.
- (2) The Fisheries Director may, by proclamation, close any area to trawling for specific time periods in order to secure compliance of this Rule.

(b) It is unlawful to use trawl nets:

- (1) In internal coastal waters, between one hour after sunset Friday and one hour before sunset on Sunday;

- (2) For the taking of oysters;
- (3) In Albemarle Sound and its tributaries;
- (4) In the areas described in 15A NCAC 3R .0106;
- (5) From December 1 through February 28 from one hour after sunset to one hour before sunrise in the following areas:
 - (A) In Pungo River north of a line beginning at a point on Wades Point 35° 23' 17" N - 76° 34' 30" W; running 060° (M) to a point on Currituck Point 35° 24' 35" N - 76° 32' 19" W.
 - (B) In Pamlico River west of a line beginning at a point on the south shore near Fulford Point 35° 19' 52" N - 76° 35' 56" W; running 026° (M) through Flashing Red Marker "1" to a point on Wades Point 35° 23' 17" N - 76° 34' 30" W.
 - (C) In Bay River west of a line beginning at a point on Maw Point 35° 09' 02" N - 76° 32' 10" W; running 021° (M) through Flashing Green Marker "1" to a point on Bay Point 35° 11' 01" N - 76° 31' 35" W.
 - (D) In Neuse River west of a line beginning at a point off Cherry Point 34° 56' 17" N - 76° 48' 37" W; running 020° (M) through Flashing Red Marker "9" to a point off Wilkinson Point 34° 57' 58" N - 76° 48' 22" W.
 - (E) In New River all waters upstream of the N.C. Highway 172 Bridge.

(c) Minimum mesh sizes for shrimp and crab trawls are presented in 15A NCAC 3L .0103 and .0202.

(d) The Fisheries Director may, with prior consent of the Marine Fisheries Commission, by proclamation, require finfish excluder devices or codend modifications in trawl nets to reduce the catch of finfish that do not meet size limits or are unmarketable as individual foodfish by reason of size.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;

Eff. February 1, 1991;

Amended Eff. May 1, 1997; March 1, 1994; February 1, 1992.

SECTION .0300 - POTS, DREDGES, AND OTHER FISHING DEVICES

.0301 CRAB, EEL, FISH, AND SHRIMP POTS

(a) It is unlawful to use pots except during time periods and in areas specified herein:

- (1) From November 1 through April 30, except that all pots, except fish pots upstream of U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle and Eastmost Rivers to the Highway 258 Bridge, shall be removed from internal waters from January 24 through February 7. The Fisheries Director may, by proclamation, reopen various

waters to the use of pots after January 28 if it is determined that such waters are free of pots.

- (2) From May 1 through October 31, north and east of the Highway 58 Bridge at Emerald Isle:
 - (A) In areas described in 15A NCAC 3R .0107(a);
 - (B) To allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director may, by proclamation, specify time periods for or designate the areas described in 15A NCAC 3R .0107(b) or any part thereof, for the use of pots.
- (3) From May 1 through October 31 in the Atlantic Ocean and west and south of the Highway 58 Bridge at Emerald Isle in areas and during time periods designated by the Fisheries Director by proclamation.
 - (b) It is unlawful to use pots in any navigation channel maintained and marked by State or Federal agencies.
 - (c) It is unlawful to use pots unless each pot is marked by attaching a floating buoy which shall be of solid foam or other solid buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow. The owner shall always be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. Such identification shall include one of the following:
 - (1) owner's N.C. motorboat registration number; or
 - (2) owner's U.S. vessel documentation name; or
 - (3) owner's last name and initials.
 - (d) Pots attached to shore or a pier shall be exempt from (a)(2), (a)(3), and (c) of this Rule.
 - (e) It is unlawful to use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-eighths inch bar.
 - (f) It is unlawful to use eel pots with mesh sizes smaller than one inch by one-half inch unless such pots contain an escape panel that is at least four inches square with a mesh size of 1" x ½" located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots, except that not more than two eel pots per fishing operation with a mesh of any size may be used to take eels for bait.
 - (g) It is unlawful to use crab pots in coastal waters unless each pot contains no less than two unobstructed escape rings that are at least 2 5/16 inches inside diameter and located in the opposite outside panels of the upper chamber of the pot. Peeler pots with a mesh size less than 1 ½ inches shall be exempt from the escape ring requirement. The Fisheries Director may, by proclamation, exempt the escape ring requirement in order to allow the harvest of peeler crabs or mature female crabs and may impose any or all of the following restrictions:
 - (1) Specify areas, and
 - (2) Specify time.
 - (h) It is unlawful to use more than 150 pots per vessel in Newport River.
 - (i) It is unlawful to remove crab pots from the water or

remove crabs from crab pots between one hour after sunset and one hour before sunrise.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. May 1, 1997; March 1, 1996; March 1, 1994;
October 1, 1992; September 1, 1991.

SUBCHAPTER 3K - OYSTERS, CLAMS, SCALLOPS AND MUSSELS

SECTION .0100 - SHELLFISH, GENERAL

.0105 NON-COMMERCIAL HARVEST OF CRABS AND SHELLFISH

(a) It is unlawful for individuals claiming exemption from the crab license required by G.S. 113-153.1 or the shellfish license required by G.S. 113-154, by reason of non-commercial use, to take more than:

- (1) One bushel of oysters per person per day, not to exceed two bushels per vessel per day;
- (2) One hundred clams per person per day, not to exceed two hundred clams per vessel per day;
- (3) One-half bushel of scallops per person per day, not to exceed one bushel per vessel per day;
- (4) Fifty blue crabs per person per day not to exceed one hundred blue crabs per vessel per day;
- (5) Ten conchs per person per day not to exceed twenty conchs per vessel per day;
- (6) One hundred mussels per person per day not to exceed two hundred mussels per vessel per day.

(b) It is unlawful to take crabs or shellfish by mechanical means without having first procured an individual crab license or shellfish license and a vessel license. A vessel license, as required by G.S. 113-152 for the use of other commercial fishing equipment as defined in 15A NCAC 3I .0101(b)(1) is not required for the non-commercial harvest of shellfish in accordance with limits in Paragraph (a) of this Rule.

(c) It is unlawful to take oysters or clams on Sundays and scallops on Saturdays and Sundays except:

- (1) during open seasons, and
- (2) in accordance with limits outlined in Paragraph (a) of this Rule with or without license.

(d) Unlicensed individuals taking crabs pursuant to G.S. 113-153.1(d) or taking shellfish pursuant to G.S. 113-154 (c1) shall be exempt from the limits established in Paragraphs (a) and (b) of this Rule.

History Note: Filed as a Temporary Amendment Eff. October 9, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Authority G.S. 113-134; 113-152; 113-154; 113-182; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. May 1, 1997; March 1, 1996; March 1, 1994;

February 1, 1992; September 1, 1991.

SECTION .0200 - OYSTERS

.0204 DREDGES/MECHANICAL METHODS PROHIBITED

It is unlawful to use any dredge or other mechanical method to take oysters:

- (1) In Pamlico Sound within the area described in 15A NCAC 3R .0108(a).
- (2) In Core Sound and its tributaries within the area described in 15A NCAC 3R .0108(b).
- (3) On any posted bottoms upon which oysters or shells have been planted by the state, unless such bottoms have been opened to the public and dredging permitted.
- (4) In any of the areas and their tributaries designated in 15A NCAC 3R .0108(c).

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. May 1, 1997.

SECTION .0300 - HARD CLAMS (MERCENARIA)

.0304 PROHIBITED TAKING

(a) It is unlawful to take clams by any method, other than by hand tongs, hand rakes, or by hand, except as provided in 15A NCAC 3K .0302 and .0303. Regardless of the areas which may be opened, it is unlawful to take clams by any method:

- (1) other than hand tongs, hand rakes as described in 15A NCAC 3K .0102, or by hand in any live oyster bed, or
- (2) by hand rakes as described in 15A NCAC 3K .0102, or by hand in any established bed of submerged aquatic vegetation as defined in 15A NCAC 3I .0101 or salt water cordgrass (*Spartina alterniflora*) that may exist together or separately.

(b) It is unlawful to possess clam trawls or cages aboard a vessel at any time, or have kick/deflector plates normally used in the mechanical harvest of clams affixed to a vessel at any time, except during the time period specified for a mechanical clam harvest season in internal waters in accordance with 15A NCAC 3K .0302(a). A period of 14 days before and after the season as specified will be allowed for the installation and removal of kick/deflector plates and clam trawls or cages. Vessels with permits for activities provided for in 15A NCAC 3K .0104, .0107, .0303(a), and .0401 shall be exempt from this Rule during the times such activities are permitted.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. May 1, 1997; July 1, 1993.

**SUBCHAPTER 3L - SHRIMP, CRABS,
AND LOBSTER**

SECTION .0200 - CRABS

.0203 CRAB DREDGING

- (a) It is unlawful to take crabs with dredges except:
- (1) From January 1 through March 1 in the area of Pamlico Sound described in 15A NCAC 3R .0109.
 - (2) Crabs may be taken incidental to lawful oyster dredging operations provided the weight of the crabs shall not exceed:
 - (A) 50 percent of the total weight of the combined oyster and crab catch; or
 - (B) 500 pounds, whichever is less.
- (b) It is unlawful to take crabs with dredges between sunset and sunrise and between sunset on any Saturday and sunrise on the following Monday, except in the Atlantic Ocean.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. May 1, 1997.

.0205 CRAB SPAWNING SANCTUARIES

- (a) It is unlawful to use a trawl net or take crabs with the use of commercial fishing equipment from the crab spawning sanctuaries described in 15A NCAC 3R .0110 from March 1 through August 31.
- (b) From September 1 through February 28, the Fisheries Director may, by proclamation, close the crab spawning sanctuaries and may impose any or all of the following restrictions:

- (1) Specify number of days;
- (2) Specify areas;
- (3) Specify means and methods which may be employed in the taking;
- (4) Specify time period;
- (5) Limit the quantity.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. May 1, 1997.

SUBCHAPTER 3M - FINFISH

**SECTION .0400 - MENHADEN AND
ATLANTIC THREAD HERRING**

.0401 SEASON AND AREAS

- (a) It is unlawful to take menhaden or Atlantic thread herring with a purse seine in violation of any of the following limitations:

- (1) In the Atlantic Ocean within an area described in 15A NCAC 3R .0111.
- (2) Between January 16 and May 14 in internal waters

- and in the Atlantic Ocean within one mile of shore.
 - (3) Between January 16 and March 31 in Core Sound.
 - (4) In internal waters except in:
 - (A) Pamlico Sound,
 - (B) Pamlico River east of a line from Wades Point to Intracoastal Waterway Marker No. 1 at the mouth of Goose Creek,
 - (C) Neuse River east of a line from Wilkinson Point to Cherry Point,
 - (D) Adams Creek,
 - (E) Core Sound and its tributaries,
 - (F) Back Sound, the Straits, and North River,
 - (G) Newport River,
 - (H) North River,
 - (I) Newport River, and
 - (J) Bogue Sound.
 - (5) The Fisheries Director may, by proclamation, open the Atlantic Ocean within one mile of shore and the internal waters specified in Subparagraph (4) of this Rule between April 1 and May 14, and may impose any or all of the following restrictions:
 - (A) Specify means and methods by area which may be employed in the taking;
 - (B) Limit the quantity; and
 - (C) Require submission of statistical and biological data.
- (b) Menhaden and Atlantic thread herring may be taken at any time with a purse seine from beyond one mile of shore in the Atlantic Ocean and transported to port except as prohibited in 15A NCAC 3M .0403.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. May 1, 1997.

SUBCHAPTER 3N - NURSERY AREAS

.0103 MAPS AND MARKING

- (a) Maps or charts showing all primary and secondary nursery areas identified in 15A NCAC 3R .0103, .0104, and .0105 are available for inspection at the Division of Marine Fisheries' Office, Morehead City.

- (b) The Division of Marine Fisheries shall mark the downstream boundary of each primary and secondary nursery area with signs insofar as may be practicable. No unauthorized removal or relocation of any such marker or sign shall have the effect of changing the classification of any body of water or portion thereof, nor shall any such unauthorized removal or relocation or the absence of any marker or sign affect the applicability of any rule pertaining to any such body of water or portion thereof. Where there is conflict between markers and charts, charts shall prevail.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;

Eff. January 1, 1991;

*Amended Eff. September 1, 1991;
Recodified from 15A NCAC 3N .0003 Eff. May 1, 1997;
Amended Eff. May 1, 1997.*

.0104 PROHIBITED GEAR, PRIMARY NURSERY AREAS

It is unlawful to use any trawl net, long haul seine, swipe net, dredge, or mechanical method for clams or oysters for the purpose of taking any marine fishes in any of the primary nursery areas described in 15A NCAC 3R .0103.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. September 1, 1991;
Recodified from 15A NCAC 3N .0004 Eff. May 1, 1997;
Amended Eff. May 1, 1997.*

.0105 PROHIBITED GEAR, SECONDARY NURSERY AREAS

(a) It is unlawful to use trawl nets for any purpose in any of the permanent secondary nursery areas described in 15A NCAC 3R .0104.

(b) It is unlawful to use trawl nets for any purpose in any of the special secondary nursery areas described in 15A NCAC 3R .0105, except that the Fisheries Director, may, by proclamation, open any or all of the special secondary nursery areas, or any portion thereof, listed in 15A NCAC 3R .0105 to shrimp or crab trawling from August 16 through May 14 subject to the provisions of 15A NCAC 3L .0100 and .0200.

(c) Permanent and special secondary nursery areas described in 15A NCAC 3R .0104 and .0105 generally pertain to those areas located between the described line and the primary nursery area lines or Inland-Coastal boundary lines where applicable.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. September 1, 1991;
Recodified from 15A NCAC 3N .0005 Eff. May 1, 1997;
Amended Eff. May 1, 1997.*

**SUBCHAPTER 30 - LICENSES, LEASES,
AND FRANCHISES**

**SECTION .0200 - LEASES AND
FRANCHISES**

.0201 STANDARDS FOR SHELLFISH BOTTOM AND WATER COLUMN LEASES

(a) All areas of the public bottoms underlying coastal fishing waters shall:

- (1) Meet the following standards in addition to the standards in G.S. 113-202 in order to be deemed suitable for leasing for shellfish purposes:

- (A) The lease area must not contain a natural shellfish bed which is defined as 10 bushels or more of shellfish per acre.
- (B) The lease area must not be closer than 100 feet to a developed shoreline. In an area bordered by undeveloped shoreline, no minimum setback is required. When the area to be leased borders the applicant's property or borders the property of riparian owners who have consented in a notarized statement, the Secretary may reduce the distance from shore required by this Rule.
- (C) Unless the applicant can affirmatively establish a necessity for greater acreage through the management plan that is attached to the application and other evidence submitted to the Secretary, the lease area shall not be less than one-half acre and shall not exceed:
 - (i) 10 acres for oyster culture;
 - (ii) 5 acres for clam culture; or
 - (iii) 5 acres for any other species.

This Subparagraph shall not be applied to reduce any holdings as of July 1, 1983.

- (2) Produce and market 25 bushels of shellfish per acre per year to meet the minimum commercial production requirement or plant 25 bushels of cultch or seed shellfish per acre per year to meet commercial production by planting effort. Planting effort shall be considered in lieu of commercial production for five consecutive years beginning March 1, 1994, or for the first five consecutive years for any lease granted after March 1, 1994.
- (A) Only shellfish planted, produced or marketed according to the definitions in 15A NCAC 3I .0101 (26), (27) and (28) shall be submitted on production/utilization forms for shellfish leases and franchises.
- (B) If more than one shellfish lease or franchise is used in the production of shellfish, one of the leases or franchises used in the production of the shellfish must be designated as the producing lease or franchise for those shellfish. Each bushel of shellfish may be produced by only one shellfish lease or franchise. Shellfish transplanted between leases or franchises may be credited as planting effort on only one lease or franchise.
- (C) Production and marketing information and planting effort information are compiled and averaged separately to assess compliance with the standards. The lease or franchise must meet either the production requirement or the planting effort requirement within the dates set forth to be judged in compliance

with these standards.

- (D) In determining production and marketing averages and planting effort averages for information not reported in bushel measurements, the following conversion factors shall be used:

- (i) 300 oysters, 400 clams, or 400 scallops equal one bushel;
- (ii) 40 pounds of scallop shell, 60 pounds of oyster shell, 75 pounds of clam shell and 90 pounds of fossil stone equal one bushel.

- (E) In the event that a portion of an existing lease or franchise is obtained by a new owner, the production history for the portion obtained shall be a percentage of the originating lease or franchise production equal to the percentage of the area of lease or franchise site obtained to the area of the originating lease or franchise.

- (F) All bushel measurements shall be in U.S. Standard Bushels.

(b) Water columns superjacent to leased bottoms shall meet the standards in G.S. 113-202.1 in order to be deemed suitable for leasing for aquaculture purposes.

(c) Water columns superjacent to duly recognized perpetual franchises shall meet the standards in G.S. 113-202.2 in order to be deemed suitable for leasing for aquaculture purposes.

(d) Water column leases must produce and market 100 bushels of shellfish per acre per year to meet the minimum commercial production requirement or plant 100 bushels of cultch or seed shellfish per acre per year as determined by Division biologists to meet commercial production by planting effort. Planting effort shall be considered in lieu of commercial production for five consecutive years beginning March 1, 1994, or for the first five consecutive years for any lease granted after March 1, 1994. The rules for determining production and marketing averages and planting effort averages shall be the same for water column leases as for bottom leases and franchises set forth in Paragraph (a) of this Rule.

History Note: Authority G.S. 113-134; 113-201; 113-202; 113-202.1; 113-202.2; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. May 1, 1997; March 1, 1995; March 1, 1994; September 1, 1991.

.0202 SHELLFISH BOTTOM AND WATER COLUMN LEASE APPLICATIONS

(a) Application forms are available from the Division's office headquarters referenced in 15A NCAC 3H .0101 for persons desiring to apply for shellfish bottom and water column leases. Each application must be accompanied by a map or diagram prepared at the applicant's expense and must meet the information requirements contained in the application including an inset vicinity map showing the

location of the proposed lease with detail sufficient to permit on-site identification and location.

(b) As a part of the application, the applicant must submit a management plan for the area to be leased on a form provided by the Division which meets the following standards:

- (1) States the methods through which the applicant will cultivate and produce shellfish consistent with the minimum requirement in 15A NCAC 3O .0201;
- (2) States the time intervals during which various phases of the cultivation and production plan will be achieved;
- (3) States the materials and techniques that will be utilized in management of the lease;
- (4) Forecasts the results expected to be achieved by the management activities; and
- (5) Describes the productivity of any other leases or franchises held by the applicant.

(c) The completed application, map or diagram, and management plan for the requested lease shall not be accepted by the Division unless accompanied by a non-refundable filing fee of one hundred dollars (\$100.00). An incomplete application shall be returned and not considered further until re-submitted complete with all required information.

(d) Immediately after an application is deemed to have met all requirements and is accepted by the Division, the applicant must identify the area for which a lease is requested with stakes at each corner in accordance with 15A NCAC 3O .0204(a)(1)(A). The applicant shall firmly attach to each stake a sign, provided by the Division containing the name of the applicant, the date the application was filed, and the estimated acres.

History Note: Authority G.S. 113-134; 113-201; 113-202; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. May 1, 1997; September 1, 1991.

.0205 LEASE RENEWAL

(a) Lease renewal applications shall be provided to lessees as follows:

- (1) For shellfish bottom leases, renewal applications shall be provided in January of the year of expiration.
- (2) For water column leases, renewal applications shall be provided at least 90 days prior to expiration dates.

(b) Lease renewal applications shall be accompanied by management plans meeting the requirements of 15A NCAC 3O .0202(b). A filing fee of fifty dollars (\$50.00) shall accompany each renewal application for shellfish bottom leases.

(c) A survey for renewal leases shall be required at the applicant's expense when the Division determines that the area leased to the renewal applicant is inconsistent with the survey on file.

(d) When it is determined, after due notice to the lessee,

and after opportunity for the lessee to be heard, that the lessee has not complied with the requirements of this Section or that the lease as issued is inconsistent with this Section, the Secretary may decline to renew, at the end of the current terms, any shellfish bottom or water column lease. The lessee may appeal the Secretary's decision by initiating a contested case as outlined in 15A NCAC 3P .0102.

(e) Pursuant to G.S. 113-202(a)(6), the Secretary is not authorized to recommend approval of renewal of a shellfish lease in an area closed to shellfishing by reason of pollution. Shellfish leases partially closed due to pollution must be amended to exclude the area closed to shellfishing prior to renewal. For purposes of lease renewal determinations, an area shall be considered closed to shellfish harvest by reason of pollution when the area has been classified by the State Health Director as prohibited or has been closed for more than 50 percent of the days during the final four years prior to renewal except shellfish leases in areas which have been closed for more than 50 percent of the days during the final four years prior to renewal and continue to meet established production requirements by sale of shellfish through relay periods or other depuration methods shall not be considered closed due to pollution for renewal purposes.

(f) If the Secretary declines to renew a lease that has been determined to be inconsistent with the standards of this Section, the Secretary, with the agreement of the lessee, may issue a renewal lease for all or part of the area previously leased to the lessee that contains conditions necessary to conform the renewal lease to the minimum requirements of this Section for new leases.

History Note: Authority G.S. 113-134; 113-201; 113-202; 113-202.1; 113-202.2; 143B-289.4; Eff. January 1, 1991; Amended Eff. May 1, 1997; March 1, 1995; March 1, 1994; October 1, 1992; September 1, 1991.

.0208 CANCELLATION

(a) In addition to the grounds established by G.S. 113-202, the Secretary shall begin action to terminate leases and franchises for failure to produce and market shellfish or for failure to maintain a planting effort of cultch or seed shellfish at the following rates:

- (1) For shellfish bottom leases and franchises, 25 bushels per acre per year.
- (2) For water column leases, 100 bushels per acre per year.

These production and marketing rates shall be averaged over the most recent three-year period after January 1 following the second anniversary of initial bottom leases and recognized franchises and throughout the terms of renewal leases. For water column leases, these production and marketing rates shall be averaged over the first five year period for initial leases and over the most recent three year period thereafter. Three year averages for production and marketing rates shall be computed irrespective of changes of ownership of the shellfish lease or franchise.

(b) Action to terminate a shellfish franchise shall begin when there is reason to believe that the patentee, or those claiming under him, have done or omitted an act in violation of the terms and conditions on which the letters patent were granted, or have by any other means forfeited the interest acquired under the same. The Division shall investigate all such rights issued in perpetuity to determine whether the Secretary should request that the Attorney General initiate an action pursuant to G.S. 146-63 to vacate or annul the letters patent granted by the state.

(c) Action to terminate a shellfish lease or franchise shall begin when the Fisheries Director has cause to believe the holder of private shellfish rights has encroached or usurped the legal rights of the public to access public trust resources in navigable waters.

(d) In the event action to terminate a lease is begun, the owner shall be notified by registered mail and given a period of 30 days in which to correct the situation. Petitions to review the Secretary's decision must be filed with the Office of Administrative Hearings as outlined in 15A NCAC 3P .0102.

(e) The Secretary's decision to terminate a lease may be appealed by initiating a contested case as outlined in 15A NCAC 3P .0102.

History Note: Authority G.S. 113-134; 113-201; 113-202; 113-202.1; 113-202.2; 143B-289.4; Eff. January 1, 1991; Amended Eff. May 1, 1997; March 1, 1995; March 1, 1994; October 1, 1992; September 1, 1991.

SUBCHAPTER 3R - DESCRIPTIVE BOUNDARIES

SECTION .0100 - DESCRIPTIVE BOUNDARIES

.0101 SEA TURTLE SANCTUARY

The sea turtle sanctuary referenced in 15A NCAC 3I .0107 is in the Atlantic Ocean adjacent to Onslow County enclosed by a line beginning at the easternmost end of Hammocks Beach (Bear Island) at 34° 38.4' N - 77° 07' W, and running southeastward 1,000 feet offshore toward the Bogue Inlet Bell Buoy (BW "BI"); thence continuing southwest 1,000 feet offshore parallel with the ocean shoreline of Bear Island to a point 34° 37.1' N - 77° 10.1' W where said line intersects the northeastern edge of that restricted zone between Bear and Browns Inlets, designated as part of the Camp Lejeune restricted area; thence seaward along the boundary of this restricted zone to a point 34° 36.7' N - 77° 09.8' W, said point being about 3/4 mile 157° M from the western end of Bear Island; thence from said point southwest across the restricted zone to a point 34° 35.1' N - 77° 13.2' W where said line intersects the southwestern boundary of the restricted zone, thence shoreward with the southwestern boundary of the restricted zone to a point off the mouth of Brown's Inlet 34° 35.6' N - 77° 13.6' W, said point being about 1,000 feet offshore of the western shore of Brown's

Inlet; thence southwest parallel with the ocean shoreline 1,000 feet offshore to a point $34^{\circ} 34.7' \text{ N} - 77^{\circ} 15.1' \text{ W}$, said point being about 1,200 feet 151° M from the northernmost observation tower on Onslow Beach; thence running southeast 151° M to a point $34^{\circ} 34.3' \text{ N} - 77^{\circ} 14.7' \text{ W}$, said point being about 3/4 mile offshore; thence running southwest to the New River Inlet Bell Buoy (BW "NR"); thence from said buoy to the southernmost tip of Onslow Beach $34^{\circ} 31.9' \text{ N} - 77^{\circ} 20.3' \text{ W}$.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. September 1, 1991;

Recodified from 15A NCAC 3R .0001 Eff. December 17, 1996;

Amended Eff. May 1, 1997.

.0102 MILITARY PROHIBITED AND RESTRICTED AREAS

Designated military prohibited and restricted areas referenced in 15A NCAC 31 .0110(b) and used for military training purposes are located as follows:

- (1) Currituck Sound:
 - (a) North Landing River; and
 - (b) Northern part of Currituck Sound (See 33 CFR 334.410 (a) (1) and (a) (2); Contact Commander Fleet Air Norfolk);
- (2) Albemarle Sound:
 - (a) Along north shore at the easternmost tip of Harvey Point (See 33 CFR 334.410 (b) (1) and (b) (2); Contact Commander Fleet Air Norfolk); and
 - (b) Along south shore of Albemarle Sound (See 33 CFR 334.410 (b) (1) and (b) (2); Contact Commander Fleet Air Norfolk);
- (3) Pamlico Sound:
 - (a) In the vicinity of Long Shoal (See 33 CFR 334.410 (c); Contact Commander Fleet Air Norfolk);
 - (b) In the vicinity of Brant Island (See 33 CFR 334.420 (a) (1); Contact Commander Marine Corp Air Bases, East, Cherry Point); and
 - (c) In the vicinity of Piney Island including waters of Rattan Bay, Cedar Bay and Turnagain Bay (See 33 CFR 334.420 (b); Contact Commander Marine Corps Air Bases, East, Cherry Point);
- (4) Neuse River and tributaries, that portion of Neuse River within 500 feet of the shore along the reservation of the Marine Corps Air Station, Cherry Point, North Carolina, extending from the mouth of Hancock Creek to a point approximately 6,800 feet west of the mouth of Slocum Creek, and all waters of Hancock and Slocum Creeks and their tributaries within the boundaries of the reservations (See 33 CFR 334.430 (a); contact

Commanding General, United States Marine Corps Air Station, Cherry Point);

- (5) Atlantic Ocean:
 - (a) In the vicinity of Bear Inlet; and
 - (b) East of New River Inlet (See 33 CFR 334.440 (a) and (d); Contact Commanding General, Marine Corps Base, Camp Lejeune);
- (6) Brown's Inlet area between Bear Creek, Onslow Beach Bridge and the Atlantic Ocean (See 33 CFR 334.440 (e); Contact Commanding General, Marine Corps Base, Camp Lejeune);
- (7) New River within eight sections:
 - (a) Trap Bay Sector,
 - (b) Courthouse Bay Sector,
 - (c) Stone Bay Sector,
 - (d) Stone Creek Sector,
 - (e) Grey Point Sector,
 - (f) Farnell Bay Sector,
 - (g) Morgan Bay Sector, and
 - (h) Jacksonville Sector (See 33 CFR 334.440(a); Contact Commanding General, Marine Corps Base, Camp Lejeune);
- (8) Cape Fear River due west of the main ship channel extending from U.S. Coast Guard Buoy No. 31A at the north approach channel to Sunny Point Terminal to U.S. Coast Guard Buoy No. 23A at the south approach channel to Sunny Point Army Terminal and all waters of its tributaries therein (See 33 CFR 334.450 (a); Contact Commander, Sunny Point Area Terminal, Southport).

History Note: Authority G.S. 113-134; 113-181; 113-182; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. March 1, 1994; July 1, 1993; September 1, 1991;

Recodified from 15A NCAC 3R .0002 Eff. December 17, 1996;

Amended Eff. May 1, 1997.

.0103 PRIMARY NURSERY AREAS

The primary nursery areas referenced in 15A NCAC 3N .0104 are delineated in the following coastal water areas:

- (1) In the Roanoke Sound Area:
 - (a) Shallowbag Bay:
 - (i) Dough Creek, northwest of a line beginning at a point on the east shore $35^{\circ} 54' 28'' \text{ N} - 75^{\circ} 40' 00'' \text{ W}$; running 242° (M) to a point on the west shore $35^{\circ} 54' 19'' \text{ N} - 75^{\circ} 40' 09'' \text{ W}$;
 - (ii) Scarborough Creek, all waters south of a line beginning at a point on the east shore $35^{\circ} 54' 00'' \text{ N} - 75^{\circ} 39' 33'' \text{ W}$; running 246° (M) to a point on the west shore $35^{\circ} 53' 59'' \text{ N} - 75^{\circ} 39' 36'' \text{ W}$.

- (b) Broad Creek, north of a line beginning at a point on the east shore 35° 52' 24" N -- 75° 38' 26" W; running 306° (M) to a point on the west shore 35° 52' 22" N -- 75° 38' 30" W.
- (2) In the Northern Pamlico Sound Area:
 - (a) Long Shoal River:
 - (i) Long Shoal River, west of a line beginning at a point on the north shore 35° 38' 00" N -- 75° 52' 57" W; running 208° (M) to a point on the south shore 35° 37' 47" N -- 75° 53' 03" W;
 - (ii) Deep Creek, east of a line beginning at a point on the north shore 35° 37' 50" N -- 75° 52' 14" W; running 204° (M) to a point on the south shore 35° 37' 38" N -- 75° 52' 18" W;
 - (iii) Broad Creek, west of a line beginning at a point on the north shore 35° 35' 58" N -- 75° 53' 42" W; running 209° (M) to a point on the south shore 35° 35' 40" N -- 75° 53' 41" W;
 - (iv) Muddy Creek, east of a line beginning at a point on the north shore 35° 36' 24" N -- 75° 52' 08" W; running 181° (M) to a point on the south shore 35° 36' 15" N -- 75° 52' 10" W;
 - (v) Pains Bay, north of a line beginning at a point on the west shore 35° 35' 26" N -- 75° 49' 12" W; running 097° (M) to a point on the east shore 35° 35' 26" N -- 75° 48' 50" W;
 - (vi) Otter Creek, southwest of a line beginning at a point on the east shore 35° 33' 12" N -- 75° 54' 57" W; running 277° (M) to a point on the west shore 35° 33' 18" N -- 75° 55' 16" W;
 - (vii) Clark Creek, northeast of a line beginning at a point on the north shore 33° 35' 47" N - 75° 51' 29" W; running 158° (M) to a point on the south shore 35° 35' 42" N - 75° 51' 27" W;
 - (b) Far Creek, east of a line beginning at a point on Gibbs Point 35° 30' 06" N -- 75° 57' 46" W; running 007° (M) to a point on the east shore 35° 30' 53" N -- 75° 57' 46" W;
 - (c) Middletown Creek, west of a line beginning at a point on the north shore 35° 28' 27" N -- 75° 59' 49" W; running 097° (M) to a point on the south shore 35° 28' 06" N -- 75° 59' 48" W;
 - (d) Wysocking Bay:
 - (i) Lone Tree Creek, east of a line beginning at a point on the south shore 35° 25' 06" N -- 76° 02' 06" W; running 342° (M) to a point on the north shore 35° 25' 36" N -- 76° 02' 22" W;
 - (ii) Wysocking Bay, north of a line beginning at a point on the east shore 35° 25' 56" N -- 76° 02' 55" W; running 265° (M) to a point on the west shore 35° 25' 47" N -- 76° 03' 42" W;
 - (iii) Douglas Bay, northwest of a line beginning at a point on Mackey Point 35° 25' 15" N -- 76° 03' 15" W; running 229° (M) to a point on the south shore 35° 24' 48" N -- 76° 03' 39" W;
 - (iv) Tributaries west of Brown Island, west of a line beginning at a point on the north shore of Brown Island 35° 24' 12" N -- 76° 04' 29" W; running 007° (M) to a point 35° 24' 23" N -- 76° 04' 30" W; and north of a line beginning at a point on the most southern point of Brown Island 35° 23' 48" N -- 76° 04' 30" W; running 277° (M) to a point on the west shore 35° 23' 36" N -- 76° 04' 54" W;
 - (e) East Bluff Bay, Harbor Creek east of a line beginning at a point on the south shore 35° 21' 25" N - 76° 07' 48" W; running 323° (M) to a point on the north shore 35° 21' 33" N - 76° 07' 55" W;
 - (f) Cunning Harbor tributaries, north of a line beginning at a point on the east shore 35° 20' 42" N - 76° 12' 14" W; running 280° (M) to a point on the west shore 35° 20' 43" N - 76° 12' 38" W;
 - (g) Juniper Bay:
 - (i) Upper Juniper Bay, north of a line beginning at a point on the east shore 35° 23' 09" N - 76° 15' 00" W; running 277° (M) to a point on the west shore 35° 23' 09" N - 76° 15' 12" W;
 - (ii) Rattlesnake Creek, west of a line beginning at a point on the north shore 35° 22' 55" N - 76° 15' 19" W, running 211° (M) to a point on the south shore 35° 22' 50" N - 76° 15' 21" W;
 - (iii) Buck Creek, east of a line beginning at a point on the south shore 35° 21'

- 22° N - 76° 13' 46" W; running 328° (M) to a point on the north shore 35° 21' 29" N - 76° 13' 54" W;
- (iv) Laurel Creek, east of a line beginning at a point on the north shore 35° 20' 38" N - 76° 13' 21" W; running 170° (M) to a point on the south shore 35° 20' 36" N - 76° 13' 22" W;
- (v) Old Haulover, west of a line beginning on the south shore 35° 21' 58" N - 76° 15' 34" W; running 008° (M) to a point on the north shore 35° 22' 04" N - 76° 15' 35" W;
- (h) Swanquarter Bay:
- (i) Upper Swanquarter Bay, north of a line beginning on the east shore and running 270° (M) through Day Marker No. 7 to the west shore;
- (ii) Oyster Creek, east of a line beginning at a point on the north shore 35° 23' 09" N -- 76° 19' 00" W; running 187° (M) to a point on the south shore 35° 22' 59" N -- 76° 18' 56" W;
- (iii) Caffee Bay:
- (A) Unnamed tributary, north of a line beginning at a point on the west shore 35° 22' 09" N - 76° 18' 52" W; running 111° (M) to a point on the east shore 35° 22' 06" N - 76° 18' 45" W;
- (B) Unnamed tributary, north of a line beginning at a point on the east shore 35° 22' 05" N - 76° 18' 12" W; running 288° (M) to a point on the west shore 35° 22' 09" N - 76° 18' 28" W;
- (C) Upper Caffee Bay (Haulover), east of a line beginning at a point on the south shore 35° 21' 42" N - 76° 17' 17" W; running 330° (M) to a point on the north shore 35° 21' 55" N - 76° 17' 25" W.
- (i) Rose Bay:
- (i) Rose Bay, north of a line beginning at a point on Watch Point 35° 26' 52" N -- 76° 25' 02" W; running 272° (M) to Channel Marker No. 6; thence 248° (M) to a point on the west shore 35° 26' 40" N -- 76° 25' 30" W;
- (ii) Island Point Creek, west of a line beginning at a point on the north shore 35° 26' 03" N - 76° 25' 05" W; running 154° (M) to a point on the south shore 35° 25' 55" N - 76° 25' 02" W;
- (iii) Tooley Creek, west of a line beginning on the north shore 35° 25' 30" N -- 76° 25' 34" W; running 187° (M) to a point on the south shore 35° 25' 11" N -- 76° 25' 33" W;
- (iv) Broad Creek, east of a line beginning at a point on the south shore 35° 24' 15" N - 76° 23' 36" W; running 023° (M) to a point 35° 24' 29" N - 76° 23' 24" W;
- (v) Lightwood Snag Bay, west and north of a line beginning at a point on the south shore 35° 23' 54" N - 76° 26' 18" W running 023° (M) to a point 35° 24' 15" N - 76° 26' 10" W; thence 080° (M) to a point 35° 24' 18" N - 76° 25' 57" W;
- (vi) Deep Bay:
- (A) Old Haulover, north of a line beginning at a point on the west shore 35° 23' 12" N - 76° 22' 54" W; running 101° (M) to a point on the east shore 35° 23' 10" N - 76° 22' 45" W;
- (B) Drum Cove (Stinking Creek), south of a line beginning at a point on the west shore 35° 22' 32" N - 76° 24' 44" W; running 122° (M) to a point on the east shore 35° 22' 26" N - 76° 24' 28" W;
- (vii) Eastern tributaries (Cedar Hammock and Long Creek), east of a line beginning at a point on the north shore 35° 24' 53" N - 76° 23' 12" W; running 206° (M) to a point on the south shore 35° 24' 40" N - 76° 23' 18" W;
- (j) Spencer Bay:
- (i) Germantown Bay:
- (A) Ditch Creek, west of a line beginning at a point on the north shore 35° 24' 11" N -- 76° 27' 54" W; running 224° (M) to a point on the south shore 35° 24' 05" N -- 76° 27' 59" W;
- (B) Jenette Creek, west of a line beginning at a point on the north shore 35° 24' 32" N - 76° 27' 35" W; running 204°

- (M) to a point on the south shore $35^{\circ} 24' 24''$ N - $76^{\circ} 27' 40''$ W;
- (C) Headwaters at northeast of a line beginning at a point on the northwest shore $35^{\circ} 24' 50''$ N - $76^{\circ} 27' 17''$ W; running 158° (M) to a point on the southeast shore $35^{\circ} 24' 37''$ N - $76^{\circ} 26' 54''$ W;
- (D) Swan Creek, southeast of a line beginning at a point on the north shore $35^{\circ} 24' 29''$ N - $76^{\circ} 27' 11''$ W; running 234° (M) to a point on the south shore $35^{\circ} 24' 23''$ N - $76^{\circ} 27' 18''$ W;
- (ii) Unnamed western tributary, west of a line beginning at a point on the south shore $35^{\circ} 22' 48''$ N -- $76^{\circ} 28' 19''$ W; running 356° (M) to a point on the north shore $35^{\circ} 22' 59''$ N -- $76^{\circ} 28' 21''$ W;
- (iii) Unnamed tributary, west of a line beginning on the south shore $35^{\circ} 23' 02''$ N - $76^{\circ} 28' 35''$ W; running 016° (M) to a point on the north shore $35^{\circ} 23' 08''$ N - $76^{\circ} 28' 34''$ W;
- (iv) Unnamed tributary, west of a line beginning at a point on the south shore $35^{\circ} 23' 20''$ N - $76^{\circ} 28' 36''$ W; running 306° (M) to a point on the north shore $35^{\circ} 23' 26''$ N - $76^{\circ} 28' 46''$ W;
- (v) Unnamed tributaries, northwest of a line beginning at a point on the north shore $35^{\circ} 23' 45''$ N - $76^{\circ} 28' 36''$ W; running 231° (M) to a point on the south shore $35^{\circ} 23' 30''$ N - $76^{\circ} 28' 48''$ W;
- (vi) Upper Spencer Bay, northwest of a line beginning at a point on the south shore $35^{\circ} 24' 00''$ N - $76^{\circ} 28' 48''$ W; running 028° (M) to a point on the north shore $35^{\circ} 24' 23''$ N - $76^{\circ} 28' 36''$ W;
- (vii) Swan Creek, east of a line beginning at a point on the south shore $35^{\circ} 23' 51''$ N - $76^{\circ} 27' 26''$ W; running 018° (M) to a point on the north shore $35^{\circ} 24' 02''$ N - $76^{\circ} 27' 25''$ W;
- (k) Long Creek, north of a line beginning at a point on the west shore $35^{\circ} 22' 26''$ N - $76^{\circ} 29' 00''$ W; running 119° (M) to a point on the east shore $35^{\circ} 22' 21''$ N - $76^{\circ} 28' 49''$ W;
- (l) Willow Creek, east of a line beginning at a point on the north shore $35^{\circ} 23' 08''$ N - $76^{\circ} 29' 54''$ W; running 137° (M) to a point on the south shore $35^{\circ} 23' 02''$ N - $76^{\circ} 29' 46''$ W;
- (m) Abels Bay, above a line beginning at a point on the west shore $35^{\circ} 24' 06''$ N -- $76^{\circ} 30' 24''$ W; running 132° (M) to a point on the east shore $35^{\circ} 24' 00''$ N -- $76^{\circ} 30' 09''$ W; thence 204° (M) to a point on the south shore $35^{\circ} 23' 42''$ N -- $76^{\circ} 30' 14''$ W;
- (n) Crooked Creek, north of a line beginning at a point on the east shore $35^{\circ} 24' 24''$ N - $76^{\circ} 32' 04''$ W; running 282° (M) to a point on the west shore $35^{\circ} 24' 25''$ N - $76^{\circ} 32' 14''$ W.
- (3) In the Pungo River Area:
- (a) Fortescue Creek:
- (i) Headwaters of Fortescue Creek, southeast of a line beginning at a point on the southwest shore $35^{\circ} 25' 26''$ N -- $76^{\circ} 30' 42''$ W; running 060° (M) to a point on the northeast shore $35^{\circ} 25' 30''$ N -- $76^{\circ} 30' 33''$ W;
- (ii) Warner Creek, north of a line from a point on the east shore $35^{\circ} 26' 18''$ N -- $76^{\circ} 31' 30''$ W; running 262° (M) to a point on the west shore $35^{\circ} 26' 16''$ N -- $76^{\circ} 31' 36''$ W;
- (iii) Island Creek, north of a line beginning at a point on the west shore $35^{\circ} 26' 04''$ N -- $76^{\circ} 32' 22''$ W; running 093° (M) to a point on the east shore $35^{\circ} 26' 06''$ N -- $76^{\circ} 32' 18''$ W;
- (iv) Dixon Creek, south of a line beginning at a point above Lupton Point $35^{\circ} 25' 34''$ N -- $76^{\circ} 31' 54''$ W; running 279° (M) to a point on the west shore $35^{\circ} 25' 35''$ N -- $76^{\circ} 31' 44''$ W;
- (v) Pasture Creek, north of a line beginning at a point on the east shore $35^{\circ} 26' 02''$ N -- $76^{\circ} 31' 50''$ W; running 277° (M) to a point above Pasture Point $35^{\circ} 25' 56''$ N -- $76^{\circ} 31' 55''$ W;
- (vi) Cox, Snell, and Seer Creeks, northeast of a line beginning at a point on the north shore $35^{\circ} 26' 05''$ N -- $76^{\circ} 31' 12''$ W; running 134° (M) to a point on the south shore $35^{\circ} 25' 51''$ N -- $76^{\circ} 30' 53''$ W;
- (vii) Unnamed tributary on the north side of Fortescue Creek northeast of a line

- beginning at a point on the north shore 35° 24' 48" N -- 76° 30' 49" W; running 144° (M) to a point on the south shore 35° 25' 44" N -- 76° 30' 44" W;
- (viii) Runway Creek, northeast of a line beginning at point on the north shore 35° 25' 40" N -- 76° 30' 41" W; running 148° (M) to a point on the south shore 35° 25' 35" N -- 76° 30' 36" W;
- (b) Slade Creek:
- (i) Slade Creek, south of a line beginning at a point above Jones Creek 35° 27' 56" N -- 76° 30' 44" W; running 102° (M) to a point on the north shore 35° 27' 54" N -- 76° 30' 33" W;
- (ii) Jarvis Creek, northeast of a line beginning at a point on the southeastern shore 35° 28' 14" N -- 76° 30' 51" W; running 325° (M) to a point 35° 28' 15" N -- 76° 30' 56" W;
- (iii) Jones Creek, south of a line beginning at a point on the east shore 35° 27' 56" N -- 76° 30' 53" W; running 331° (M) to a point on the west shore 35° 28' 00" N -- 76° 30' 57" W;
- (iv) Becky Creek, north of a line beginning at a point on the east shore 35° 28' 42" N -- 76° 31' 37" W; running 277° (M) to a point on the west shore 35° 28' 42" N -- 76° 31' 40" W;
- (v) Neal Creek, north of a line beginning at a point on the east shore 35° 28' 49" N -- 76° 31' 49" W; running 275° (M) to a point on the west shore 35° 28' 48" N -- 76° 31' 54" W;
- (vi) Wood Creek, north of a line beginning at a point on the east shore 35° 28' 38" N -- 76° 32' 22" W; running 277° (M) to a point on the west shore 35° 28' 38" N -- 76° 32' 30" W;
- (vii) Spellman Creek, north of a line beginning at a point on the east shore 35° 28' 17" N -- 76° 32' 41" W; running 215° (M) to a point on the west shore 35° 28' 14" N -- 76° 32' 43" W;
- (viii) Speer Creek, east of a line beginning at a point on the north shore 35° 27' 58" N -- 76° 32' 24" W; running 207° (M) to a point on the south shore 35° 27' 55" N -- 76° 32' 24" W;
- (ix) Church Creek and Speer Gut, east of a line beginning at a point on the northeast shore 35° 27' 35" N -- 76° 32' 46" W; running 228° (M) to a point on the southwest shore 35° 27' 33" N -- 76° 32' 52" W;
- (x) Allison and Foeman Creek, south of a line beginning at a point on Parmalee Point 35° 27' 15" N -- 76° 33' 07" W; running 286° (M) to a point on the southwest shore 35° 27' 18" N -- 76° 33' 12" W;
- (c) Flax Pond, west of a line beginning at a point on the south shore 35° 31' 53" N - 76° 33' 15" W; running 009° (M) to a point on the north shore 35° 31' 59" N - 76° 33' 13" W;
- (d) Battalina and Tooleys Creeks, northwest of a line beginning at a point on the north shore 35° 32' 22" N - 76° 36' 08" W; running 226° (M) to a point on the south shore 35° 32' 03" N - 76° 36' 22" W;
- (4) In the Pamlico River Area:
- (a) North Creek:
- (i) North Creek, north of a line beginning at a point on the west shore 35° 25' 35" N -- 76° 40' 06" W; running 048° (M) to a point on the east shore 35° 25' 40" N -- 76° 40' 01" W;
- (ii) East Fork:
- (A) Northeast of a line beginning at a point on the northwest shore 35° 25' 47" N -- 76° 39' 18" W; running 144° (M) to a point on the southeast shore 35° 25' 41" N -- 76° 39' 10" W;
- (B) Unnamed tributary of East Fork northwest of a line beginning at a point on the north shore 35° 25' 41" N - 76° 39' 28" W; running 215° (M) to a point on the south shore 35° 25' 37" N - 76° 39' 30" W;
- (iii) Frying Pan Creek, east of a line beginning at a point on Chambers Point 35° 24' 49" N -- 76° 39' 44" W; running 051° (M) to a point on the north shore 35° 24' 57" N -- 76° 39' 37" W;
- (iv) Little East Creek, west of a line beginning at a point on Cousin Point 35° 25' 00" N -- 76° 40' 26" W; running 028° (M) to a point on the

- north shore 35° 25' 08" N -- 76° 40' 22" W;
- (b) Goose Creek:
- (i) Creek north of Bostic Point, west of a line beginning at a point on the north shore 35° 19' 57" N -- 76° 37' 37" W; running 179° (M) to a point on the south shore 35° 19' 54" N -- 76° 37' 34" W;
- (ii) Upper Spring Creek:
- (A) Headwaters of Upper Spring Creek, east of a line beginning at a point on the north shore 35° 16' 23" N - 76° 36' 03" W; running 139° (M) to a point on the south shore 35° 16' 12" N - 76° 36' 01" W;
- (B) Unnamed tributary, north of a line beginning at a point on the west shore 35° 16' 50" N -- 76° 36' 27" W; running 099° (M) to a point on the east shore 35° 16' 50" N -- 76° 36' 24" W;
- (iii) Eastham Creek:
- (A) Slade Landing Creek, south of a line beginning at a point on the west shore 35° 17' 32" N -- 76° 35' 59" W; running 139° (M) to a point on the east shore 35° 17' 29" N -- 76° 35' 54" W;
- (B) Mallard Creek, north of a line beginning at a point on the west shore 35° 17' 49" N -- 76° 36' 09" W; running 122° (M) to a point on the east shore 35° 17' 47" N -- 76° 36' 04" W;
- (iv) Mud Gut, north and east of a line beginning at a point on the south shore 35° 17' 48" N -- 76° 36' 46" W; running 349° (M) to a point on the north shore 35° 17' 52" N -- 76° 36' 48" W;
- (v) Wilkerson Creek, east of a line beginning at a point on the south shore 35° 18' 20" N -- 76° 36' 44" W; running 025° (M) to a point on the north shore 35° 18' 23" N -- 76° 36' 45" W;
- (vi) Dixon Creek, east of a line beginning at a point on the north shore 35° 18' 53" N -- 76° 36' 37" W; running 205° (M) to a point on the south shore 35° 18' 37" N -- 76° 36' 42" W;
- (c) Oyster Creek; Middle Prong:
- (i) Oyster Creek:
- (A) West of a line beginning at a point on the north shore 35° 19' 29" N -- 76° 34' 02" W; running 166° (M) to a point on the south shore 35° 19' 25" N -- 76° 34' 00" W;
- (B) Duck Creek, south of a line beginning at a point on the west shore 35° 19' 06" N -- 76° 33' 18" W; running 055° (M) to a point on the east shore 35° 19' 10" N -- 76° 33' 12" W;
- (ii) James Creek, southwest of a line beginning at a point on the north shore 35° 18' 36" N -- 76° 32' 20" W; running 136° (M) to a point on the southeast shore 35° 18' 28" N -- 76° 32' 05" W;
- (iii) Middle Prong, south of a line beginning at a point on the west shore 35° 17' 56" N -- 76° 31' 58" W; running 141° (M) to a point on the east shore 35° 17' 44" N -- 76° 31' 55" W;
- (iv) Clark Creek:
- (A) Headwaters of Clark Creek, southeast of a line beginning at a point on the southwest shore 35° 18' 06" N -- 76° 31' 12" W; running 056° (M) to a point on the northeast shore 35° 18' 12" N -- 76° 31' 06" W;
- (B) Boat Creek, east of a line beginning at a point of the south shore 35° 18' 24" N - 76° 31' 16" W; running 358° (M) to a point on the north shore 35° 18' 32" N - 76° 31' 18" W;
- (5) In the Western Pamlico Sound Area:
- (a) Mouse Harbor:
- (i) Long Creek, north of a line beginning at a point on the west shore 35° 18' 26" N -- 76° 29' 48" W; running 070° (M) to a point on the east shore 35° 18' 30" N -- 76° 29' 37" W;
- (ii) Small tributary east of Long Creek, northeast of a line beginning at a point on the west shore 35° 18' 31" N -- 76° 29' 13" W; running 137° (M) to a point on the east shore 35° 18' 28" N -- 76° 29' 10" W;

- (iii) Cedar Creek and adjacent tributary, south of a line beginning at a point on the west shore $35^{\circ} 16' 54''$ N -- $76^{\circ} 29' 53''$ W; running 136° (M) to a point on the east shore $35^{\circ} 16' 39''$ N -- $76^{\circ} 29' 31''$ W;
- (b) Big Porpoise Bay, west of a line beginning at a point on the north shore $35^{\circ} 15' 44''$ N -- $76^{\circ} 29' 29''$ W; running 154° (M) to a point on the south shore $35^{\circ} 15' 38''$ N -- $76^{\circ} 29' 19''$ W;
- (c) Middle Bay, west of a line beginning at a point on the south shore $35^{\circ} 14' 22''$ N -- $76^{\circ} 31' 14''$ W; running 055° (M) to a point on the north shore $35^{\circ} 14' 36''$ N -- $76^{\circ} 30' 50''$ W;
Little Oyster Creek, north of a line beginning at a point on the west shore $35^{\circ} 14' 28''$ N -- $76^{\circ} 30' 14''$ W; running 074° (M) to a point on the east shore $35^{\circ} 14' 35''$ N -- $76^{\circ} 29' 59''$ W;
- (d) Jones Bay, west of the IWW:
 - (i) Little Drum Creek/Little Eve Creek, two small tributaries on the south shore at the mouth of Jones Bay, south of a line beginning at a point on the west shore $35^{\circ} 12' 26''$ N - $76^{\circ} 31' 46''$ W; running 104° (M) to a point on the east shore $35^{\circ} 12' 20''$ N - $76^{\circ} 31' 16''$ W;
 - (ii) Ditch Creek, south of a line beginning at a point on the west shore $35^{\circ} 13' 21''$ N -- $76^{\circ} 33' 40''$ W; running 115° (M) to a point on the east shore $35^{\circ} 13' 14''$ N -- $76^{\circ} 33' 14''$ W;
 - (iii) Lambert Creek, west of a line beginning at a point on the south shore $35^{\circ} 13' 48''$ N - $76^{\circ} 34' 18''$ W; running 016° (M) to a point on the north shore $35^{\circ} 13' 53''$ N - $76^{\circ} 34' 20''$ W;
 - (iv) Headwaters of Jones Bay, (west of the IWW), west of a line beginning at a point on the south shore $35^{\circ} 14' 23''$ N -- $76^{\circ} 35' 27''$ W; running 009° (M) to a point on the north shore at $35^{\circ} 14' 29''$ N -- $76^{\circ} 35' 26''$ W;
 - (v) Bills Creek, north of a line beginning at a point on the west shore $35^{\circ} 14' 29''$ N - $76^{\circ} 34' 47''$ W; running 150° (M) to a point on the east shore $35^{\circ} 14' 26''$ N - $76^{\circ} 34' 43''$ W;
 - (vi) Doll Creek, north of a line beginning at a point on the west shore $35^{\circ} 14' 20''$ N -- $76^{\circ} 34' 14''$ W; running 129° (M) to a point on the east shore $35^{\circ} 14' 15''$ N -- $76^{\circ} 34' 04''$ W;
- (vii) Drum Creek, north of a line beginning at a point on the west shore $35^{\circ} 14' 10''$ N -- $76^{\circ} 33' 17''$ W; running 116° (M) to a point on the east shore $35^{\circ} 14' 08''$ N -- $76^{\circ} 33' 05''$ W.
- (6) In the Bay River Area:
 - (a) Mason Creek, southeast of a line beginning at a point on the southwest shore $35^{\circ} 08' 08''$ N -- $76^{\circ} 41' 42''$ W; running 041° (M) to a point on the east shore $35^{\circ} 08' 16''$ N -- $76^{\circ} 41' 32''$ W;
 - (b) Moore Creek, southeast of a line beginning at a point on the southwest shore $35^{\circ} 08' 52''$ N -- $76^{\circ} 40' 18''$ W; running 032° (M) to a point on the north shore $35^{\circ} 08' 57''$ N -- $76^{\circ} 40' 13''$ W;
 - (c) Small tributaries from Bell Point to Ball Creek:
 - (i) Tributary west of Bell Point south of a line beginning at a point on the west shore $35^{\circ} 09' 57''$ N - $76^{\circ} 39' 25''$ W; running 082° (M) to a point on the east shore $35^{\circ} 10' 00''$ N -- $76^{\circ} 39' 21''$ W;
 - (ii) Little Pasture Creek, south of a line beginning at a point on the west shore $35^{\circ} 09' 52''$ N - $76^{\circ} 39' 10''$ W; running 139° (M) to a point on the east shore $35^{\circ} 09' 49''$ N -- $76^{\circ} 39' 06''$ W;
 - (iii) Rice Creek, south of a line beginning at a point on the west shore $35^{\circ} 09' 46''$ N - $76^{\circ} 38' 59''$ W; running 122° (M) to a point on the east shore $35^{\circ} 09' 43''$ N -- $76^{\circ} 38' 53''$ W;
 - (d) Ball Creek-Cabin Creek, south of a line beginning at a point on the west shore $35^{\circ} 09' 39''$ N -- $76^{\circ} 38' 01''$ W; running 116° (M) to a point on the east shore $35^{\circ} 09' 32''$ N -- $76^{\circ} 37' 37''$ W;
 - (e) Bonner Bay:
 - (i) Riggs Creek, west of a line beginning at a point on the north shore $35^{\circ} 09' 24''$ N -- $76^{\circ} 36' 15''$ W; running 156° (M) to a point on the south shore $35^{\circ} 09' 13''$ N -- $76^{\circ} 36' 07''$ W;
 - (ii) Spring Creek, west of a line beginning at a point on the north shore $35^{\circ} 08' 29''$ N -- $76^{\circ} 36' 12''$ W; running 165° (M) to a point on the south shore $35^{\circ} 08' 19''$ N -- $76^{\circ} 36' 06''$ W;
 - (iii) Bryan Creek, south of a line beginning at a point on the west shore $35^{\circ} 08' 22''$ N -- $76^{\circ} 35' 53''$

- W; running 069° (M) to a point on the east shore 35° 08' 25" N -- 76° 35' 43" W;
- (iv) Dipping Vat Creek, east of a line beginning at a point on the north shore 35° 09' 17" N -- 76° 34' 21" W; running 164° (M) to a point on the south shore 35° 09' 09" N -- 76° 34' 18" W;
- (v) Long Creek, south of a line beginning at a point on the west shore 35° 08' 12" N -- 76° 34' 38" W; running 098° (M) to a point on the east shore 35° 08' 12" N -- 76° 34' 30" W;
- (vi) Small tributary off Long Creek, west of a line beginning at a point on the north shore 35° 08' 30" N -- 76° 34' 42" W; running 164° (M) to a point on the south shore 35° 08' 24" N -- 76° 34' 38" W;
- (f) Rock Hole Bay, northeast of a line beginning at a point on the west shore 35° 11' 39" N -- 76° 32' 36" W; running 150° (M) to a point on the east shore 35° 11' 14" N -- 76° 32' 13" W;
- (g) Dump Creek, north of a line beginning at a point on the west shore 35° 11' 42" N -- 76° 33' 27" W; running 057° (M) to a point on the east shore 35° 11' 48" N -- 76° 33' 20" W;
- (h) Tributaries east of IWW at Gales Creek:
 - (i) Raccoon Creek, east of a line beginning at a point on the north shore 35° 12' 54" N -- 76° 35' 31" W; running 158° (M) to a point on the south shore 35° 12' 39" N -- 76° 35' 20" W;
 - (ii) Ditch Creek, east of a line beginning at a point on the north shore 35° 12' 26" N -- 76° 35' 06" W; running 164° (M) to a point on the south shore 35° 12' 20" N -- 76° 35' 04" W;
 - (iii) Jumpover Creek, west of a line beginning at a point on the north shore 35° 13' 17" N -- 76° 35' 35" W; running 198° (M) to a point on the south shore 35° 13' 07" N -- 76° 35' 38" W;
- (i) Gales Creek and adjacent tributary:
 - (i) Gales Creek, west of a line beginning at a point on the north shore 35° 12' 54" N -- 76° 35' 44" W; running 190° (M) to a point on the south shore 35° 12' 47" N -- 76° 35' 42" W;
 - (ii) Whealton and Tar Creeks, west of a line beginning at a point on the north shore 35° 12' 42" N -- 76° 35' 36" W; running 171° (M) to a point on the south shore 35° 12' 25" N -- 76° 35' 25" W;
- (j) Chadwick Creek and No Jacket Creek, north of a line beginning at a point on the west shore 35° 11' 56" N -- 76° 35' 53" W; running 079° (M) to a point on the east shore 35° 12' 03" N -- 76° 35' 29" W;
- (k) Bear Creek, north of a line beginning at a point on the west shore 35° 11' 35" N -- 76° 36' 22" W; running 037° (M) to a point on the east shore 35° 11' 44" N -- 76° 36' 15" W;
- (l) Little Bear Creek, north of a line beginning at a point on the west shore 35° 11' 06" N -- 76° 36' 20" W; running 045° (M) to a point on the east shore 35° 11' 16" N -- 76° 36' 07" W;
- (m) Tributaries to Bay River from Petty Point to Sanders Point:
 - (i) Oyster Creek, north of a line beginning at a point on the west shore 35° 10' 48" N -- 76° 36' 43" W; running 061° (M) to a point on the east shore 35° 10' 56" N -- 76° 36' 31" W;
 - (ii) Potter Creek, north of a line beginning at a point on the west shore 35° 10' 43" N -- 76° 37' 06" W; running 063° (M) to a point on the east shore 35° 10' 48" N -- 76° 37' 00" W;
 - (iii) Barnes and Gascon Creeks, north of a line beginning at a point on the west shore 35° 10' 36" N -- 76° 37' 19" W; running 066° (M) to a point on the east shore 35° 10' 42" N -- 76° 37' 13" W;
 - (iv) Harris Creek, north of a line beginning at a point on the west shore 35° 10' 33" N -- 76° 37' 34" W; running 064° (M) to a point on the east shore 35° 10' 35" N -- 76° 37' 29" W;
 - (v) Mesic Creek, north of a line beginning at a point on the west shore 35° 10' 29" N -- 76° 37' 58" W; running 076° (M) to a point on the east shore 35° 10' 30" N -- 76° 37' 54" W;
- (n) In Vandemere Creek:
 - (i) Cedar Creek, north of a line beginning at a point on the west shore 35° 11' 12" N -- 76° 39' 36" W;

- W; running 078° (M) to a point on the east shore 35° 11' 13" N - 76° 39' 32" W;
- (ii) Long Creek, east of a line beginning at a point on the north shore 35° 11' 29" N - 76° 38' 48" W; running 177° (M) to a point on the south shore 35° 11' 24" N - 76° 38' 48" W;
- (iii) Little Vandemere Creek, north of a line beginning at a point on the west shore 35° 12' 09" N - 76° 39' 25" W; running 120° (M) to a point on the east shore 35° 12' 06" W - 76° 39' 12" W;
- (o) Smith Creek, north of a line beginning at a point on the west shore 35° 10' 23" N -- 76° 40' 15" W; running 054° (M) to a point on the east shore 35° 10' 27" N -- 76° 40' 13" W;
- (p) Harper Creek, west of a line beginning at a point on the south shore 35° 09' 09" N -- 76° 41' 54" W; running 024° (M) to a point on the north shore 35° 09' 15" N -- 76° 41' 51" W;
- (q) Chapel Creek, north of a line beginning at a point on the west shore 35° 08' 56" N -- 76° 42' 52" W; running 076° (M) to a point on the east shore 35° 08' 58" N -- 76° 42' 48" W;
- (r) Swindell Bay, south of a line beginning at a point on the west shore 35° 08' 14" N -- 76° 42' 58" W; running 135° (M) to a point on the east shore 35° 08' 11" N -- 76° 42' 48" W.
- (7) In the Neuse River Area North Shore:
- (a) Swan Creek, west of a line beginning at a point on the north shore 35° 06' 46" N -- 76° 33' 41" W; running 042° (M) to a point on the south shore 35° 06' 18" N -- 76° 34' 02" W;
- (b) Broad Creek:
- (i) Greens Creek, east of a line beginning at a point on the north shore 35° 06' 05" N -- 76° 35' 28" W; running 154° (M) to a point on the south shore 35° 06' 00" N -- 76° 35' 24" W;
- (ii) Pittman Creek, north of a line beginning at a point on the west shore 35° 05' 48" N -- 76° 36' 10" W; running 068° (M) to a point on the east shore 35° 05' 54" N -- 76° 36' 02" W;
- (iii) Burton Creek, west of a line beginning at a point on the south shore 35° 05' 37" N -- 76° 36' 32" W; running 034° (M) to a point on the north shore 35° 05' 43" N -- 76° 36' 30" W;
- (iv) All tributaries on the north shore of Broad Creek, north of a line beginning at a point on the west shore of the western most tributary 35° 05' 38" N -- 76° 37' 49" W; running 109° (M) to a point on the east shore of the eastern most tributary 35° 05' 27" N -- 76° 36' 47" W;
- (v) Brown Creek, northwest of a line beginning at a point on the southwest shore 35° 05' 30" N -- 76° 37' 51" W; running 032° (M) to a point on the northeast shore 35° 05' 37" N -- 76° 37' 48" W;
- (vi) Broad Creek including Gideon Creek, west of a line beginning at a point on the south shore 35° 05' 18" N -- 76° 37' 49" W; running 013° (M) to a point on the north shore 35° 05' 30" N -- 76° 37' 51" W;
- (vii) Tar Creek, south of a line beginning at a point on the west shore 35° 05' 18" N -- 76° 37' 38" W; running 097° (M) to a point on the east shore 35° 05' 18" N -- 76° 37' 28" W;
- (viii) Tributary east of Tar Creek, south of a line beginning at a point on the west shore 35° 05' 18" N -- 76° 37' 03" W; running 108° (M) to a point on the east shore 35° 05' 17" N -- 76° 36' 49" W;
- (ix) Tributary east of Tar Creek, south of a line beginning at a point on the west shore 35° 05' 15" N -- 76° 36' 46" W; running 114° (M) to a point on the east shore 35° 05' 15" N -- 76° 36' 39" W;
- (x) Parris Creek, south of a line beginning at a point on the west shore 35° 05' 15" N -- 76° 36' 34" W; running 123° (M) to a point on the east shore 35° 05' 12" N -- 76° 36' 27" W;
- (xi) Mill Creek and Cedar Creek, south of a line beginning at a point on the west shore of Mill Creek 35° 05' 26" N -- 76° 36' 02" W; running 109° (M) to a point on the east shore of the eastern tributary 35° 05' 22" N -- 76° 35' 36" W;
- (c) Orchard Creek north of a line beginning at a point on the west shore 35° 03' 21" N -- 76° 38' 26" W; running 061° (M) to a point on the east shore 35° 03' 37" N -- 76° 37' 58" W;

- (d) Pierce Creek, north of a line beginning at a point on the west shore 35° 02' 29" N -- 76° 40' 07" W; running 083° (M) to a point on the east shore 35° 02' 31" N -- 76° 40' 01" W;
- (e) Whittaker Creek, north of a line beginning at a point on the west shore 35° 01' 37" N -- 76° 41' 12" W; running 095° (M) to a point on the east shore 35° 01' 37" N -- 76° 40' 58" W;
- (f) Oriental:
 - (i) Smith and Morris Creek, north of a line beginning at a point on the west shore 35° 02' 15" N -- 76° 42' 19" W; running 096° (M) to a point on the east shore 35° 02' 16" N -- 76° 42' 12" W;
 - (ii) Tributary off Smith Creek west, west of a line beginning at a point on the north shore 35° 02' 10" N -- 76° 42' 19" W; running 186° (M) to a point on the south shore 35° 02' 08" N -- 76° 42' 19" W;
 - (iii) Tributary off Smith Creek, east, east of a line beginning at a point on the south shore 35° 02' 06" N -- 76° 42' 12" W; running 026° (M) to a point on the north shore 35° 02' 08" N -- 76° 42' 11" W;
 - (iv) Creek west of Dewey Point, north of a line beginning at a point on the west shore 35° 01' 34" N -- 76° 42' 35" W; running 049° (M) to a point on the west shore 35° 01' 36" N -- 76° 42' 32" W;
 - (v) Tributary on the south shore of Greens Creek, south of a line beginning at a point on the west shore 35° 01' 25" N -- 76° 42' 49" W; running 115° (M) to a point on the east shore 35° 01' 24" N -- 76° 42' 43" W; Tributary on the south shore of Greens Creek south of a line beginning at a point on the west shore 35° 01' 23" N -- 76° 42' 31" W; running 113° (M) to a point on the east shore 35° 01' 20" N -- 76° 42' 27" W;
 - (vi) Greens Creek, west of a line beginning at a point on the north shore 35° 01' 34" N -- 76° 43' 02" W; running 154° (M) to a point on the south shore 35° 01' 28" N -- 76° 42' 57" W;
 - (vii) Kershaw Creek, north of a line beginning at a point on the west shore 35° 01' 34" N -- 76° 43' 02" W; running 070° (M) to a point on the east shore 35° 01' 38" N -- 76° 42' 53" W;
- (viii) Windmill Point, southwest of a line beginning at a point on the northwest shore 35° 01' 11" N -- 76° 42' 18" W; running 130° (M) to a point on the southeast shore 35° 01' 09" N -- 76° 42' 14" W.
- (g) Dawson Creek:
 - (i) Unnamed eastern tributary of Dawson Creek, east of a line beginning at a point on the north shore 35° 00' 12" N - 76° 45' 19" W; running 155° (M) to a point on the south shore 35° 00' 07" N - 76° 45' 15" W;
 - (ii) Unnamed tributary of Dawson Creek (at mouth), south of a line beginning at a point on the east shore 34° 59' 39" N - 76° 45' 09" W; running 256° (M) to a point on the south shore 34° 59' 38" N - 76° 45' 14" W;
 - (h) Beard Creek tributary, southeast of a line beginning at a point on the north shore 35° 00' 18" N - 76° 51' 54" W; running 214° (M) to a point on the southwest shore 35° 00' 10" N - 76° 52' 00" W.
- (8) In the Neuse River Area South Shore:
 - (a) Clubfoot Creek, south of a line beginning at a point on the west shore 34° 52' 15" N -- 76° 45' 48" W; running 095° (M) to a point on the east shore 34° 52' 15" N -- 76° 45' 36" W;
 - (i) Mitchell Creek, west of a line beginning at a point on the south shore 34° 54' 15" N -- 76° 45' 51" W; running 021° (M) to a point on the north shore 34° 54' 25" N -- 76° 45' 48" W;
 - (ii) Gulden Creek, east of a line beginning at a point on the south shore 34° 54' 04" N -- 76° 45' 31" W; running 032° (M) to a point on the north shore 34° 54' 12" N -- 76° 45' 29" W;
 - (b) Adams Creek:
 - (i) Godfrey Creek, southwest of a line beginning at a point on the northwest shore 34° 57' 18" N -- 76° 41' 08" W; running 151° (M) to a point on the south shore 34° 57' 16" N -- 76° 41' 05" W;
 - (ii) Delamar Creek, southwest of a line beginning at a point on the northwest shore 34° 57' 02" N -- 76° 40' 45" W;

- W; running 138° (M) to a point on the south shore 34° 57' 00" N -- 76° 40' 43" W;
- (iii) Kellum Creek, west of a line beginning at a point on the north shore 34° 55' 28" N -- 76° 39' 52" W; running 160° (M) to a point on the south shore 34° 55' 25" N -- 76° 39' 50" W;
- (iv) Kearney Creek and unnamed tributary north, west of a line beginning at a point on the north shore of the north creek 34° 55' 09" N -- 76° 40' 00" W; running 194° (M) to a point on the south shore of Kearney Creek 34° 54' 58" N -- 76° 40' 01" W;
- (v) Isaac Creek, southeast of a line beginning at a point on the west shore 34° 54' 16" N -- 76° 40' 07" W; running 102° (M) to a point on the east shore 34° 54' 15" N -- 76° 40' 02" W;
- (vi) Back Creek, south of a line beginning at a point on the west shore 34° 54' 33" N -- 76° 39' 43" W; running 059° (M) to a point on the east shore 34° 54' 38" N -- 76° 39' 33" W;
- (vii) Cedar Creek, south of a line beginning at a point on the west shore 34° 55' 45" N -- 76° 38' 38" W; running 095° (M) to a point on the east shore 34° 55' 45" N -- 76° 38' 32" W;
- (viii) Jonaquin Creek, north of a line beginning at a point on the west shore 34° 56' 06" N -- 76° 38' 32" W; running 095° (M) to a point on the east shore 34° 56' 06" N -- 76° 38' 30" W;
- (ix) Dumpling Creek, east of a line beginning at a point on the north shore 34° 56' 54" N -- 76° 39' 33" W; running 142° (M) to a point on the south shore 34° 56' 52" N -- 76° 39' 31" W;
- (x) Sandy Huss Creek, north of a line beginning at a point on the west shore 34° 57' 14" N -- 76° 39' 50" W; running 116° (M) to a point on the east shore 34° 57' 10" N -- 76° 39' 43" W;
- (c) Garbacon Creek, south of a line beginning at a point on the west shore 34° 59' 00" N -- 76° 38' 34" W; running 097° (M) to a point on the east shore 34° 59' 00" N -- 76° 38' 30" W;
- (d) South River:
 - (i) Big Creek, southwest of a line beginning at a point on the northwest shore 34° 56' 55" N - 76° 35' 22" W; running 160° (M) to a point on the southeast shore 35° 56' 49" N - 76° 35' 16" W;
 - (ii) Horton Bay, north of a line beginning at a point on the west shore 34° 59' 08" N - 76° 34' 44" W; running 088° (M) to a point on the west shore 34° 59' 11" N - 76° 34' 30" W;
- (e) Brown Creek, south of a line beginning at a point on the west shore 34° 59' 51" N -- 76° 33' 34" W; running 097° (M) to a point on the east shore 34° 59' 51" N -- 76° 33' 30" W;
- (f) Turnagain Bay:
 - (i) Abraham Bay, west of a line beginning at a point on the north shore 35° 00' 09" N -- 76° 30' 48" W; running 187° (M) to a point on the south shore 34° 59' 50" N -- 76° 30' 44" W;
 - (ii) Broad Creek and adjacent tributary, west of a line from a point on the north shore 34° 59' 11" N -- 76° 30' 26" W; running 151° (M) to a point on the south shore 34° 58' 57" N -- 76° 30' 08" W;
 - (iii) Mulberry Point Creek, Tump Creek and adjacent tributary, east of a line beginning at a point on the north shore 35° 00' 28" N -- 76° 29' 47" W; running 166° (M) to a point on the south shore 34° 59' 40" N -- 76° 29' 23" W;
 - (iv) Deep Gut, east of a line beginning at a point on the north shore 34° 59' 35" N -- 76° 29' 03" W; running 156° (M) to a point on the south shore 34° 59' 28" N -- 76° 28' 58" W;
 - (v) Big Gut, southeast of a line beginning at a point on the north shore 34° 59' 04" N - 76° 28' 44" W; running 219° (M) to a point on the south shore 34° 58' 55" N - 76° 28' 44" W.
- (9) West Bay; Long Bay Area:
 - (a) Fur Creek and Henrys Creek, west of a line beginning at a point on the north shore 34° 56' 33" N -- 76° 27' 42" W; running 156° (M) to a point on the south shore 34° 56' 23" N -- 76° 27' 28" W;
 - (b) Cadduggen Creek, west of a line beginning at a point on the north shore 34° 56' 26" N

- 76° 23' 59" W; running 143° (M) to a point on the south shore 34° 56' 17" N -- 76° 23' 41" W.
- (10) Core Sound Area:
- (a) Cedar Island Bay, northwest of a line beginning at a point on the southwest shore 34° 58' 58" N -- 76° 17' 55" W; running 038° (M) through Beacon No. 6 to a point on the northeast shore 34° 59' 46" N -- 76° 17' 23" W;
 - (b) Lewis Creek, north of a line beginning at a point on the west shore 34° 56' 56" N -- 76° 16' 54" W; running 097° (M) to a point on the east shore 34° 56' 56" N -- 76° 16' 51" W;
 - (c) Thorofare Bay:
 - (i) Tributary off upper Thorofare Bay, southwest of a line beginning at a point on the northwest shore 34° 55' 27" N -- 76° 21' 28" W; running 132° (M) to a point on the southeast shore 34° 55' 22" N -- 76° 21' 16" W;
 - (ii) Barry's Bay, west of a line beginning at a point on the north shore 34° 54' 30" N -- 76° 20' 48" W; running 155° (M) to a point on the south shore 34° 54' 24" N -- 76° 20' 35" W;
 - (d) Nelson Bay:
 - (i) Willis Creek and Fulchers Creek, west of a line beginning at a point on the north shore of Willis Creek 34° 51' 07" N -- 76° 24' 36" W; running 194° (M) to a point on the south shore of Fulchers Creek 34° 50' 09" N -- 76° 24' 51" W;
 - (ii) Lewis Creek, west of a line beginning at a point on the south shore 34° 51' 44" N -- 76° 24' 40" W; running 011° (M) to a point on the north shore 34° 51' 54" N -- 76° 24' 39" W;
 - (e) Cedar Creek between Sea Level and Atlantic, west of a line beginning at a point on the south shore 34° 52' 00" N -- 76° 22' 44" W; running 007° (M) to a point on the north shore 34° 52' 03" N -- 76° 22' 44" W;
 - (f) Oyster Creek, northwest of the Highway 70 bridge;
 - (g) Jarretts Bay Area:
 - (i) Smyrna Creek, northwest of the Highway 70 bridge;
 - (ii) Ditch Cove and adjacent tributary, east of a line beginning at a point on the north shore 34° 48' 00" N - 76° 28' 26" W; running 017° (M) to a point on the south shore 34° 47' 35" N - 76° 28' 30" W;
 - (iii) Broad Creek, north of a line beginning at a point on the west shore 34° 47' 53" N - 76° 29' 18" W; running 081° (M) to a point on the east shore 34° 47' 58" N - 76° 28' 59" W;
 - (iv) Howland Creek, northwest of a line beginning at a point on the southwest shore 34° 47' 21" N - 76° 29' 53" W; running 050° (M) to a point on the northeast shore 34° 47' 26" N - 76° 29' 47" W;
 - (v) Great Creek, southeast of a line beginning at a point on the southwest shore 34° 47' 08" N - 76° 29' 12" W; running 053° (M) to a point on the northeast shore 34° 47' 17" N - 76° 29' 02" W;
 - (vi) Williston Creek, northwest of the Highway 70 bridge;
 - (vii) Wade Creek, northwest of a line beginning at a point on the south shore 34° 46' 10" N -- 76° 30' 22" W; running 042° (M) to a point on the north shore 34° 46' 17" N -- 76° 30' 17" W;
 - (viii) Jump Run, north of a line beginning at a point on the west shore 34° 45' 31" N -- 76° 30' 26" W; running 097° (M) to a point on the west shore 34° 45' 31" N -- 76° 30' 21" W;
 - (ix) Middens Creek, west of a line beginning at a point on the south shore 34° 45' 23" N -- 76° 30' 59" W; running 007° (M) to a point on the north shore 34° 45' 29" N -- 76° 30' 59" W;
 - (x) Tusk Creek, northwest of a line beginning at a point on the southwest shore 34° 44' 37" N -- 76° 30' 47" W; running 033° (M) to a point on the north shore 34° 44' 48" N -- 76° 30' 38" W;
 - (xi) Creek west of Bells Island, west of a line beginning at a point on the north shore 34° 43' 56" N -- 76° 30' 26" W; running 161° (M) to a point on the south shore 34° 43' 46" N -- 76° 30' 23" W.
- (11) Straits, North River, Newport River Area:
- (a) Straits:
 - (i) Sleepy Creek, north of a line beginning at a point on the west

- shore 34° 43' 21" N -- 76° 31' 32" W; running 096° (M) to a point on the east shore 34° 43' 21" N -- 76° 31' 20" W;
- (ii) Whitehurst Creek, north of a line from a point on the west shore 34° 43' 28" N -- 76° 33' 22" W; running 072° (M) to a point on the east shore 34° 43' 33" N -- 76° 33' 13" W;
- (b) North River, north of Highway 70 bridge:
- (i) Ward Creek, north of Highway 70 bridge:
- (A) North Leopard Creek, southeast of a line beginning at a point on the southwest shore 34° 45' 57" N -- 76° 34' 27" W; running 055° (M) to a point on the northeast shore 34° 46' 01" N -- 76° 34' 19" W;
- (B) South Leopard Creek, southeast of a line beginning at a point on the southwest shore 34° 45' 29" N -- 76° 34' 47" W; running 057° (M) to a point on the northeast shore 34° 45' 33" N -- 76° 34' 40" W;
- (ii) Turner Creek (Gibbs Creek), west of a line beginning at a point on the south shore 34° 43' 23" N -- 76° 37' 43" W; running 012° (M) to a point on the north shore 34° 43' 30" N -- 76° 37' 40" W;
- (c) Newport River, west of a line beginning at a point at Lawton Point 34° 45' 41" N - 76° 44' 03" W; running 356° (M) to a point on the north shore 34° 46' 34" N - 76° 44' 18" W;
- (i) Russel Creek, north of a line beginning at a point on the west shore 34° 45' 36" N -- 76° 39' 47" W; running 097° (M) to a point on the east shore 34° 45' 35" N -- 76° 39' 46" W;
- (ii) Ware Creek, northeast of a line beginning at a point on the northwest shore 34° 46' 28" N -- 76° 40' 30" W; running 153° (M) to a point on the southeast shore 34° 46' 23" N -- 76° 40' 27" W;
- (iii) Bell Creek, northeast of a line beginning at a point on the northwest shore 34° 47' 19" N -- 76° 40' 58" W; running 166° (M) to a point on the southeast shore 34° 47' 02" N -- 76° 40' 56" W;
- (iv) Eastman Creek, east of a line beginning at a point on the north shore 34° 47' 57" N -- 76° 41' 04" W; running 184° (M) to a point on the south shore 34° 47' 47" N -- 76° 41' 04" W;
- (v) Oyster Creek, north of a line beginning at a point on the west shore 34° 46' 32" N -- 76° 42' 32" W; running 080° (M) to a point on the east shore 34° 46' 37" N -- 76° 42' 14" W;
- (vi) Harlow Creek, north of a line beginning at a point on the west shore 34° 46' 40" N -- 76° 43' 29" W; running 060° (M) to a point on the northeast shore 34° 46' 49" N -- 76° 43' 19" W;
- (vii) Calico Creek, west of a line beginning at a point on the north shore 34° 43' 42" N -- 76° 43' 11" W; running 208° (M) to a point on the south shore 34° 43' 37" N -- 76° 43' 13" W;
- (viii) Crab Point Bay, northwest of a line beginning at a point on the southwest shore 34° 43' 54" N -- 76° 43' 07" W; running 052° (M) to a point on the northeast shore 34° 44' 01" N -- 76° 43' 00" W.
- (12) Bogue Sound; Bogue Inlet Area:
- (a) Gales Creek, above the Highway 24 bridge;
- (b) Broad Creek, above the Highway 24 bridge;
- (c) Goose Creek, north of a line beginning at a point on the west shore 34° 41' 46" N -- 77° 00' 45" W; running 070° (M) to a point on the east shore 34° 41' 51" N -- 77° 00' 32" W;
- (d) Archer Creek, west of a line beginning at a point on the north shore 34° 40' 27" N -- 77° 00' 47" W; running 186° (M) to a point on the south shore 34° 40' 22" N -- 77° 00' 47" W;
- (e) White Oak River, north of a line beginning at a point on the west shore 34° 45' 27" N -- 77° 07' 39" W; running 095° (M) to a point on the east shore 34° 45' 27" N -- 77° 07' 07" W;
- (i) Pettiford Creek, east of a line beginning at a point on the north shore 34° 42' 51" N -- 77° 05' 24" W; running 175° (M) to a point on the south shore 34° 42' 37" N - 77° 05' 20" W.
- (ii) Holland Mill Creek, west of a line beginning at a point on the north shore 34° 43' 49" N - 77° 08' 02" W; running 184° (M) to a point on

- the south shore 34° 43' 38" N - 77° 08' 02" W.
- (f) Hawkins Creek, north of a line beginning at a point on the west shore 34° 41' 06" N - 77° 07' 44" W; running 085° (M) to a point on the east shore 34° 41' 07" N - 77° 07' 35" W;
- (g) Queen's Creek, north of country road number 1509 bridge:
- (i) Dick's Creek, west of a line beginning at a point on the south shore 34° 39' 55" N -- 77° 09' 21" W; running 338° (M) to a point on the north shore 34° 39' 58" N -- 77° 09' 21" W;
- (ii) Parrot Swamp, west of a line beginning at a point on the south shore 34° 40' 22" N -- 77° 09' 39" W; running 333° (M) to a point on the north shore 34° 40' 36" N -- 77° 09' 48" W;
- (iii) Hall's Creek, east of a line beginning at a point on the south shore 34° 41' 00" N -- 77° 09' 42" W; running 337° (M) to a point on the north shore 34° 41' 06" N -- 77° 09' 44" W;
- (h) Bear Creek, west of Willis Landing.
- (13) New River Area:
- (a) Salliers Bay area, all waters north and northwest of the IWW beginning at a point on Cedar Point 34° 32' 48" N -- 77° 19' 14" W to Beacon No. 58 34° 37' 56" N -- 77° 12' 20" W including Howard Bay, Mile Hammock Bay, Salliers Bay, and Freeman Creek;
- (b) New River Inlet area (including Hellgate Creek and Ward's Channel), all waters south of the IWW from Beacon No. 65 34° 32' 41" N -- 77° 18' 57" W to Beacon No. 15 34° 31' 03" N -- 77° 22' 18" W, excluding the marked New River Inlet Channel;
- (c) New River:
- (i) Trap's Bay, northeast of a line beginning at a point on the east shore 34° 33' 47" N -- 77° 20' 25" W; running 317° (M) to a point on the west shore 34° 34' 07" N -- 77° 20' 59" W;
- (ii) Courthouse Bay:
- (A) Tributary of Courthouse Bay, southeast of a line beginning at a point on Harvey's Point 34° 34' 59" N -- 77° 22' 25" W; running 066° (M) to a point on the east shore 34° 35' 05" N -- 77° 22' 11" W;
- (B) Tributary of Courthouse Bay, northwest of a line beginning at a point on the west shore 34° 35' 02" N -- 77° 22' 40" W; running 057° (M) to a point on the east shore 34° 35' 10" N -- 77° 22' 31" W;
- (C) Rufus Creek, east of a line beginning at a point on Wilken's Bluff 34° 34' 19" N -- 77° 21' 41" W; running 002° (M) to a point on the north shore 34° 34' 27" N -- 77° 21' 41" W;
- (iii) Wheeler Creek, south of a line beginning at a point on Poverty Point 34° 34' 04" N -- 77° 23' 15" W; running 267° (M) to a point on the west shore 34° 34' 03" N -- 77° 23' 26" W;
- (iv) Fannie Creek, west of a line beginning at a point on the south shore 34° 34' 07" N -- 77° 23' 35" W; running 333° (M) to a point on the north shore 34° 34' 08" N -- 77° 23' 40" W;
- (v) Snead's Creek, northwest of a line beginning at a point on the east shore 34° 35' 19" N -- 77° 23' 31" W; running 219° (M) to a point on the west shore 34° 35' 17" N -- 77° 23' 34" W;
- (vi) Everette Creek, south of a line beginning at a point on the east shore 34° 34' 13" N -- 77° 24' 44" W; running 273° (M) to a point on the west shore 34° 34' 12" N -- 77° 24' 49" W;
- (vii) Stone's Creek, southwest of a line beginning at a point on the southeast shore 34° 36' 34" N -- 77° 26' 51" W; running 301° (M) to a point on the northwest shore 34° 36' 37" N -- 77° 26' 52" W;
- (viii) Muddy Creek, north of a line beginning at a point on the west shore 34° 36' 52" N -- 77° 26' 38" W; running 087° (M) to a point on the east shore 34° 36' 52" N -- 77° 26' 37" W;
- (ix) Mill Creek, north of a line beginning at a point on the west shore 34° 37' 11" N -- 77° 25' 47" W; running 109° (M) to a point on the east shore 34° 37' 11" N -- 77° 25' 37" W;
- (x) Whitehurst Creek, west and south of

- a line beginning at a point on the south shore $34^{\circ} 38' 04''$ N -- $77^{\circ} 22' 37''$ W; running 280° (M) to a point on the north shore $34^{\circ} 38' 04''$ N -- $77^{\circ} 22' 38''$ W;
- (xi) Town Creek, west of a line beginning at a point on the south shore $34^{\circ} 39' 34''$ N -- $77^{\circ} 23' 06''$ W; running 007° (M) to a point on the north shore $34^{\circ} 39' 37''$ N -- $77^{\circ} 23' 06''$ W;
- (xii) Lewis Creek, southwest of a line beginning at a point on the southeast shore $34^{\circ} 40' 56''$ N -- $77^{\circ} 24' 56''$ W; running 301° (M) to a point on the northwest shore $34^{\circ} 40' 55''$ N -- $77^{\circ} 24' 58''$ W;
- (xiii) Northeast Creek, east of a line beginning at a point on the south shore $34^{\circ} 43' 23''$ N -- $77^{\circ} 23' 35''$ W; running 316° (M) to a point at the mouth of Scale's Creek $34^{\circ} 43' 46''$ N -- $77^{\circ} 24' 06''$ W;
- (xiv) Southwest Creek, southwest of a line beginning at a point on the east shore $34^{\circ} 41' 30''$ N -- $77^{\circ} 25' 20''$ W; running 328° (M) to a point on the north shore $34^{\circ} 41' 50''$ N -- $77^{\circ} 25' 40''$ W;
- (xv) Upper New River, north of a line beginning at a point on Mumford Point $34^{\circ} 43' 15''$ N -- $77^{\circ} 25' 00''$ W; running 271° (M) through Beacon No. 53 to a point on the west shore $34^{\circ} 43' 14''$ N -- $77^{\circ} 25' 49''$ W;
- (d) Chadwick Bay, all waters between a line beginning at a point on Roses Point $34^{\circ} 32' 12''$ N -- $77^{\circ} 22' 19''$ W; running 075° (M) to Marker No. 6 and the IWW:
- (i) Fullard Creek (including Charles Creek), northwest of a line beginning at a point on the south shore $34^{\circ} 32' 03''$ N -- $77^{\circ} 22' 41''$ W; running 326° (M) to a point on the north shore $34^{\circ} 32' 12''$ N -- $77^{\circ} 22' 50''$ W;
- (ii) Bump's Creek, north of a line beginning at a point on the west shore $34^{\circ} 32' 19''$ N -- $77^{\circ} 22' 29''$ W; running 035° (M) to a point on the east shore $34^{\circ} 32' 28''$ N -- $77^{\circ} 22' 23''$ W.
- (14) Stump Sound Area: Stump Sound, all waters north and south of IWW from Beacon No. 15 $34^{\circ} 31' 03''$ N -- $77^{\circ} 22' 17''$ W; to Marker No. 78 $34^{\circ} 25' 23''$ N -- $77^{\circ} 34' 12''$ W; except 100 feet of either side of the IWW from Beacon No. 49 at Morris Landing to Marker No. 78 at the mouth of Beckys Creek and except the dredged canals at Old Settler's Beach and the dredged channel from the IWW north of Marker No. 57 to the Old Settler's Beach Canals.
- (15) Topsail Sound Area:
- (a) Virginia Creek, all waters northwest of a line beginning on the southwest shore at a point near the mouth $34^{\circ} 24' 48''$ N - $77^{\circ} 35' 38''$ W; running 056° (M) 700 yards to a point $34^{\circ} 25' 02''$ N - $77^{\circ} 35' 19''$ W; thence running 074° (M) 1900 yards and intersecting the nursery area line at Becky's Creek at a point $34^{\circ} 25' 24''$ N - $77^{\circ} 34' 16''$ W, with the exception of the natural channel as marked by the North Carolina Division of Marine Fisheries;
- (b) Old Topsail Creek, all waters northwest of a line beginning at a point on the southwest shore $34^{\circ} 21' 33''$ N - $77^{\circ} 40' 37''$ W; running 065° (M) to a point on the northeast shore $34^{\circ} 21' 43''$ N - $77^{\circ} 40' 14''$ W, with the exception of the dredged channel as marked by the North Carolina Division of Marine Fisheries;
- (c) Topsail Sound, all waters enclosed within a line starting at beacon "BC" $34^{\circ} 24' 35''$ N -- $77^{\circ} 35' 43''$ W; running 174° (M) to a point $34^{\circ} 23' 58''$ N -- $77^{\circ} 35' 33''$ W; running 235° (M) to a point $34^{\circ} 21' 14''$ N -- $77^{\circ} 39' 18''$ W; running 300° (M) to Marker No. 16 $34^{\circ} 21' 32''$ N -- $77^{\circ} 40' 15''$ W; running 056° (M) back to point of origin;
- (d) Mallard Bay Area, all waters northwest of the IWW from Beacon No. 93 $34^{\circ} 23' 54''$ N -- $77^{\circ} 36' 43''$ W; to Beacon No. 96 $34^{\circ} 22' 34''$ N -- $77^{\circ} 38' 48''$ W.
- (16) Middle Sound Area:
- (a) Howard Channel and Long Point Channel area, all waters southeast of the IWW from Beacon No. 98 $34^{\circ} 21' 33''$ N -- $77^{\circ} 40' 32''$ W to a point on the north side of the Figure 8 Island Marina Channel $34^{\circ} 16' 28''$ N -- $77^{\circ} 45' 35''$ W [with the exception of Howard Channel from the IWW to New Topsail Inlet, Green Channel from Marker No. 105 to Rich's Inlet, Butler's Creek (Uteley's Channel) from the IWW, north of Marker No. 112, to Nixon's Channel, and Nixon's Channel from IWW to Rich's Inlet; Tributaries to above named channels shall remain closed.];
- (b) Futch Creek, northwest of a line beginning at a point on the north shore of Porter's Neck $34^{\circ} 18' 00''$ N -- $77^{\circ} 44' 33''$ W; running 064° (M) to a point on Baldeagle Point $34^{\circ} 18' 09''$ N -- $77^{\circ} 44' 22''$ W;

- (c) Page's Creek, northwest of a line beginning at a point on the north shore $34^{\circ} 16' 46''$ N -- $77^{\circ} 46' 42''$ W; running 229° (M) to a point on the south shore $34^{\circ} 16' 38''$ N -- $77^{\circ} 46' 51''$ W;
 - (d) All waters bound on the north by the Figure Eight Island Causeway, on the east by Mason's Channel, on the south by Mason's Inlet Channel and on the west by the Intracoastal Waterway, with the exception of Mason's Channel.
- (17) Greenville Sound Area:
- (a) Shell Island area, all waters east of the IWW from Marker No. 123 $34^{\circ} 14' 52''$ N -- $77^{\circ} 47' 00''$ W to a point on the north shore of Old Moore Inlet Channel $34^{\circ} 13' 56''$ N -- $77^{\circ} 47' 48''$ W;
 - (b) Howe Creek (Moore's Creek), northwest of a line beginning at a point on the south shore $34^{\circ} 14' 42''$ N -- $77^{\circ} 47' 26''$ W; running 030° (M) to a point on the north shore $34^{\circ} 14' 53''$ N -- $77^{\circ} 47' 13''$ W;
 - (c) Bradley Creek, west of Highway 17, 74 and 76 bridge;
 - (d) Wrightsville Beach area, all waters in an area enclosed by a line beginning at a point across the IWW from the mouth of Bradley Creek $34^{\circ} 12' 21''$ N - $77^{\circ} 49' 08''$ W, running 091° (M) to a point (near the Borrow Pit) $34^{\circ} 12' 22''$ N - $77^{\circ} 48' 32''$ W, running 144° (M) to a point $34^{\circ} 11' 56''$ N - $77^{\circ} 48' 19''$ W, running 224° (M) to a point $34^{\circ} 11' 20''$ N - $77^{\circ} 49' 05''$ W; running 306° (M) to a point $34^{\circ} 11' 30''$ N - $77^{\circ} 49' 31''$ W; running 024° (M) back to point of origin.
- (18) Masonboro Sound Area:
- (a) Masonboro--Myrtle Grove Sound area (west side)--all waters west northwest of the IWW beginning at a point at the mouth of Bradley Creek $34^{\circ} 12' 23''$ N -- $77^{\circ} 49' 14''$ W; to Beacon No. 161 $34^{\circ} 03' 32''$ N -- $77^{\circ} 53' 22''$ W;
 - (b) Masonboro--Myrtle Grove Sound area (east side) - all waters south and southeast of a line beginning at a point on the north end of Masonboro Island $34^{\circ} 11' 06''$ N - $77^{\circ} 48' 51''$ W; running 301° (M) to a point near IWW Marker No. 129 $34^{\circ} 11' 22''$ N - $77^{\circ} 49' 36''$ W; thence running along the east side of the IWW to Marker No. 161 $34^{\circ} 03' 32''$ N - $77^{\circ} 53' 22''$ W; (with the exception of Old Masonboro Channel and Carolina Beach Inlet Channel).
- (19) Cape Fear River Area:
- (a) Cape Fear River, all waters north of a line beginning at a point on the east shore $34^{\circ} 10' 25''$ N -- $77^{\circ} 57' 03''$ W; running 275° (M) through Beacon No. 53 to a point on the west shore $34^{\circ} 10' 25''$ N -- $77^{\circ} 57' 46''$ W with the exception of the maintained channel, and all waters north of a line beginning at a point on the east shore $34^{\circ} 04' 38''$ N -- $77^{\circ} 55' 28''$ W; running 275° (M) through Beacon No. 37 to a point on the west shore $34^{\circ} 04' 38''$ N -- $77^{\circ} 56' 31''$ W, with the exception of 300 yards east and west of the main shipping channel up to Beacon No. 53 (mouth of Brunswick River);
 - (b) The Basin (Ft. Fisher area), east of a line beginning at a point on the north shore $33^{\circ} 57' 17''$ N -- $77^{\circ} 56' 08''$ W; running 156° (M) to a point on the south shore $33^{\circ} 57' 04''$ N -- $77^{\circ} 56' 07''$ W;
 - (c) Walden Creek, northwest of county road No. 1528 bridge;
 - (d) Baldhead Island Creeks:
 - (i) Baldhead Creek, southeast of a line beginning at a point on the south shore $33^{\circ} 51' 42''$ N -- $77^{\circ} 59' 10''$ W; running 070° (M) to a point on the north shore $33^{\circ} 52' 07''$ N -- $77^{\circ} 59' 06''$ W;
 - (ii) Cape Creek, southeast of a line beginning at a point on the south shore $33^{\circ} 51' 39''$ N -- $77^{\circ} 58' 28''$ W; running 026° (M) to a point on the north shore $33^{\circ} 52' 05''$ N -- $77^{\circ} 58' 23''$ W;
 - (iii) Bluff Island Creek (East Beach Creek), south of a line beginning at a point on the west shore $33^{\circ} 52' 39''$ N -- $77^{\circ} 58' 11''$ W; running 092° (M) to a point on the east shore $33^{\circ} 52' 40''$ N -- $77^{\circ} 58' 07''$ W;
 - (iv) Deep Creek, south of a line from a point on the southwest shore $33^{\circ} 52' 42''$ N -- $77^{\circ} 58' 05''$ W; running 046° (M) to a point on the northeast shore $33^{\circ} 52' 46''$ N -- $77^{\circ} 58' 01''$ W;
 - (e) Dutchman Creek, north of a line beginning at a point on the east shore $33^{\circ} 55' 07''$ N -- $78^{\circ} 02' 39''$ W; running 294° (M) to a point on the west shore $33^{\circ} 55' 08''$ N -- $78^{\circ} 02' 44''$ W;
 - (f) Denis Creek, west of a line beginning at a point on the south shore $33^{\circ} 55' 00''$ N -- $78^{\circ} 03' 32''$ W; running 006° (M) to a point on the north shore $33^{\circ} 55' 02''$ N -- $78^{\circ} 03' 32''$ W;
 - (g) Piney Point Creek, west of a line beginning at a point on the south shore $33^{\circ} 54' 32''$ N

- 78° 03' 32" W; running 007° (M) to a point on the north shore 33° 54' 37" N -- 78° 03' 31" W;
- (h) Molasses, Coward and Smokehouse Creeks, all waters bound by the IWW and the Elizabeth River on the north and east, the Oak Island Coast Guard canal on the east, Oak Island on the south and the CP and L Discharge canal on the west;
- (i) Oak Island area, all waters north and south of the IWW from Marker No. 9 33° 55' 12" N -- 78° 03' 49" W; to Beacon No. 18 33° 55' 45" N -- 78° 10' 17" W.
- (20) Lockwoods Folly Inlet Area:
- (a) Davis Creek and Davis Canal, east of a line beginning at a point on the north shore 33° 55' 13" N -- 78° 10' 43" W; running 198° (M) to a point on the south shore 33° 54' 59" N -- 78° 10' 43" W;
- (b) Lockwoods Folly River, north of a line beginning at a point on the east shore 33° 56' 35" N -- 78° 12' 47" W; running 268° (M) to a point on the west shore 33° 56' 34" N -- 78° 13' 24" W;
- Spring Creek (Galloway Flats area), all waters northwest of a line beginning at a point on the south shore 33° 55' 31" N -- 78° 13' 48" W; running 040° (M) to a point on the north shore 33° 55' 41" N -- 78° 13' 42" W.
- (21) Shallotte Inlet Area:
- (a) Shallotte River, north of a line beginning at a point on Bill Holden's Landing 33° 55' 52" N -- 78° 22' 07" W; running 024° (M) to a point on Gibbins Point 33° 56' 20" N -- 78° 21' 54" W;
- (b) Shallotte River, excluding Gibbs Creek, north of a line beginning at Long Point 33° 54' 20" N - 78° 21' 42" W; running 312° (M) to a point on Sage Island 33° 54' 37" N - 78° 22' 06" W; east of a line beginning at Sage Island running 026° (M) to a point 33° 55' 06" N - 78° 22' 09" W, and south of a line beginning at the previous point running 081° (M) to a point on the shore 33° 55' 18" N - 78° 21' 35" W;
- (c) Shallotte Creek (Little Shallotte River), east of a line beginning at a point on Shell Landing 33° 55' 44" N -- 78° 21' 40" W; running 159° (M) to a point on Boone's Neck Point 33° 55' 35" N -- 78° 21' 34" W;
- (d) Saucepan Creek, northwest of a line beginning at a point on the east shore (mouth of Old Mill Creek) 33° 54' 56" N -- 78° 23' 28" W; running 182° (M) to a point on the west shore 33° 54' 41" N -- 78° 23' 28" W;
- (e) Old Channel area, all waters south of the IWW from Beacon No. 83 33° 54' 16" N -- 78° 23' 17" W; to Ocean Isle Beach bridge 33° 53' 44" N -- 78° 26' 22" W; except the dredged finger canals at Ocean Isle Beach located on the south side of the IWW between the Ocean Isle Beach Bridge and IWW Marker No. 90.
- (22) Little River Inlet Area:
- (a) Gause Landing area, all waters north of the IWW from Beacon No. 90 33° 53' 53" N -- 78° 25' 37" W to the South Carolina line;
- (b) Eastern Channel Area:
- (i) Needhamhole Creek, north of a line beginning at a point on the east shore 33° 53' 19" N -- 78° 26' 48" W; running 274° (M) to a point on the west shore 33° 53' 19" N -- 78° 26' 51" W;
- (ii) Springbranch Creek, north of a line beginning at a point on the east shore 33° 53' 14" N -- 78° 27' 17" W; running 250° (M) to a point on the west shore 33° 53' 13" N -- 78° 27' 21" W;
- (iii) Goldmine Creek, north of a line beginning at a point on the east shore 33° 53' 13" N -- 78° 27' 33" W; running 260° (M) to a point on the west shore 33° 53' 13" N -- 78° 27' 36" W;
- (iv) Clam Creek, north of a line beginning at a point on the east shore 33° 53' 12" N -- 78° 27' 55" W; running 219° (M) to a point on the west shore 33° 53' 10" N -- 78° 27' 55" W;
- (v) Sol's Creek, all waters north of a line beginning at a point on the east shore 33° 53' 02" N -- 78° 28' 08" W; running 224° (M) to a point on the west shore 33° 53' 00" N -- 78° 28' 12" W; and all waters south of a line beginning at a point on the east shore of Sol's Creek 33° 53' 22" N -- 78° 28' 10" W; running 252° (M) to a point on the west shore 33° 53' 21" N -- 78° 28' 14" W;
- (vi) Horsford Creek, north of a line beginning at a point on the east shore 33° 52' 53" N -- 78° 28' 24" W; running 279° (M) to a point on the west shore 33° 52' 53" N -- 78° 28' 29" W;
- (vii) Still Creek, all waters north of a line beginning at a point on the east shore, 33° 52' 53" N -- 78° 28' 44" W; running 254° (M) to a point on

- the west shore 33° 52' 51" N -- 78° 28' 48" W; and all waters south of a line beginning at a point on the east shore of Still Creek, 33° 53' 15" N -- 78° 29' 02" W; running 270° (M) to a point on the west shore 33° 53' 15" N -- 78° 29' 05" W;
- (viii) Cooter Creek, north of a line beginning at a point on the east shore 33° 52' 52" N -- 78° 29' 46" W; running 288° (M) to a point on the west shore 33° 52' 53" N -- 78° 29' 49" W;
- (c) The Big Narrows Area:
- (i) Big Teague Creek, west of a line beginning at a point on the south shore 33° 52' 46" N -- 78° 29' 59" W; running 343° (M) to a point on the north shore 33° 52' 47" N -- 78° 30' 01" W;
- (ii) Little Teague Creek, west of a line beginning at a point on the south shore 33° 52' 54" N -- 78° 30' 09" W; running 306° (M) to a point on the north shore 33° 52' 54" N -- 78° 30' 10" W;
- (iii) Big Norge Creek, south of a line beginning at a point on the west shore 33° 52' 50" N -- 78° 30' 39" W; running 076° (M) to a point on the east shore 33° 52' 51" N -- 78° 30' 36" W;
- (d) Mad Inlet area, all waters south of the IWW from the Sunset Beach bridge 33° 52' 52" N -- 78° 30' 42" W to the South Carolina line with the exception of Bonaparte Creek;
- (e) Calabash River, east of state road No. 1164 bridge.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. March 1, 1996; September 1, 1991;

Recodified from 15A NCAC 3R .0003 Eff. December 17, 1996;

Amended Eff. May 1, 1997.

.0104 PERMANENT SECONDARY NURSERY AREAS

The permanent secondary nursery areas referenced in 15A NCAC 3N .0105(a) and (c) are delineated in the following coastal water areas:

- (1) In the Pamlico Sound Area:
- (a) Long Shoal River - north of a line beginning at a point on Pains Point 35° 35' 07" N - 75° 51' 25" W, running 282° (M) to a point on the west shore at the 5th

- Avenue Canal 35° 35' 12" N - 75° 53' 16" W;
- (b) Pains Bay - east of a line beginning at a point on the south shore 35° 34' 28" N - 75° 50' 58" W, running 350° (M) to a point on the north shore 35° 35' 04" N - 75° 51' 12" W;
- (c) Wysocking Bay - north and west of a line beginning at Benson Point 35° 22' 58" N - 76° 03' 39" W, running 058° (M) to Long Point 35° 24' 37" N - 76° 01' 19" W;
- (d) Juniper Bay-Cunning Harbor - north of a line beginning at a point on the west shore of Juniper Bay 35° 20' 33" N - 76° 15' 28" W, running 105° (M) to a point 35° 20' 18" N - 76° 13' 20" W thence to a point on the east shore of Cunning Harbor 35° 20' 15" N - 76° 12' 23" W;
- (e) Swanquarter Bay - north of a line beginning at a point at The Narrows 35° 20' 55" N - 76° 20' 39" W, running 080° (M) to a point on the east shore 35° 21' 36" N - 76° 18' 23" W;
- (f) Deep Cove-The Narrows - north and east of a line beginning at a point on the west shore 35° 20' 54" N - 76° 23' 54" W, running 122° (M) to a point on the east shore 35° 20' 33" N - 76° 22' 55" W, and west of a line at The Narrows beginning at a point on the north shore 35° 20' 42" N - 76° 20' 35" W, running 175° (M) to a point on the south shore 35° 20' 55" N - 76° 20' 39" W;
- (g) Rose Bay - north of a line beginning at a point on the west shore 35° 23' 17" N - 76° 26' 10" W, running 144° (M) to a point on Judith Island 35° 22' 29" N - 76° 25' 15" W;
- (h) Spencer Bay - west and north of a line beginning at a point on Willow Point 35° 22' 22" N - 76° 27' 52" W, running 065° (M) to a point 35° 23' 17" N - 76° 26' 10" W;
- (i) Able Bay - north and east of a line beginning at a point on the west shore 35° 23' 39" N - 76° 31' 03" W, running 130° (M) to a point on the east shore 35° 23' 00" N - 76° 29' 44" W;
- (j) Mouse Harbor - west of a line beginning at a point on the south shore 35° 17' 12" N - 76° 28' 53" W, running 352° (M) to a point on the north shore 35° 18' 23" N - 76° 29' 03" W;
- (k) Big Porpoise Bay - west of a line beginning at a point on the south shore 35° 14' 57" N - 76° 28' 50" W, running 042° (M) to a point on the north shore 35° 15' 41" N -

- 76° 28' 12" W;
- (l) Middle Bay - west of a line beginning at a point on the south shore 35° 13' 31" N - 76° 29' 36" W, running 022° (M) to a point on the north shore 35° 14' 48" N - 76° 29' 12" W;
- (m) Jones Bay - west of a line beginning at a point on Boar Point 35° 12' 19" N - 76° 31' 16" W, running 011° (M) to a point on Mink Trap Point 35° 13' 30" N - 76° 31' 08" W;
- (n) In the Bay River Area:
- (i) Bonner Bay - south of a line beginning at a point on the west shore 35° 09' 36" N - 76° 36' 15" W, running 074° (M) to a point on the east shore 35° 09' 57" N - 76° 35' 12" W;
- (ii) Gales Creek-Bear Creek (tributaries of Bay River) - north and west of a line beginning at a point on Sanders Point 35° 11' 17" N - 76° 35' 54" W, running 067° (M) through Beacon No. 27 to a point on the east shore 35° 11' 54" N - 76° 34' 17" W;
- (2) In the Pamlico River Area:
- (a) (In the Pungo River Area): Fortescue Creek, east of a line beginning at a point on the north shore 35° 25' 55" N - 76° 31' 58" W; running 195° (M) to a point on the south shore 35° 25' 36" N - 76° 32' 01" W;
- (b) North Creek - north of a line beginning at a point on the west shore 35° 25' 24" N - 76° 40' 06" W, running 114° (M) through Marker No. 4 to a point on the east shore 35° 25' 18" N - 76° 39' 39" W;
- (c) In the Goose Creek area:
- (i) Campbell Creek - west of a line beginning at a point on the south shore 35° 17' 00" N - 76° 37' 06" W, running 349° (M) to a point on the west shore 35° 17' 19" N - 76° 37' 08" W;
- (ii) Eastham Creek - east of a line beginning at a point on the south shore 35° 17' 36" N - 76° 36' 24" W, running 327° (M) to a point on the north shore 35° 17' 44" N - 76° 36' 30" W;
- (d) Oyster Creek-Middle Prong - southwest of a line beginning at a point on Cedar Island 35° 19' 28" N - 76° 32' 14" W, running 135° (M) to a point on Beard Island Point 35° 19' 10" N - 76° 31' 44" W;
- (3) In the Neuse River Area:
- (a) Lower Broad Creek - northwest of a line beginning at a point on the northeast shore 35° 05' 47" N - 76° 35' 25" W, running 228° (M) to a point on the southwest shore 35° 05' 34" N - 76° 35' 43" W;
- (b) Greens Creek - north of a line beginning at a point on the west shore of Greens Creek 35° 01' 20" N - 76° 42' 10" W; running 055° (M) to a point on the east shore 35° 01' 30" N - 76° 41' 59" W;
- (c) Dawson Creek - north of a line beginning at a point on the west shore 34° 59' 35" N - 76° 45' 28" W; running 120° (M) to a point on the east shore 34° 59' 34" N - 76° 45' 25" W;
- (d) Clubfoot Creek - south of a line beginning at a point on the east shore 34° 54' 29" N - 76° 45' 26" W, running 284° (M) to a point on the west shore 34° 54' 33" N - 76° 45' 43" W;
- (e) (In the Adams Creek Area) Cedar Creek - east of a line beginning at a point on the south shore 34° 55' 52" N - 76° 38' 49" W, running 004° (M) to a point on the north shore 34° 56' 05" N - 76° 38' 48" W;
- (4) Virginia Creek - all waters of the natural channel northwest of the primary nursery area line;
- (5) Old Topsail Creek - all waters of the dredged channel northwest of the primary nursery area line;
- (6) Mill Creek - all waters west of a line beginning at a point on the south shore 34° 24' 17" N - 77° 42' 15" W, running 028° (M) to a point on the north shore 34° 20' 36" N - 77° 42' 06" W;
- (7) Pages Creek - all waters west of a line beginning at a point on the south shore 34° 15' 52" N - 77° 46' 18" W, running 044° (M) to a point on the north shore 34° 16' 09" N - 77° 46' 01" W;
- (8) Bradley Creek - all waters west of a line beginning on the south shore 34° 12' 23" N - 77° 49' 14" W, running 021° (M) to a point on the north shore 34° 12' 38" N - 77° 49' 09" W;
- (9) Davis Creek, all waters east of a line beginning at a point on Oak Island 33° 54' 51" N - 78° 12' 49" W, running 010° (M) to a point on Horse Island 33° 54' 57" N - 78° 12' 49" W and Davis Canal, all waters southeast of a line beginning at a point on a spoil island at the southwest intersection of the ICWW and Davis Canal 33° 55' 23" N - 78° 11' 39" W, running 060° (M) across the mouth of Davis Canal to a point on Pinner Point 33° 55' 26" N - 78° 11' 38" W.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. March 1, 1996; March 1, 1994;

Recodified from 15A NCAC 3R .0004 Eff. December 17, 1996;

Amended Eff. May 1, 1997.

.0105 SPECIAL SECONDARY NURSERY AREAS

The special secondary nursery areas referenced in 15A NCAC 3N .0105(b) and (c) are delineated in the following coastal water areas:

- (1) In the Pamlico River Area, Pamlico River, west of a line beginning at a point on Mauls Point 35° 26' 56" N - 76° 55' 33" W; running 073° (M) to a point on Ragged Point 35° 27' 33" N - 76° 54' 21" W:
 - (a) Pungo River:
 - (i) Pungo Creek, west of a line beginning at a point on Persimmon Tree Point 35° 31' 06" N - 76° 37' 49" W; running 241° (M) to a point on Windmill Point 35° 30' 48" N - 76° 38' 18" W;
 - (ii) Pungo River, north of a line beginning at a point on the east shore 35° 32' 05" N - 76° 28' 09" W; running 277° (M) through Beacon No. 21 to a point on the west shore 35° 32' 12" N - 76° 29' 15" W;
 - (iii) Scranton Creek, south and east of a line beginning at a point on the west shore 35° 30' 43" N - 76° 28' 43" W; running 085° (M) to a point on the east shore 35° 30' 41" N - 76° 28' 23" W;
 - (iv) Slade Creek, east of a line beginning at a point on the south shore 35° 27' 39" N - 76° 32' 46" W; running 328° (M) to a point on the north shore 35° 27' 52" N - 76° 33' 00" W;
 - (b) South Creek, west of a line beginning at a point on Hickory Point 35° 21' 44" N - 76° 41' 37" W; running 195° (M) to a point on Fork Point 35° 20' 44" N - 76° 41' 48" W;
 - (c) Bond Creek/Muddy Creek, south of a line beginning at a point on Fork Point 35° 20' 44" N - 76° 41' 48" W; running 135° (M) to a point on Gum Point 35° 20' 32" N - 76° 41' 30" W;
- (2) In the Neuse River Area:
 - (a) Goose Creek, north and east of a line beginning at a point on the south shore 35° 02' 08" N - 76° 56' 02" W; running 331° (M) to a point on the north shore 35° 02' 37" N - 76° 56' 27" W;
 - (b) Upper Broad Creek, northeast of a line beginning at a point on the north shore 35° 03' 26" N - 76° 57' 14" W; running 153° (M) to a point on the south shore 35° 02' 56" N - 76° 56' 49" W;
- (3) In the West Bay Area:
 - (a) West Thorofare Bay - south of a line beginning at a point on the west shore 34° 57' 22" N - 76° 24' 03" W, running 090° (M) through FL R "10WB" to a point on the east shore 34° 57' 28" N - 76° 23' 06" W;
 - (b) Long Bay-Ditch Bay - west of a line beginning at a point 34° 57' 52" N - 76° 26' 37" W, running southwest 226° (M) to a point 34° 57' 13" N - 76° 27' 13" W, thence south of a line running southeast 134° (M) to a point 34° 56' 46" N - 76° 26' 26" W;
 - (c) Turnagain Bay - south of a line beginning at a point on the west shore at 34° 59' 23" N - 76° 30' 11"; thence running 084° (M) to a point on the east shore at 34° 59' 33" N - 76° 29' 23" W;
- (4) In the Core Sound Area:
 - (a) Cedar Island Bay - northwest of a line beginning at a point near the telephone tower 34° 57' 49" N - 76° 16' 58" W, running 049° (M) to a point at the gun club or "clubhouse" dock 34° 58' 43" N - 76° 16' 00" W;
 - (b) Thorofare Bay-Barry Bay - northwest of a line beginning at a point on Hall Point 34° 54' 25" N - 76° 19' 09" W, running 046° (M) to a point at Rumley Hammock 34° 55' 27" N - 76° 18' 13" W;
 - (c) Nelson Bay - northwest of a line beginning at a point on the west shore of Nelson Bay 34° 51' 08" N - 76° 24' 36" W, and running 062° (M) through Beacon No. 1 in Nelson Bay to a point on Drum Point 34° 51' 36" N - 76° 23' 48" W;
 - (d) Brett Bay - all waters north of a line beginning at Piney Point 34° 49' 32" N - 76° 25' 06" W; running 258° (M) to a point on the west shore 34° 49' 23" N - 76° 26' 02" W;
 - (e) Jarrett Bay - north of a line beginning at a point east of Davis Island 34° 45' 46" N - 76° 28' 45" W, and running 266° (M) to a point on the west shore (site of Old Chimney) 34° 45' 31" N - 76° 30' 04" W;
- (5) In the North River area:
 - (a) North River - north of a line beginning at a point on the west shore at the oyster house 34° 46' 28" N - 76° 37' 07" W, running 096° (M) to a point on the east shore 34° 46' 30" N - 76° 35' 47" W;
 - (b) Ward Creek - east of a line beginning on the north shore 34° 46' 13" N - 76° 34' 58" W, running 182° (M) to a point on the south shore 34° 45' 34" N - 76° 35' 00" W;

- (6) Newport River - west of a line beginning at Penn Point at $34^{\circ} 45' 44''$ N - $76^{\circ} 43' 35''$ W; thence running 022° (M) to a point on the north shore at $34^{\circ} 46' 47''$ N - $76^{\circ} 43' 15''$ W;
- (7) New River upstream of the N.C. Highway 172 Bridge;
- (8) Intracoastal Waterway - all waters in the Intracoastal Waterway maintained channel from Marker No. 17 north of Alligator Bay to Marker No. 49 at Morris Landing and all waters in the Intracoastal Waterway maintained channel and 100 feet on either side from Marker No. 49 to the N.C. Highway 50-210 Bridge at Surf City;
- (9) Cape Fear River - beginning at a point on the south side of the Spoil Island at the intersection of the ICWW and the Cape Fear River ship channel $34^{\circ} 01' 37''$ N - $77^{\circ} 56' 05''$ W, running 106° (M) to a point on the east shore of the Cape Fear River $34^{\circ} 01' 32''$ N - $77^{\circ} 55' 00''$ W, running south and bounded by the shoreline to a point near the Ferry Slip at Federal Point $33^{\circ} 57' 52''$ N - $77^{\circ} 56' 28''$ W, running 353° (M) north to a point on Bird Island $33^{\circ} 58' 24''$ N - $77^{\circ} 56' 36''$ W, running 013° (M) back to point of origin;
- (10) Lockwood Folly River - beginning at a point on Howells Point $33^{\circ} 55' 21''$ N - $78^{\circ} 12' 47''$ W and running in a westerly direction along the ICWW to a point near ICWW Marker No. 46 $33^{\circ} 55' 18''$ N - $78^{\circ} 13' 54''$ W;
- (11) Saucepan Creek - all waters north of a line beginning at a point on the west shore $33^{\circ} 54' 36''$ N - $78^{\circ} 22' 54''$ W, running 062° (M) to a point on the east shore $33^{\circ} 54' 38''$ N - $78^{\circ} 22' 49''$ W.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. March 1, 1996; March 1, 1994;

Recodified from 15A NCAC 3R .0005 Eff. December 17, 1996;

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.0107 DESIGNATED POT AREAS

(a) As referenced in 15A NCAC 3J .0301, it is unlawful to use pots north and east of the Highway 58 Bridge at Emerald Isle from May 1 through October 31, except in areas described below:

- (1) In Albemarle Sound and tributaries.
- (2) In Roanoke Sound and tributaries.
- (3) In Croatan Sound and tributaries.
- (4) In Pamlico Sound and tributaries, except the following areas and areas further described in Paragraphs (5), (6), and (7) of this Rule:
 - (A) In Wysocking Bay:
 - (i) Bound by a line beginning at a point on the south shore of Lone Tree Creek $35^{\circ} 25' 05''$ N - $76^{\circ} 02' 05''$ W running 239° (M) 1000 yards to a

point $35^{\circ} 24' 46''$ N - $76^{\circ} 02' 32''$ W; thence 336° (M) 2200 yards to a point $35^{\circ} 25' 42''$ N - $76^{\circ} 03' 16''$ W; thence 062° (M) 750 yards to a point on shore $35^{\circ} 25' 54''$ N - $76^{\circ} 02' 54''$ W; thence following the shoreline and the Lone Tree Creek primary nursery area line to the beginning point;

- (ii) Bound by a line beginning at a point on the south shore of Mt. Pleasant Bay $35^{\circ} 23' 07''$ N - $76^{\circ} 04' 12''$ W running 083° (M) 1200 yards to a point $35^{\circ} 23' 17''$ N - $76^{\circ} 03' 32''$ W; thence 023° (M) 2400 yards to a point $35^{\circ} 24' 27''$ N - $76^{\circ} 03' 12''$ W; thence 299° (M) 1100 yards to a point on shore $35^{\circ} 24' 38''$ N - $76^{\circ} 04' 48''$ W; thence following the shoreline and the Browns Island and Mt. Pleasant Bay primary nursery area line to the beginning point; except pots may be set no more than 50 yards from the shoreline.
- (B) In Juniper Bay bound by a line beginning at a point on Juniper Bay Point $35^{\circ} 20' 18''$ N - $76^{\circ} 13' 22''$ W running 275° (M) 2300 yards to a point $35^{\circ} 20' 15''$ N - $76^{\circ} 14' 45''$ W; thence 007° (M) 2100 yards to Daymarker No. 3; thence 040° (M) 1100 yards to a point on shore $35^{\circ} 21' 45''$ N - $76^{\circ} 14' 24''$ W; thence following the shoreline and the Buck Creek and the Laurel Creek primary nursery area line to the beginning point.
 - (C) In Swanquarter Bay, bound by a line beginning at a point on the north shore of Caffee Bay $35^{\circ} 21' 57''$ N - $76^{\circ} 17' 44''$ W; running 191° (M) 800 yards to a point on the south shore $35^{\circ} 21' 35''$ N - $76^{\circ} 17' 45''$ W; thence following the shoreline to a point on shore $35^{\circ} 21' 37''$ N - $76^{\circ} 18' 22''$ W; thence running 247° (M) 1300 yards to a point $35^{\circ} 21' 17''$ N - $76^{\circ} 19' 03''$ W; thence 340° (M) 1350 yards to a point $35^{\circ} 21' 51''$ N - $76^{\circ} 19' 27''$ W; thence 081° (M) 1150 yards to a point on the north shore $35^{\circ} 22' 02''$ N - $76^{\circ} 18' 48''$ W; thence following the shoreline and the primary nursery area line to the beginning point.
 - (D) In Deep Cove east of a line beginning at a point on the south shore $35^{\circ} 20' 33''$ N - $76^{\circ} 22' 57''$ W, running 021° (M) 1800 yards to a point on the north shore $35^{\circ} 21' 55''$ N - $76^{\circ} 22' 43''$ W and west of a line beginning at a point on the south shore $35^{\circ} 20' 44''$ N - $76^{\circ} 22' 05''$ W running 003°

- (M) 1400 yards to a point on the north shore $35^{\circ} 21' 26''$ N - $76^{\circ} 22' 11''$ W.
- (E) Off Striking Bay bound by a line beginning at a point on the west shore of Striking Bay $35^{\circ} 23' 20''$ N - $76^{\circ} 26' 59''$ W running 190° (M) 1900 yards to a point $35^{\circ} 22' 23''$ N - $76^{\circ} 27' 00''$ W; thence 097° (M) 900 yards to Beacon No. 2; thence 127° (M) 1600 yards to a point $35^{\circ} 21' 55''$ N - $76^{\circ} 25' 43''$ W; thence following the shoreline to a point $35^{\circ} 22' 30''$ N - $76^{\circ} 25' 14''$ W; thence 322° (M) 2200 yards to a point $35^{\circ} 23' 17''$ N - $76^{\circ} 26' 10''$ W; thence following the shoreline to a point $35^{\circ} 23' 19''$ N - $76^{\circ} 26' 24''$ W; thence 335° (M) 900 yards to a point $35^{\circ} 23' 40''$ N - $76^{\circ} 26' 43''$ W; thence 059° (M) 500 yards to a point $35^{\circ} 23' 30''$ N - $76^{\circ} 26' 58''$ W; thence following the shoreline to the beginning point.
- (F) In Rose Bay bound by a line beginning at a point southwest of Swan Point $35^{\circ} 23' 56''$ N - $76^{\circ} 23' 39''$ W running 288° (M) 1500 yards to a point on shore $35^{\circ} 24' 03''$ N - $76^{\circ} 24' 33''$ W; thence 162° (M) 1650 yards to a point $35^{\circ} 23' 19''$ N - $76^{\circ} 24' 04''$ W; thence 084° (M) 1350 yards to a point on shore $35^{\circ} 23' 29''$ N - $76^{\circ} 23' 17''$ W; thence following the shoreline to the beginning point.
- (G) In Spencer Bay bound by a line beginning at a point on shore at Willow Point $35^{\circ} 22' 26''$ N - $76^{\circ} 28' 00''$ W running 059° (M) 1700 yards to a point $35^{\circ} 22' 57''$ N - $76^{\circ} 27' 13''$ W; thence 317° (M) 1500 yards to a point $35^{\circ} 23' 25''$ N - $76^{\circ} 27' 57''$ W; thence 243° (M) 1300 yards to a point on shore $35^{\circ} 23' 02''$ N - $76^{\circ} 28' 35''$ W; thence following the shoreline and the unnamed primary nursery area line to the beginning point.
- (H) In Big Porpoise Bay bound by a line beginning at a point on shore $35^{\circ} 15' 58''$ N - $76^{\circ} 29' 10''$ W running 182° (M) 750 yards to Sage Point $35^{\circ} 15' 36''$ N - $76^{\circ} 29' 06''$ W; thence 116° (M) 850 yards to a point $35^{\circ} 15' 28''$ N - $76^{\circ} 28' 36''$ W; thence 023° (M) 700 yards to a point on shore $35^{\circ} 15' 48''$ N - $76^{\circ} 28' 30''$ W; thence following the shoreline to the beginning point.
- (I) In Middle Bay bound by a line beginning at Middle Bay Point $35^{\circ} 14' 53''$ N - $76^{\circ} 28' 41''$ W; running 210° (M) 3650 yards to Sow Island Point $35^{\circ} 13' 09''$ N - $76^{\circ} 29' 28''$ W; thence following the shoreline of Middle Bay to Big Fishing Point $35^{\circ} 14' 05''$ N - $76^{\circ} 29' 52''$ W; thence 008° (M) 1100 yards to a point on the north shore $35^{\circ} 14' 31''$ N - $76^{\circ} 29' 52''$ W; thence following the shoreline to the point of beginning.
- (J) In Jones Bay bound by a line beginning at a point on Sow Island Point $35^{\circ} 13' 09''$ N - $76^{\circ} 29' 28''$ W running 204° (M) 2600 yards to Green Flasher No. 5; thence 322° (M) 2450 yards to a point $35^{\circ} 12' 48''$ N - $76^{\circ} 30' 58''$ W; thence 217° (M) 1200 yards to a point on shore $35^{\circ} 12' 20''$ N - $76^{\circ} 31' 16''$ W; thence 284° (M) 740 yards to a point on shore $35^{\circ} 12' 26''$ N - $76^{\circ} 31' 46''$ W; thence following the shoreline to a point $35^{\circ} 12' 36''$ N - $76^{\circ} 32' 01''$ W; thence 051° (M) 600 yards to a point $35^{\circ} 12' 52''$ N - $76^{\circ} 31' 45''$ W; thence parallel with the shoreline no more than 600 yards from shore to a point $35^{\circ} 13' 11''$ N - $76^{\circ} 32' 07''$ W; thence 038° (M) to a point 600 yards from the north shore $35^{\circ} 13' 39''$ N - $76^{\circ} 31' 54''$ W; thence parallel with the shoreline no more than 600 yards from shore to a point $35^{\circ} 13' 09''$ N - $76^{\circ} 30' 48''$ W; thence 009° (M) 600 yards to a point on shore $35^{\circ} 13' 26''$ N - $76^{\circ} 30' 47''$ W; thence following the shoreline to the beginning point.
- (K) In an area bound by a line beginning at Boar Point $35^{\circ} 12' 07''$ N - $76^{\circ} 31' 04''$ W running 106° (M) 2000 yards to Green Flasher No. 5; thence 200° (M) 2200 yards to a point $35^{\circ} 10' 56''$ N - $76^{\circ} 30' 10''$ W; thence 282° (M) 2350 yards to Bay Point $35^{\circ} 11' 02''$ N - $76^{\circ} 31' 35''$ W; thence following the shoreline to the beginning point.
- (5) In Pamlico River west of a line from a point on Pamlico Point $35^{\circ} 18' 42''$ N - $76^{\circ} 28' 58''$ W running 009° (M) through Daymarker No. 1 and Willow Point Shoal Beacon to a point on Willow Point $35^{\circ} 22' 23''$ N - $76^{\circ} 28' 48''$ W pots may be used in the following areas:
- (A) In that area bound by a line beginning at a point on the line from Pamlico Point to Willow Point $35^{\circ} 19' 24''$ N - $76^{\circ} 28' 56''$ W running westerly parallel to the shoreline at a distance of no more than 1000 yards to Green Flasher No. 1 at the mouth of Goose Creek; thence 248° (M) parallel to the ICWW to a point off Fulford Point $35^{\circ} 19' 59''$ N - $76^{\circ} 36' 41''$ W; thence 171° (M) to a point on Fulford Point $35^{\circ} 19' 41''$ N - $76^{\circ} 36' 34''$ W.
- (B) All coastal waters and tributaries of Oyster Creek, James Creek, Middle Prong and

- Clark Creek.
- (C) All coastal waters of Goose Creek:
- (i) In that area bound by a line beginning at a point on Reed Hammock $35^{\circ} 20' 24''$ N - $76^{\circ} 36' 51''$ W running 171° (M) 300 yards to a point $35^{\circ} 20' 16''$ N - $76^{\circ} 36' 48''$ W; thence parallel with the shoreline no more than 300 yards from shore to a point $35^{\circ} 20' 09''$ N - $76^{\circ} 37' 10''$ W; thence 302° (M) 300 yards to a point on shore $35^{\circ} 20' 13''$ N - $76^{\circ} 37' 19''$ W.
 - (ii) In that area bound by a line beginning at a point on shore $35^{\circ} 19' 58''$ N - $76^{\circ} 37' 33''$ W; running 291° (M) 300 yards to a point $35^{\circ} 19' 57''$ N - $76^{\circ} 37' 21''$ W; thence parallel to the shoreline no more than 300 yards from shore to a point $35^{\circ} 18' 16''$ N - $76^{\circ} 37' 16''$ W; thence 292° (M) to a point on the north shore of Snode Creek $35^{\circ} 18' 15''$ N - $76^{\circ} 37' 27''$ W.
 - (iii) In that area bound by a line beginning at a point at the mouth of Goose Creek $35^{\circ} 19' 59''$ N - $76^{\circ} 36' 41''$ W; running 348° (M) to Green Daymarker No. 5; thence south parallel to the shoreline no more than 300 yards from shore to a point $35^{\circ} 18' 12''$ N - $76^{\circ} 37' 07''$ W; thence 112° (M) to Store Point $35^{\circ} 18' 09''$ N - $76^{\circ} 36' 57''$ W.
 - (iv) Between the line from Store Point to Snode Creek and a line beginning at a point on Long Neck Point running 264° (M) through Beacon No. 15 to Huskie Point from the shoreline to no more than 150 yards from shore.
 - (v) All coastal waters southeast of the line from Long Neck Point through Beacon No. 15 to Huskie Point.
 - (vi) Campbell Creek - west of a line from a point on Huskie Point $35^{\circ} 17' 00''$ N - $76^{\circ} 37' 06''$ W running 004° (M) to Pasture Point $35^{\circ} 17' 20''$ N - $76^{\circ} 37' 08''$ W, to the Inland-Commercial line.
- (D) All coastal waters bound by a line beginning on Reed Hammock $35^{\circ} 20' 24''$ N - $76^{\circ} 36' 51''$ W running 171° (M) to a point $35^{\circ} 20' 16''$ N - $76^{\circ} 36' 47''$ W; thence 100° (M) 800 yards to Red Daymarker No. 4; thence 322° (M) 1200 yards to a point $35^{\circ} 20' 40''$ N - $76^{\circ} 36' 48''$ W; thence westerly parallel to the shoreline at a distance of 300 yards to a point in Bond Creek $35^{\circ} 20' 40''$ N - $76^{\circ} 41' 37''$ W; thence 199° (M) to a point on the south shore of Muddy Creek $35^{\circ} 20' 18''$ N - $76^{\circ} 41' 34''$ W, including all waters of Muddy Creek up to the Inland-Coastal boundary line.
- (E) Along the west shore of Bond Creek from Fork Point to the Coastal-Inland boundary line from the shoreline to no more than 50 yards from shore.
- (F) All coastal waters of South Creek upstream of a line beginning at a point on Fork Point $35^{\circ} 20' 45''$ N - $76^{\circ} 41' 47''$ W running 017° (M) to a point on Hickory Point $35^{\circ} 21' 44''$ N - $76^{\circ} 41' 36''$ W.
- (G) In that area bound by a line beginning at a point at the six foot depth contour south of Hickory Point $35^{\circ} 21' 33''$ N - $76^{\circ} 41' 39''$ W; thence easterly following the six foot depth contour to a point off the east end of Indian Island $35^{\circ} 21' 42''$ N - $76^{\circ} 38' 04''$ W; thence 270° (M) to a point on the east end of Indian Island $35^{\circ} 21' 38''$ N - $76^{\circ} 38' 36''$ W; thence following the shoreline of Indian Island to a point on the west end $35^{\circ} 21' 37''$ N - $76^{\circ} 39' 40''$ W; thence 293° (M) toward Daymarker No. 1 to a point at the six foot depth contour $35^{\circ} 21' 46''$ N - $76^{\circ} 40' 16''$ W; thence following the six foot depth contour in a westerly direction to a point off Long Point $35^{\circ} 22' 42''$ N - $76^{\circ} 42' 44''$ W; thence 233° (M) to a point on shore $35^{\circ} 22' 24''$ N - $76^{\circ} 43' 05''$ W.
- (H) Beginning at a point on shore near Long Point $35^{\circ} 22' 29''$ N - $76^{\circ} 43' 25''$ W, running 001° (M) to a point 300 yards offshore $35^{\circ} 22' 39''$ N - $76^{\circ} 43' 26''$ W; thence westerly parallel to the shoreline at a distance of 300 yards to a point $35^{\circ} 22' 39''$ N - $76^{\circ} 43' 59''$ W; thence 209° (M) to a point on shore $35^{\circ} 22' 30''$ N - $76^{\circ} 44' 03''$ W.
- (I) Beginning at a point on shore $35^{\circ} 22' 30''$ N - $76^{\circ} 44' 27''$ W, running 355° (M) to a point offshore $35^{\circ} 22' 40''$ N - $76^{\circ} 44' 31''$ W; thence westerly parallel to the shoreline at a distance of 300 yards to a point $35^{\circ} 22' 53''$ N - $76^{\circ} 45' 00''$ W; thence running 251° (M) to a point on shore $35^{\circ} 22' 46''$ N - $76^{\circ} 45' 14''$ W.
- (J) Beginning at a point on shore $35^{\circ} 22' 54''$ N - $76^{\circ} 45' 43''$ W; running 003° (M) to a point offshore $35^{\circ} 23' 03''$ N - $76^{\circ} 45' 43''$ W; thence westerly parallel to the shoreline at a distance of 300 yards to the intersection of a line beginning on the north shore at Gum Point $35^{\circ} 25' 09''$ N - $76^{\circ} 45' 33''$ W; running 210° (M) to a point on the south

- shore 35° 23' 28" N - 76° 46' 26" W.
- (K) All coastal waters west of a line beginning on the north shore at Gum Point 35° 25' 09" N - 76° 45' 33" W running 210° (M) to a point on the south shore 35° 23' 28" N - 76° 46' 26" W.
- (L) On the north side of Pamlico River bound by a line beginning at the intersection of the line from Gum Point to the south shore 500 yards from shore 35° 24' 55" N - 76° 45' 39" W running easterly parallel to the shoreline at a distance of 500 yards to a point at the six foot contour near Adams Point 35° 23' 08" N - 76° 35' 59" W.
- (M) All waters and tributaries of North Creek except the marked navigation channel.
- (N) In that area bound by a line beginning at a point at the six foot contour near Adams Point 35° 23' 08" N - 76° 35' 59" W running westerly following the six foot depth contour to a point off Wades Point 35° 23' 28" N - 76° 34' 09" W.
- (O) Pungo River:
- (i) Bound by a line beginning at Wades Point 35° 23' 16" N - 76° 34' 30" W running 059° (M) to a point at the six foot depth contour, 35° 23' 28" N - 76° 34' 09" W; thence northerly following the six foot depth contour to a point near Beacon No. 3 35° 25' 44" N - 76° 34' 46" W; thence 272° (M) 950 yards to a point on shore 35° 25' 41" N - 76° 35' 22" W.
 - (ii) Bound by a line beginning at a point on shore 35° 25' 50" N - 76° 35' 37" W running 050° (M) 1150 yards to a point at 35° 26' 17" N - 76° 35' 10" W; thence northerly following the six foot depth contour to a point 35° 26' 54" N - 76° 36' 09" W; thence 314° (M) 350 yards to a point on shore 35° 27' 00" N - 76° 36' 20" W.
 - (iii) Bound by a line beginning at a point on shore 35° 27' 14" N - 76° 36' 26" W running 077° (M) 800 yards to a point 35° 27' 23" N - 76° 36' 02" W; thence northerly following the six foot depth contour to a point off Windmill Point 35° 30' 50" N - 76° 38' 09" W; thence 076° (M) to a point 200 yards west of Daymarker No. 3 35° 31' 21" N - 76° 36' 37" W; thence 312° (M) to a point at the "Breakwater" 35° 31' 36" N - 76° 37' 05" W.
 - (iv) All coastal waters bound by a line beginning at a point at the "Breakwater" 200 yards northeast of Beacon No. 6 35° 31' 47" N - 76° 36' 51" W running 132° (M) to a point 200 yards from Daymarker No. 4 35° 31' 31" N - 76° 36' 21" W; thence running 102° (M) to a point 35° 31' 28" N - 76° 35' 59" W; thence running 010° (M) to Beacon No. 1; thence running 045° (M) 700 yards to a point on shore 35° 32' 22" N - 76° 35' 42" W.
 - (v) All coastal waters north and east of a line beginning at a point on shore west of Lower Dowry Creek 35° 32' 25" N - 76° 35' 07" W running 177° (M) 1950 yards to a point 200 yards north of Daymarker No. 11 35° 31' 31" N - 76° 35' 06" W; thence easterly parallel to the marked navigation channel at a distance of 200 yards to a point on the shore northwest of Wilkerson Creek 35° 33' 13" N - 76° 27' 36" W.
 - (vi) All coastal waters south of a line beginning on shore south of Wilkerson Creek 35° 33' 02" N - 76° 27' 20" W running westerly parallel to the marked navigation channel at a distance of 200 yards to a point southeast of Daymarker No. 14 35° 31' 05" N - 76° 32' 34" W; thence running 208° (M) to a point on shore 35° 30' 28" N - 76° 32' 47" W.
 - (vii) All coastal waters bound by a line beginning on shore east of Durants Point 35° 30' 29" N - 76° 33' 25" W running 347° (M) to a point southwest of Daymarker No. 12 35° 31' 08" N - 76° 33' 53" W; thence westerly parallel to the marked navigation channel at a distance of 200 yards to a point south of Beacon No. 10 35° 31' 08" N - 76° 35' 35" W; thence running 185° (M) to a point at the six foot depth contour between Beacon No. 8 and the eastern shore of Pungo River 35° 30' 08" N - 76° 35' 28" W; thence following the six foot depth contour to a point 35° 28' 09" N - 76° 33' 43" W; thence 127° (M) to a point on shore 35° 28' 00" N - 76° 33' 25" W; thence 159° (M) to a point at the six foot depth contour 35° 27' 40" N - 76° 33' 12" W including the

- waters of Slades Creek and its tributaries; thence 209° (M) to a point on shore 35° 27' 22" N - 76° 33' 21" W; thence 272° (M) to a point at the six foot depth contour 35° 27' 18" N - 76° 33' 53" W; thence southerly following the six foot depth contour to a point south of Sandy Point 35° 26' 35" N - 76° 33' 50" W; thence 087° (M) to a point on shore 35° 26' 38" N - 76° 33' 34" W.
- (viii) In that area bound by a line beginning at a point on shore 35° 26' 20" N - 76° 33' 18" W running 176° (M) to a point at the six foot depth contour 35° 26' 05" N - 76° 33' 13" W; thence southerly following the six foot depth contour throughout Fortescue Creek to a point off Fortescue Creek 35° 25' 44" N - 76° 32' 09" W; thence 145° (M) to a point on shore 35° 25' 36" N - 76° 32' 01" W.
- (ix) In that area bound by a line beginning at a point on shore 35° 25' 20" N - 76° 32' 01" W running 258° (M) to a point at the six foot depth contour 35° 25' 17" N - 76° 32' 18" W; thence following the six foot depth contour to the intersection of the line from a point 500 yards west of Currituck Point 35° 24' 30" N - 76° 32' 42" W; thence southeasterly parallel to the shoreline and including Abel Bay at a distance of 500 yards to a point at the intersection of the line from Pamlico Point to Willow Point 35° 22' 09" N - 76° 28' 48" W.
- (6) In Bay River west of a line beginning at a point on Maw Point 35° 09' 02" N - 76° 32' 09" W running 022° (M) to a point on Bay Point 35° 11' 02" N - 76° 31' 34" W, pots may be used in the following areas:
- (A) In that area beginning at a point on Maw Point 35° 09' 02" N - 76° 32' 09" W; running 018° (M) to Green Daymarker No. 1; thence 223° (M) to a point on shore in Fisherman Bay 35° 09' 18" N - 76° 32' 23" W.
- (B) In Fisherman Bay bound by a line beginning at a point on the shore west of Maw Point 35° 09' 18" N - 76° 33' 02" W; thence 351° (M) 3200 yards to lighted Beacon No. 3 in Bay River; thence 230° (M) 1200 yards to a point on the shore 35° 10' 24" N - 76° 34' 00" W.
- (C) In that area bound by a line beginning at a point on the east shore at the mouth of Bonners Bay 35° 10' 05" N - 76° 35' 18" W; thence 306° (M) 300 yards to a point in Bay River, 35° 10' 10" N - 76° 35' 30" W; thence parallel to the shoreline no more than 300 yards from shore to a point in Bay River 35° 10' 40" N - 76° 34' 42" W; thence 188° (M) to a point on shore 35° 10' 27" N - 76° 34' 42" W.
- (D) In Bonner Bay bound by a line beginning at a point on the east shore 35° 10' 05" N - 76° 35' 18" W running 306° (M) 200 yards to a point 35° 10' 09" N - 76° 35' 25" W; thence parallel to the shoreline no more than 200 yards offshore to a point 35° 09' 16" N - 76° 35' 18" W; thence 097° (M) 200 yards to a point on shore 35° 09' 16" N - 76° 35' 13" W.
- (E) In Bonner Bay, Spring Creek and Long Creek south of a line beginning at a point on the east shore 35° 09' 16" N - 76° 35' 13" W running 274° (M) to a point on the west shore 35° 09' 14" N - 76° 35' 43" W.
- (F) In Bonner Bay bound by a line beginning at a point on the west shore 35° 09' 14" N - 76° 35' 44" W running 094° (M) 100 yards to a point 35° 09' 13" N - 76° 35' 39" W; thence parallel to the shoreline no more than 100 yards offshore to a point in Riggs Creek 35° 09' 15" N - 76° 36' 08" W; thence 142° (M) to a point on shore 35° 09' 13" N - 76° 36' 08" W.
- (G) In that area bound by a line beginning on the south shore of Bay River west of Bell Point 35° 09' 40" N - 76° 40' 00" W, running 314° (M) to a point 200 yards offshore 35° 09' 43" N - 76° 40' 06" W; thence no more than 200 yards from the shoreline to a point 35° 09' 53" N - 76° 36' 45" W; thence 102° (M) to a point 35° 09' 50" N - 76° 35' 54" W; thence 181° (M) to a point 35° 09' 36" N - 76° 35' 51" W; thence 237° (M) to a point in Riggs Creek 35° 09' 18" N - 76° 36' 12" W; thence 322° (M) to a point on shore at the mouth of Riggs Creek 35° 09' 21" N - 76° 36' 18" W.
- (H) In that area on the south side of Bay River bound by a line beginning at a point on shore at the confluence of Bay River and Trent Creek 35° 08' 27" N - 76° 43' 12" W running 016° (M) 150 yards to a point 35° 08' 31" N - 76° 43' 11" W; thence no more than 150 yards from shore to a point 35° 08' 57" N - 76° 40' 19" W; thence 116° (M) to a point on shore at Moores Creek 35° 08' 57" N - 76° 40' 14" W.

- (I) In Bay River and Trent Creek west of a line beginning at a point on the south shore $35^{\circ} 08' 27''$ N - $76^{\circ} 43' 12''$ W running 016° (M) to a point on the north shore $35^{\circ} 08' 41''$ N - $76^{\circ} 43' 09''$ W.
- (J) In that area on the north shore of Bay River bound by a line beginning at a point west of Vandemere Creek $35^{\circ} 10' 53''$ N - $76^{\circ} 39' 42''$ W running 135° (M) 150 yards to a point $35^{\circ} 10' 52''$ N - $76^{\circ} 39' 39''$ W; thence no more than 150 yards from shore to a point at the confluence of Bay River and Trent Creek $35^{\circ} 08' 37''$ N - $76^{\circ} 43' 10''$ W; thence to a point on the north shore $35^{\circ} 08' 39''$ N - $76^{\circ} 43' 09''$ W.
- (K) In Vandemere Creek northeast of a line beginning at a point on the east shore $35^{\circ} 11' 04''$ N - $76^{\circ} 39' 22''$ W running 315° (M) to a point on the west shore $35^{\circ} 11' 12''$ N - $76^{\circ} 39' 36''$ W.
- (L) In that area bound by a line beginning at a point at the mouth of Vandemere Creek $35^{\circ} 11' 04''$ N - $76^{\circ} 39' 22''$ W, running 216° (M) 200 yards to a point in Bay River $35^{\circ} 10' 58''$ N - $76^{\circ} 39' 25''$ W; thence parallel to the shoreline no more than 200 yards from shore to a point in Bay River northwest of Beacon No. 4 $35^{\circ} 10' 40''$ N - $76^{\circ} 36' 38''$ W; thence 344° (M) 200 yards to a point on shore $35^{\circ} 10' 45''$ N - $76^{\circ} 36' 42''$ W.
- (M) In that area bound by a line beginning at a point on Sanders Point $35^{\circ} 11' 19''$ N - $76^{\circ} 35' 54''$ W; running 067° (M) 200 yards to a point $35^{\circ} 11' 23''$ N - $76^{\circ} 35' 47''$ W; thence following the shoreline no more than 200 yards from shore to a point in Bay River northwest of Beacon No. 4 $35^{\circ} 10' 40''$ N - $76^{\circ} 36' 38''$ W; thence 344° (M) 200 yards to a point on the shore $35^{\circ} 10' 45''$ N - $76^{\circ} 36' 42''$ W.
- (N) In that area beginning at a point on shore $35^{\circ} 11' 53''$ N - $76^{\circ} 35' 54''$ W of a line running 170° (M) to a point $35^{\circ} 11' 40''$ N - $76^{\circ} 35' 51''$ W; thence parallel to the shoreline no more than 500 yards from shore to a point $35^{\circ} 11' 57''$ N - $76^{\circ} 35' 05''$ W; thence running 344° (M) to a point on shore at the mouth of Gales Creek $35^{\circ} 12' 10''$ N - $76^{\circ} 35' 12''$ W.
- (O) In that area bound by a line beginning at a point on shore at the mouth of Gale Creek $35^{\circ} 12' 08''$ N - $76^{\circ} 34' 52''$ W, running 278° (M) 200 yards to a point in Bay River $35^{\circ} 12' 08''$ N - $76^{\circ} 35' 02''$ W; thence running parallel to the shoreline at a distance of 200 yards to a point in Bay River $35^{\circ} 11' 32''$ N - $76^{\circ} 33' 24''$ W; thence running 352° (M) 200 yards to a point on shore at Dump Creek $35^{\circ} 11' 39''$ N - $76^{\circ} 33' 25''$ W.
- (P) In Gale Creek except the Intracoastal Waterway north of a line beginning at a point on the west shore $35^{\circ} 12' 08''$ N - $76^{\circ} 35' 12''$ W running 098° (M) to a point on the west shore $35^{\circ} 12' 08''$ N - $76^{\circ} 34' 52''$ W.
- (Q) In an area bound by a line beginning at a point on the eastern shore at the mouth of Rockhole Bay $35^{\circ} 11' 06''$ N - $76^{\circ} 32' 11''$ W; thence 180° (M) 600 yards to a point in Bay River $35^{\circ} 10' 49''$ N - $76^{\circ} 32' 09''$ W; thence east with the five foot curve 1100 yards to a point $35^{\circ} 10' 36''$ N - $76^{\circ} 31' 30''$ W; thence 000° (M) 850 yards to a point on Bay Point $35^{\circ} 11' 02''$ N - $76^{\circ} 31' 34''$ W.
- (7) In the Neuse River and West Bay Area south and west of a line beginning at a point on Maw Point $35^{\circ} 09' 02''$ N - $76^{\circ} 32' 09''$ W, running 137° (M) through the Maw Point Shoal Day Marker No. 2 and through the Neuse River Entrance Light to a point at the mouth of West Bay $35^{\circ} 02' 09''$ N - $76^{\circ} 21' 53''$ W, pots may be set in the following areas:
- (A) All coastal fishing waters northwest of a line beginning at a point at the mouth of Slocum Creek $34^{\circ} 57' 02''$ N - $76^{\circ} 53' 42''$ W, running 029° (M) to a point at the mouth of Beards Creek $35^{\circ} 00' 08''$ N - $76^{\circ} 52' 13''$ W. Pots may also be set in coastal fishing waters of Goose Bay and Upper Broad Creek.
- (B) In that area bound by a line beginning at a point on the north shore at Mill Creek $34^{\circ} 59' 34''$ N - $76^{\circ} 51' 06''$ W; thence running 223° (M) approximately 300 yards into the river to a point $34^{\circ} 59' 25''$ N - $76^{\circ} 51' 14''$ W; thence along the six foot depth curve southeast to a point at the rock jetty $34^{\circ} 58' 06''$ N - $76^{\circ} 49' 14''$ W; thence 016° (M) approximately 300 yards to a point on the shore $34^{\circ} 58' 17''$ N - $76^{\circ} 49' 12''$ W.
- (C) In that area bound by a line beginning at a point on the north shore approximately 500 yards west of Pierson Point $34^{\circ} 58' 32''$ N - $76^{\circ} 46' 38''$ W; thence running 171° (M) approximately 300 yards into the river to a point $34^{\circ} 58' 24''$ N - $76^{\circ} 46' 34''$ W; thence east and northeast along the six foot curve to a point in the river $34^{\circ} 58' 47''$ N - $76^{\circ} 45' 39''$ W; thence 330° (M) approximately 700 yards to a point on the

- shore 50 yards west of an existing pier 34° 59' 04" N - 76° 45' 54" W.
- (D) In that area bound by a line beginning at a point on the north shore east of Dawson Creek Bridge 34° 59' 34" N - 76° 45' 12" W; thence running 244° (M) approximately 500 yards to Day Marker No. 4 (entrance to Dawson Creek Channel); thence running east 117° (M) to a point 34° 59' 22" N - 76° 45' 19" W; thence east and northeast along the six foot curve to a point 50 yards west of Day Marker No. 3 (channel to Oriental) 35° 01' 02" N - 76° 41' 51" W; thence 303° (M) approximately 600 yards to a point on the eastern tip of Windmill Point 35° 01' 10" N - 76° 42' 08" W.
- (E) In Greens Creek (Oriental) west of a line at the confluence of Greens and Kershaw Creeks beginning at a point on the south shore 35° 01' 28" N - 76° 42' 55" W running 005° (M) to a point on the north shore 35° 01' 38" N - 76° 42' 54" W, no more than 75 yards from the shoreline east of this line to the Highway 55 bridge.
- (F) In that area bound by a line beginning at a point on Whittaker Point 35° 01' 37" N - 76° 40' 56" W; thence running 192° (M) approximately 500 yards to a point in the river 35° 01' 23" N - 76° 40' 57" W; thence along the six foot depth curve northeast to a point in the river off Orchard Creek 35° 03' 18" N - 76° 37' 53" W; thence 280° (M) approximately 900 yards to a point on the eastern tip of Cockle Point 35° 03' 20" N - 76° 38' 27" W.
- (G) In that area bound by a line beginning at a point on the north shore near the mouth of Orchard Creek 35° 03' 38" N - 76° 37' 54" W running 177° (M) approximately 400 yards to a point 35° 03' 27" N - 76° 37' 54" W; thence along the six foot depth curve to a point eastward; thence 174° (M) 600 yards to a point on the north shore 35° 03' 56" N - 76° 36' 42" W.
- (H) In that area bound by a line beginning at a point on the north shore approximately 400 yards south of Gum Thicket Creek 35° 04' 12" N - 76° 36' 11" W; thence running 132° (M) approximately 600 yards to a point 35° 03' 55" N - 76° 35' 48" W; thence along the six foot depth curve eastward to a point 35° 04' 10" N - 76° 34' 37" W; thence 304° (M) to a point on the shore 400 yards north of Gum Thicket Creek 35° 04' 38" N - 76° 35' 42" W.
- (I) In Lower Broad Creek west of a line running 188° (M) through Red Day Marker No. 4. No more than 150 yards from shore between a line running 188° (M) through Red Day Marker No. 4 and a line running 228° (M) through Green Marker No. 3. Pots may not be set in Burton Creek.
- (J) Piney Point Shoal Area, in that area bound by a line beginning at a point on the north side of a creek (locally known as Wadin or Persimmon Creek) 35° 07' 17" N - 76° 33' 26" W running 115° (M) approximately 300 yards to a point near the six foot depth curve 35° 07' 15" N - 76° 33' 16" W; thence south and southeast along the six foot depth curve to a point east of the old lighthouse 35° 05' 17" N - 76° 32' 42" W; thence 288° (M) through the old lighthouse to a point on shore north of Red Day Marker No. 2 at the mouth of Broad Creek 35° 05' 42" N - 76° 35' 18" W.
- (K) In that area bound by a line beginning at a point on the south shore of Maw Bay 35° 08' 32" N - 76° 32' 38" W; thence running 114° (M) to Maw Point Shoal Day Marker No. 2; thence 317° (M) to Maw Point 35° 08' 55" N - 76° 32' 11" W.
- (L) In that area east of Slocum Creek bound by a line beginning at a point 34° 57' 02" N - 76° 53' 42" W; thence running 029° (M) approximately 1100 yards to a point 34° 57' 32" N - 76° 53' 28" W; thence along the six foot curve to a point 34° 56' 34" N - 76° 49' 38" W; thence 176° (M) approximately 300 yards to a point 34° 56' 26" N - 76° 49' 35" W.
- (M) In that area bound by a line beginning at a point 34° 56' 22" N - 76° 49' 05" W, running 057° (M) approximately 1100 yards to Day Marker "2" off Cherry Point; thence 097° (M) approximately 200 yards to a point 34° 56' 42" N - 76° 48' 27" W; thence along the six foot curve to a point 34° 55' 10" N - 76° 45' 40" W; thence 187° (M) approximately 400 yards to a point on Temple Point 34° 54' 58" N - 76° 45' 40" W.
- (N) In that area southeast of a line beginning at a point at the mouth of Clubfoot Creek 34° 55' 20" N - 76° 45' 09" W running 076° (M) to a point on shore 34° 55' 37" N - 76° 44' 23" W.
- (O) In Clubfoot Creek south of a line beginning at a point on the east shore 34° 54' 30" N - 76° 45' 26" W, running 284° (M) to a point on the west shore 34° 54' 33" N - 76° 45' 43" W. Pots may be set 50 yards from shore north of this line.
- (P) In that area bound by a line beginning at the western tip of Great Island 34° 55' 47" N - 76° 44' 50" W; thence running 275° (M)

- approximately 500 yards to a point $34^{\circ} 55' 46''$ N - $76^{\circ} 45' 07''$ W; thence 029° (M) approximately 1400 yards to a point $34^{\circ} 56' 24''$ N - $76^{\circ} 44' 48''$ W; thence 120° (M) to a point $34^{\circ} 56' 06''$ N - $76^{\circ} 43' 59''$ W; thence 232° (M) to a point on Great Island $34^{\circ} 55' 50''$ N - $76^{\circ} 44' 17''$ W.
- (Q) In that area bound by a line beginning at a point west of Long Creek $34^{\circ} 55' 38''$ N - $76^{\circ} 44' 18''$ W running 064° (M) to a point $34^{\circ} 55' 57''$ N - $76^{\circ} 43' 43''$ W; thence 138° (M) to a point on shore at the mouth of Great Neck Creek $34^{\circ} 55' 50''$ N - $76^{\circ} 43' 25''$ W.
- (R) In that area bound by a line beginning at a point at the mouth of Great Neck Creek $34^{\circ} 55' 50''$ N - $76^{\circ} 43' 25''$ W, running 318° (M) 750 yards to a point $34^{\circ} 56' 04''$ N - $76^{\circ} 43' 47''$ W; thence following the shoreline no more than 750 yards from shore to a point $34^{\circ} 56' 50''$ N - $76^{\circ} 43' 11''$ W; thence 116° (M) 750 yards to a point on shore at Courts Creek $34^{\circ} 56' 42''$ N - $76^{\circ} 42' 46''$ W.
- (S) In that area bound by a line beginning at a point on Courts Creek $34^{\circ} 56' 42''$ N - $76^{\circ} 42' 46''$ W, running 296° (M) 1000 yards to a point $34^{\circ} 56' 52''$ N - $76^{\circ} 43' 20''$ W; thence parallel with the shoreline no more than 1000 yards to a point $34^{\circ} 57' 53''$ N - $76^{\circ} 41' 59''$ W; thence 190° (M) 1000 yards to a point on shore $34^{\circ} 57' 24''$ N - $76^{\circ} 42' 00''$ W.
- (T) In that area bound by a line beginning at a point on shore, $34^{\circ} 57' 24''$ N - $76^{\circ} 42' 00''$ W, running 010° (M) 500 yards to a point $34^{\circ} 57' 38''$ N - $76^{\circ} 42' 00''$ W; thence running parallel to the shoreline no more than 500 yards from shore to a point $34^{\circ} 57' 33''$ N - $76^{\circ} 41' 00''$ W; thence 179° (M) to a point $34^{\circ} 57' 23''$ N - $76^{\circ} 40' 58''$ W; thence 260° (M) to a point on shore at the mouth of Adams Creek $34^{\circ} 57' 22''$ N - $76^{\circ} 41' 10''$ W.
- (U) In that area bound by a line beginning at a point on the northeast side of Adams Creek $34^{\circ} 57' 30''$ N - $76^{\circ} 40' 36''$ W; thence 278° (M) 225 yards offshore to a point $34^{\circ} 57' 30''$ N - $76^{\circ} 40' 45''$ W; thence 359° (M) to a point off Winthrop Point $34^{\circ} 58' 26''$ N - $76^{\circ} 40' 56''$ W; thence running 056° (M) to a point off Cedar Point $34^{\circ} 59' 07''$ N - $76^{\circ} 40' 04''$ W; thence 140° (M) to the shoreline on Cedar Point $34^{\circ} 58' 50''$ N - $76^{\circ} 39' 41''$ W.
- (V) In that area bound by a line beginning at a point on Cedar Point $34^{\circ} 58' 50''$ N - $76^{\circ} 39' 41''$ W, running 320° (M) 750 yards to a point $34^{\circ} 59' 05''$ N - $76^{\circ} 40' 01''$ W; thence parallel to the shoreline no more than 750 yards from shore to a point $34^{\circ} 59' 16''$ N - $76^{\circ} 39' 31''$ W; thence 167° (M) to a point on shore $34^{\circ} 58' 56''$ N - $76^{\circ} 39' 21''$ W.
- (W) In that area bound by a line beginning at a point on shore $34^{\circ} 58' 56''$ N - $76^{\circ} 39' 21''$ W running 347° (M) to a point $34^{\circ} 59' 03''$ N - $76^{\circ} 39' 24''$ W; thence parallel to the shoreline no more than 200 yards from shore to a point $34^{\circ} 59' 08''$ N - $76^{\circ} 38' 47''$ W; thence 184° (M) to a point on shore $34^{\circ} 59' 01''$ N - $76^{\circ} 35' 25''$ W.
- (X) In that area bound by a line beginning at a point west of Garbacon Creek $34^{\circ} 59' 01''$ N - $76^{\circ} 38' 43''$ W, running 004° (M) 750 yards to a point $34^{\circ} 59' 23''$ N - $76^{\circ} 38' 46''$ W; thence parallel with the shoreline no more than 750 yards from shore to a point off Browns Creek $35^{\circ} 00' 20''$ N - $76^{\circ} 33' 45''$ W; thence 172° (M) to the shoreline on the west side of Browns Creek $34^{\circ} 59' 57''$ N - $76^{\circ} 33' 35''$ W.
- (Y) In that area bound by a line beginning at a point on shore at the mouth of Browns Creek $34^{\circ} 59' 55''$ N - $76^{\circ} 33' 29''$ W, running 352° (M) 750 yards to a point on $35^{\circ} 00' 22''$ N - $76^{\circ} 33' 34''$ W; thence parallel to the shoreline no more than 750 yards from shore to a point $35^{\circ} 01' 45''$ N - $76^{\circ} 29' 51''$ W; thence 162° (M) 750 yards to a point on shore north of Cedar Bay Point $35^{\circ} 01' 22''$ N - $76^{\circ} 29' 34''$ W.
- (Z) In that area bound by a line beginning on the north side of Rattan Bay at a point on the shoreline $35^{\circ} 03' 45''$ N - $76^{\circ} 28' 32''$ W; thence running 316° (M) 600 yards offshore to a point $35^{\circ} 03' 54''$ N - $76^{\circ} 28' 52''$ W; thence running parallel with the shoreline 600 yards offshore to a point $35^{\circ} 04' 09''$ N - $76^{\circ} 26' 44''$ W; thence 239° (M) 600 yards to a point on shore $35^{\circ} 04' 57''$ N - $76^{\circ} 27' 00''$ W.
- (AA) In Adams Creek:
- (i) Between a line running 080° (M) through Red Flasher No. 4 at the mouth of Adams Creek and a line beginning at a point on the south shore of Cedar Creek $34^{\circ} 55' 52''$ N - $76^{\circ} 38' 49''$ W, running 297° (M) to a point on the west shore of Adams Creek $34^{\circ} 56' 03''$ N - $76^{\circ} 39' 27''$ W, no more than 200 yards from shore.
 - (ii) Between a line beginning at a point at

the mouth of Cedar Creek 34° 55' 52" N - 76° 38' 49" W; running 297° (M) to a point on the west shore of Adams Creek 34° 56' 03" N - 76° 39' 27" W, and a line beginning at a point on the east shore 34° 54' 55" N - 76° 39' 36" W; running 280° (M) to a point on the west shore 34° 54' 55" N - 76° 40' 01" W; no more than 300 yards from the west shore and 200 yards from the east shore.

- (iii) South of a line beginning at a point on the east shore 34° 54' 55" N - 76° 39' 36" W, running 280° (M) to a point on the west shore 34° 54' 55" N - 76° 40' 01" W, except in the marked navigation channel.
- (BB) In South River:
 - (i) Southeast of a line beginning at a point on the southwest shore 34° 58' 35" N - 76° 35' 25" W, running 049° (M) through Red Flasher No. 2 to a point on the northeast shore 34° 59' 07" N - 76° 34' 52" W, no more than 200 yards from the shoreline.
 - (ii) That area bound by a line beginning at a point on the southwest shore 34° 58' 35" N - 76° 35' 25" W, running 049° (M) to Red Flasher No. 2; thence running 207° (M) to a point north of Hardy Creek 34° 58' 13" N - 76° 35' 22" W; thence following the shoreline to the point of beginning.
- (CC) In Turnagain Bay:
 - (i) Between a line running 077° (M) through Green Flasher No. 1 and a line beginning at a point on the east shore 34° 59' 04" N - 76° 29' 01" W; running 276° (M) to a point on the west shore 34° 59' 03" N - 76° 29' 28" W, no more than 300 yards on the east shore and 100 yards on the west shore.
 - (ii) Between a line beginning at a point on the east shore 34° 59' 04" N - 76° 29' 01" W, running 276° (M) to a point on the west shore 34° 59' 03" N - 76° 29' 28" W, and a line beginning at a point on the east shore 34° 57' 56" N - 76° 29' 25" W, running 275° (M) to a point on the west shore 34° 57' 58" N - 76° 29' 44" W, no more than 150 yards from shore.
- (DD) In West Bay - North Bay area:
 - (i) In that area bound by a line

beginning at a point 35° 02' 32" N - 76° 22' 27" W; thence southwest 220° (M) to Marker No. 5 WB; thence southeast 161° (M) to a point in West Bay 35° 00' 34" N - 76° 21' 50" W; thence southwest 184° (M) to Deep Bend Point 34° 58' 36" N - 76° 21' 48" W; thence following the shoreline of West Bay and North Bay to a point 35° 02' 09" N - 76° 21' 53" W; thence 317° (M) to the beginning point.

- (ii) In West Bay bound by a line beginning at a point on shore 35° 03' 34" N - 76° 26' 24" W, running 033° (M) 100 yards to a point 35° 03' 38" N - 76° 26' 23" W; thence parallel to the shoreline no more than 100 yards from shore to a point 35° 00' 06" N - 76° 25' 24" W, running 278° (M) to a point on shore 35° 00' 06" N - 76° 25' 28" W.
- (iii) In West Bay bound by a line beginning at a point 35° 00' 06" N - 76° 25' 28" W, running 098° (M) 500 yards to a point 35° 00' 06" N - 76° 25' 12" W; thence 171° (M) 2800 yards to a point 34° 58' 45" N - 76° 24' 42" W; thence 270° (M) 1400 yards to a point on shore 34° 58' 39" N - 76° 25' 22" W.
- (EE) In West Thorofare Bay and Merkle Bay south and southeast of a line beginning at a point in West Bay at Tump Point 34° 58' 42" N - 76° 22' 49" W; thence southwest 258° (M) to Marker F1 R15 ft. 3M 8 WB; thence southwest 203° (M) to Long Bay Point 34° 57' 52" N - 76° 24' 12" W.
- (FF) In Long Bay:
 - (i) In that area bound by a line beginning at a point on the south side of Stump Bay in Long Bay 34° 57' 13" N - 76° 27' 12" W; running northeast 077° (M) across Stump Bay to a point 34° 57' 39" N - 76° 25' 51" W; thence 032° (M) to a point 34° 58' 39" N - 76° 25' 22" W, following the shoreline to the beginning point.
 - (ii) Southwest of a line beginning on the west shore 34° 57' 13" N - 76° 27' 12" W, running 134° (M) to a point on the east shore at Swimming Point 34° 56' 46" N - 76° 26' 26" W.
 - (iii) In the area bound by a line beginning at a point on shore at Swimming Point 34° 56' 46" N - 76° 26' 26" W, running 314° (M) 300 yards to a

- point 34° 56' 52" N - 76° 26' 33" W; thence parallel to the shoreline no more than 300 yards from shore to a point 34° 58' 03" N - 76° 24' 10" W; thence 203° (M) to Long Bay Point 34° 57' 52" N - 76° 24' 12" W.
- (GG) Raccoon Island, on the northeast shore between a point on the northwest shore 35° 04' 27" N - 76° 26' 16" W and a point on the southwest shore 35° 04' 00" N - 76° 25' 33" W from the shoreline no more than 150 yards from shore; on the south and west shores, no more than 50 yards from the shoreline.
- (8) Core Sound, Back Sound and the Straits and their tributaries.
- (9) North River:
- (A) In that area bound by a line beginning at a point on the shore on the east side of North River south of Goose Bay 34° 43' 35" N - 76° 34' 55" W; thence running 252° (M) to a point in the river 34° 43' 28" N - 76° 35' 14" W; thence running 355° (M) to a point in the river 34° 45' 20" N - 76° 35' 45" W; thence running 060° (M) to a point in the river 34° 45' 45" N - 76° 35' 04" W; thence running 165° (M) to a point on the shore at the mouth of South Leopard Creek 34° 45' 36" N - 76° 34' 59" W; thence with the shoreline to the point of beginning.
- (B) In that area bound by a line beginning at a point on the west side of North River near Steep Point 34° 43' 40" N - 76° 37' 20" W; thence running 040° (M) to a point 34° 44' 35" N - 76° 36' 36" W; thence running 291° (M) 300 yards to a point 34° 44' 37" N - 76° 36' 45" W; thence running 219° (M) to a point 34° 44' 13" N - 76° 37' 05" W; thence running 307° (M) to a point 34° 44' 16" N - 76° 37' 12" W; thence running 018° (M) to a point 34° 45' 20" N - 76° 36' 56" W following the shoreline to the beginning point.
- (C) In that area of the North River marshes bound by a line beginning at Red Flasher No. "6" running 038° (M) along the southeast side of Steep Point Channel through Red Day Marker No. "8" to a point 34° 44' 08" N - 76° 36' 52" W; thence 125° (M) to a point 34° 43' 48" N - 76° 36' 08" W; thence 144° (M) to a point 34° 43' 30" N - 76° 35' 47" W; thence 188° (M) to a point 34° 42' 23" N - 76° 35' 47" W; thence 221° (M) to Red Flasher No. "56"; thence 278° (M) to a point 34° 42' 14" N - 76° 36' 43" W; thence 346° (M) to a point 34° 42' 45" N - 76° 36' 58" W; thence 008° (M) to a point 34° 43' 14" N - 76° 36' 58" W; thence 318° (M) to the beginning point.
- (D) In the area north of a line beginning on the east shore at 34° 46' 11" N - 76° 35' 13" W; thence running 270° (M) to a point on the west shore at 34° 46' 11" N - 76° 37' 01" W.
- (10) Newport River:
- (A) In that area east and south of a line beginning at a point on the south shore 34° 45' 30" N - 76° 43' 10" W; thence running 026° (M) to a point on the north shore Newport River near Oyster Creek; thence following the shoreline to a point on the west bank of Core Creek at 34° 47' 05" N - 76° 41' 14" W; thence running 099° (M) through Marker "21" to a point on the east shore at 34° 47' 05" N - 76° 41' 10" W; thence following the shoreline southward to Gallant Point at 34° 44' 00" N - 76° 40' 19" W; thence running 271° (M) to Marker "2" at 34° 43' 58" N - 76° 40' 32" W; thence running 148° (M) to a point at 34° 43' 42" N - 76° 40' 05" W; thence running 182° (M) to a point at 34° 43' 21" N - 76° 40' 11" W at the Beaufort Causeway; thence running west with U.S. Highway 70 and the shoreline as the southern border to the point of beginning.
- (B) In that area north and east of a line beginning at Penn Point 34° 45' 44" N - 76° 43' 35" W; thence running 022° (M) to a point on the north shore 34° 46' 47" N - 76° 43' 15" W near White Rock.
- (11) Bogue Sound:
- (A) In that area bound by a line beginning at a point 34° 40' 33" N - 77° 00' 48" W on the south shore of Bogue Sound at Archer Point running 014° (M) to Channel Marker No. 37 at 34° 41' 15" N - 77° 00' 43" W and in the east by the Atlantic Beach Bridge.
- (B) In that area north of the Intracoastal Waterway beginning at the Atlantic Beach Bridge and running parallel with the Intracoastal Waterway to the Highway 58 Bridge.
- (12) Designated primary nursery areas in all coastal fishing waters which are listed in 15A NCAC 3R .0103, except Burton Creek off Lower Broad Creek in Pamlico County.
- (13) West and south of the Highway 58 Bridge at Emerald Isle from May 1 through October 31 in areas and during such times as the Fisheries Director shall designate by proclamation.

(b) It is unlawful to use pots from May 1 through October 31 in the areas described in Subparagraphs (b)(1) through (6) of this Rule except in accordance with 15A NCAC 3J .0301(a)(2)(B):

(1) In Wysocking Bay:

(A) Bound by a line beginning at a point on the south shore of Lone Tree Creek 35° 25' 05" N - 76° 02' 05" W running 239° (M) 1000 yards to a point 35° 24' 46" N - 76° 02' 32" W; thence 336° (M) 2200 yards to a point 35° 25' 42" N - 76° 03' 16" W; thence 062° (M) 750 yards to a point on shore 35° 25' 54" N - 76° 02' 54" W; thence following the shoreline and the Lone Tree Creek primary nursery area line to the beginning point;

(B) Bound by a line beginning at a point on the south shore of Mt. Pleasant Bay 35° 23' 07" N - 76° 04' 12" W running 083° (M) 1200 yards to a point 35° 23' 17" N - 76° 03' 32" W; thence 023° (M) 2400 yards to a point 35° 24' 35" N - 76° 04' 00" W; thence 299° (M) 1100 yards to point on shore 35° 24' 38" N - 76° 04' 48" W; thence following the shoreline and the Browns Island and Mt. Pleasant Bay primary nursery area line to the beginning point; except pots may be set no more than 50 yards from the shoreline;

(2) In Juniper Bay bound by a line beginning at a point on Juniper Bay Point 35° 20' 18" N - 76° 13' 22" W running 275° (M) 2300 yards to a point 35° 20' 15" N - 76° 14' 45" W; thence 007° (M) 2100 yards to Daymarker No. 3; thence 040° (M) 1100 yards to a point on shore 35° 21' 45" N - 76° 14' 24" W; thence following the shoreline and the Buck Creek primary nursery area line to the beginning point;

(3) In Rose Bay bound by a line beginning at a point southwest of Swan Point 35° 23' 56" N - 76° 23' 39" W running 288° (M) 1500 yards to a point 35° 24' 03" N - 76° 24' 33" W; thence 162° (M) 1650 yards to a point 35° 23' 19" N - 76° 24' 04" W; thence 084° (M) 1350 yards to a point on shore 35° 23' 29" N - 76° 23' 17" W; thence following the shoreline to the beginning point;

(4) In Spencer Bay bound by a line beginning at a point on shore at Willow Point 35° 22' 26" N - 76° 28' 00" W running 059° (M) 1700 yards to a point 35° 22' 57" N - 76° 27' 13" W; thence 317° (M) 1500 yards to a point 35° 23' 25" N - 76° 27' 57" W; thence 243° (M) 1300 yards to a point on shore 35° 23' 02" N - 76° 28' 35" W; thence following the shoreline to the beginning point;

(5) In Bay River, beginning at a point on shore at Moore Creek 35° 08' 51" N - 76° 40' 14" W; running 296° (M) to a point 35° 08' 59" N - 76° 50' 19" W; thence no more than 150 yards from

shore to a point 35° 09' 43" N - 76° 40' 06" W; thence running 134° (M) to a point on shore west of Bell Point 35° 09' 40" N - 76° 40' 00" W;

(6) In Neuse River:

(A) Beginning at a point on shore north of Swan Creek 35° 07' 17" N - 76° 33' 26" W running 115° (M) to a point near the six foot depth contour 35° 07' 15" N - 76° 33' 16" W; thence running 074° (M) to Beacon No. 2 at Maw Point Shoal; thence running 294° (M) to a point on shore 35° 08' 30" N - 76° 32' 36" W; thence following the shoreline to the beginning point 35° 07' 17" N - 76° 33' 26" W;

(B) Beginning at a point on shore north of Gum Thicket Creek 35° 04' 40" N - 76° 35' 38" W; thence running 129° (M) to a point 35° 04' 12" N - 76° 34' 37" W; thence running 355° (M) to Beacon No. 1 in Broad Creek; thence running the six foot contour line to Green Marker No. 3;

(C) Beginning at a point on the eastern tip of Cockle Point 35° 03' 20" N - 76° 38' 27" W; thence running 100° (M) to a point 35° 03' 18" N - 76° 37' 53" W; thence running 005° (M) to a point on shore 35° 03' 38" N - 76° 37' 54" W; thence following the primary nursery area line to the beginning point 35° 03' 20" N - 76° 38' 27" W;

(D) Beginning at a point on shore on the eastern side of the MBYB channel 34° 58' 16" N - 76° 49' 05" W running 186° (M) to a point on the six foot depth contour 34° 58' 07" N - 76° 49' 05" W; thence following the six foot depth contour to a point 34° 58' 24" N - 76° 46' 34" W; thence running 351° (M) to a point on shore 34° 58' 32" N - 76° 46' 38" W;

(E) Beginning at a point on shore at Beards Creek 35° 00' 08" N - 76° 52' 13" W; thence running 209° (M) to a point 34° 59' 52" N - 76° 52' 20" W; thence running along the six foot depth contour to a point 34° 59' 25" N - 76° 51' 14" W; thence running 043° (M) to a point on shore at Mill Creek 34° 59' 34" N - 76° 51' 06" W.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;

Eff. January 1, 1991;

Amended Eff. March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991;

Recodified from 15A NCAC 3R .0007 Eff. December 17, 1996;

Amended Eff. May 1, 1997.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10D - GAME LANDS REGULATIONS

.0003 HUNTING ON GAME LANDS

(a) **Safety Requirements.** No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with special restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

(b) **Traffic Requirements.** No person shall park a vehicle on game lands in such a manner as to block traffic, gates or otherwise prevent vehicles from using any roadway.

(c) **Tree Stands.** It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts or wire to a tree on any game land designated herein. This prohibition shall not apply to lag-screw steps or portable stands that are removed after use with no metal left remaining in or attached to the tree.

(d) **Time and Manner of Taking.** Except where closed to hunting or limited to specific dates by this Chapter, hunting on game lands is permitted during the open season for the game or furbearing species being hunted. On managed waterfowl impoundments, hunters shall not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates, and hunting is prohibited after 1:00 p.m. on such hunting dates; decoys shall not be set out prior to 4:00 a.m. and must be removed by 3:00 p.m. each day. No person shall operate any vessel or vehicle powered by an internal combustion engine on a managed waterfowl impoundment. No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal which has been so mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the commission or its agent. A decision to grant or deny authorization shall be made based on the best management practices for the wildlife species in question. No person shall take or attempt to take any game birds or game animals attracted to such foods. No live wild animals or wild birds shall be removed from any game land.

(e) **Definitions:**

- (1) For purposes of this Section "Eastern" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(A); "Central" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(D); "Northwestern" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(B); "Western" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(C).
- (2) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays,

Wednesdays, Saturdays and to Thanksgiving, Christmas and New Year's Days within the federally-announced season.

- (3) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays and Thanksgiving, Christmas and New Year's Days. These open days also apply to either-sex hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.
- (4) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons, except that:
 - (A) Bears shall not be taken on lands designated and posted as bear sanctuaries;
 - (B) Wild boar shall not be taken with the use of dogs on such bear sanctuaries, and wild boar may be hunted only during the bow and arrow seasons, the muzzle-loading deer season and the regular gun season on male deer on bear sanctuaries;
 - (C) On game lands open to deer hunting located in or west of the counties of Rockingham, Guilford, Randolph, Montgomery and Anson, the following rules apply to the use of dogs during the regular season for hunting deer with guns:
 - (i) Except for the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, game birds shall be hunted with dogs.
 - (ii) In the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, small game in season shall be hunted with dogs on all game lands except on bear sanctuaries.
 - (D) On bear sanctuaries in and west of Madison, Buncombe, Henderson and Polk counties dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15;
- (f) **Game Lands Seasons and Other Restrictions:**
 - (1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan and Stanly counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
 - (2) Angola Bay Game Land in Duplin and Pender counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible

- Antlers Season.
- (3) Anson Game Land in Anson County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
 - (4) Bachelors Bay Game Land in Bertie and Washington counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
 - (5) Bertie County Game Land in Bertie County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (6) Bladen County Game Land in Bladen County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (7) Bladen Lakes State Forest Game Land in Bladen County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Saturday preceding Eastern bow season with bow and arrow and the Friday preceding the Eastern muzzle-loading season with any legal weapon (with weapons exceptions described in this Paragraph) by participants in the Disabled Sportsman Program.
 - (C) Handguns shall not be carried and, except for muzzle-loaders, rifles larger than .22 caliber rimfire shall not be used or possessed.
 - (D) On the Breece Tract and the Singletary Tract deer and bear may be taken only by still hunting.
 - (E) Wild turkey hunting is by permit only.
 - (8) Brushy Mountains Game Land in Caldwell County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
 - (9) Bullard and Branch Hunting Preserve Game Lands in Robeson County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
 - (10) Butner - Falls of Neuse Game Land in Durham, Granville and Wake counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
 - (11) Carson Woods Game Land in Ashe County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
 - (12) Caswell Game Land in Caswell County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Friday preceding the Central muzzle-loading season by participants in the Disabled Sportsman Program.
 - (C) Horseback riding is allowed only during June, July, and August and on Sundays during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to vehicular traffic. Participants must obtain a game lands license prior to engaging in such activity.
 - (13) Caswell Farm Game Land in Lenoir County
 - (A) Dove-Only Area
 - (14) Catawba Game Land in Catawba and Iredell counties
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
 - (C) Deer may be taken with bow and arrow only from the tract known as Molly's Backbone.
 - (15) Chatham Game Land in Chatham County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
 - (16) Cherokee Game Land in Ashe County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
 - (17) Cherry Farm Game Land in Wayne County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

- Visible Antlers Season.
- (C) The use of centerfire rifles and handguns is prohibited.
- (18) Chowan Game Land in Chowan County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (19) Chowan Swamp Game Land in Gates County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (20) Columbus County Game Land in Columbus County.
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (21) Croatan Game Land in Carteret, Craven and Jones counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
- (D) Bear season extends from the second Monday in November through the following Saturday in that portion in Jones and Craven counties and runs with the county season in Carteret.
- (22) Dare Game Land in Dare County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (C) No hunting on posted parts of bombing range.
- (D) The use and training of dogs is prohibited from March 1 through June 30.
- (23) Dysartsville Game Land in McDowell and Rutherford counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (24) Elk Knob Game Land in Ashe and Watauga counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (25) Gardner-Webb Game Land in Cleveland County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (26) Goose Creek Game Land in Beaufort and Pamlico counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (C) On posted waterfowl impoundments waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons. After November 1, on the Pamlico Point, Campbell Creek, and Spring Creek impoundments, a special permit is required for hunting on opening and closing days of the duck seasons, Saturdays of the duck seasons, and on Thanksgiving and New Year's day.
- (27) Green River Game Land in Henderson, Polk and Rutherford counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season in that portion in Rutherford County; and deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season in that portion in Polk and Henderson counties.
- (28) Green Swamp Game Land in Brunswick County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (29) Gull Rock Game Land in Hyde County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (C) On the posted waterfowl impoundments of Gull Rock Game Land hunting of any species of wildlife is limited to Mondays, Wednesdays, Saturdays; Thanksgiving, Christmas, and New Year's Days; and the opening and closing days of the applicable waterfowl seasons.
- (30) Hofmann Forest Game Land in Jones and Onslow counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (31) Holly Shelter Game Land in Pender County

- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Friday preceding the Eastern muzzle-loading season with any legal weapon and the Saturday preceding Eastern bow season with bow and arrow by participants in the Disabled Sportsman Program
- (C) Waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons regardless of the day of the week on which they occur.
- (32) Huntsville Community Farms Game Land in Yadkin County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (33) Hyco Game land in Person and Caswell counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (34) Jordan Game Land in Chatham, Durham, Orange and Wake counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
 - (D) Horseback riding, including all equine species, is prohibited.
 - (E) Target shooting is prohibited.
- (35) Lantern Acres Game Land in Tyrrell and Washington counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (36) Lee Game Land in Lee County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (37) Linwood Game Land in Davidson County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (38) Moore Game Land in Moore County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (39) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.
 - (C) Raccoon and opossum may be hunted only from sunset Friday until sunrise on Saturday and from sunset until 12:00 midnight on Saturday on Fires Creek Bear Sanctuary in Clay County and in that part of Cherokee County north of US 64 and NC 294, east of Persimmon Creek and Hiwassee Lake, south of Hiwassee Lake and west of Nottely River; in the same part of Cherokee County dog training is prohibited from March 1 to the Monday on or nearest October 15.
 - (D) It is unlawful to train dogs or allow dogs to run unleashed on any game land in Graham County between March 1 and the Monday on or nearest October 15.
- (40) Neuse River Game Land in Craven County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (41) New Lake Game Land in Hyde County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (42) North River Game Land in Currituck County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (43) Northeast Cape Fear Game Land in Pender County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (44) Northwest River Marsh Game Land in Currituck County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (45) Pee Dee River Game Land in Anson, Montgomery, Richmond and Stanly counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
 - (C) Use of centerfire rifles prohibited in that portion in Anson and Richmond counties

- North of US-74.
- (46) Person Game Land in Person County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons.
 - (47) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga and Yancey counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season except on that portion of Avery County north of the Blue Ridge Parkway.
 - (C) Harmon Den and Sherwood Bear Sanctuaries in Haywood County are closed to hunting raccoon, opossum and wildcat. Training raccoon and opossum dogs is prohibited from March 1 to the Monday on or nearest October 15 in that part of Madison County north of the French Broad River, south of US 25-70 and west of SR 1319.
 - (48) Pungo River Game Land in Hyde County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
 - (49) Roanoke River Wetlands in Bertie, Halifax and Martin counties
 - (A) Hunting is by Permit only. Vehicles are prohibited on roads or trails except those operated on official Commission business or by permit holders.
 - (50) Robeson Game Land in Robeson County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
 - (51) Sampson Game Land in Sampson County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (52) Sandhills Game Land in Moore, Richmond and Scotland counties
 - (A) Three Days per Week Area
 - (B) The Deer With Visible Antlers season for deer consists of the open hunting dates from the second Monday before Thanksgiving through the third Saturday after Thanksgiving except on the field trial grounds where the gun season is from the second Monday before Thanksgiving through the Saturday following Thanksgiving. Deer may be taken with bow and arrow on all open hunting dates during the bow and arrow season, as well as during the regular gun season. Deer may be taken with muzzle-loading firearms on Monday, Wednesday and Saturday of the second week before Thanksgiving week, and during the Deer With Visible Antlers season.
 - (C) Gun either-sex deer hunting is by permit only the Thursday and Friday before Thanksgiving Week. For participants in the Disabled Sportsman Program, either-sex deer hunting with any legal weapon is permitted on all areas the Thursday and Friday prior to the muzzle-loading season described in the preceding paragraph. Except for the deer seasons indicated in the preceding paragraph and the managed either-sex permit hunts, the field trial grounds are closed to all hunting during the period October 22 to March 31.
 - (D) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons
 - (E) Wild turkey hunting is by permit only.
 - (F) Dove hunting on the field trial grounds will be prohibited from the second Sunday in September through the remainder of the hunting season.
 - (53) Sauratown Plantation Game Land in Stokes County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
 - (54) Shearon Harris Game Land in Chatham and Wake counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl may be taken only on Tuesdays, Fridays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
 - (55) South Mountains Game Land in Burke and Cleveland counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

- (56) Sutton Lake Game Land in New Hanover County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (57) Three Top Mountain Game Land in Ashe County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (58) Thurmond Chatham Game Land in Wilkes County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Participants of the Disabled Sportsman Program may also take either-sex deer with bow and arrow on the Saturday prior to Northwestern bow and arrow season.
 - (C) Horseback riding is only allowed during June, July, and August and on Sundays during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to vehicular traffic. Participants must obtain a game lands license prior to horseback riding on this area.
- (59) Toxaway Game Land in Transylvania County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season. Participants of the Disabled Sportsman Program Deer may also take deer of either sex with any legal weapon on the Saturday prior to the first segment of the Western bow and arrow season.
- (60) Uwharrie Game Land in Davidson, Montgomery and Randolph counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six days and the last six days of the applicable Deer With Visible Antlers Season.
- (61) Vance Game Land in Vance County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.
- (62) White Oak River Impoundment Game Land in Onslow County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl may be taken on the opening and

closing days of the applicable waterfowl seasons regardless of the day of the week on which they occur.

- (63) Yadkin Game Land in Caldwell County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

(g) On permitted type hunts deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications must be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and shall be nontransferable. A hunter making a kill must tag the deer and report the kill to a wildlife cooperator agent.

(h) The following game lands and refuges shall be closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission:

- Bertie, Halifax and Martin counties--Roanoke River Wetlands;
- Bertie County--Roanoke River National Wildlife Refuge.
- Burke County--John's River Waterfowl Refuge
- Dare County--Dare Game Lands (Those parts of bombing range posted against hunting)
- Davie--Hunting Creek Swamp Waterfowl Refuge
- Gaston, Lincoln and Mecklenburg counties--Cowan's Ford Waterfowl Refuge.

History Note: Temporary Amendment Eff. October 3, 1991;

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-305.

Eff. February 1, 1976.

Amended Eff. July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995; September 1, 1994; July 1, 1994.

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

.0327 MONTGOMERY COUNTY

(a) Regulated Areas. This Rule applies to the waters and portions of waters described as follows:

- (1) Badin Lake.
- (2) Lake Tillery.
- (3) Woodrun Cove. Those waters within 50 yards of the mouth of Woodrun Cove located on Lake Tillery as delineated by appropriate markers and within 50 yards of the boat ramp located at the head of Woodrun Cove.
- (4) Tuckertown Reservoir.
- (5) Carolina Forest Cove. The mouth of Carolina Forest Cove located on Lake Tillery as delineated by appropriate markers.

(b) **Speed Limit Near Shore Facilities.** No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(c) **Restricted Swimming Areas.** No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area established with the approval of the Wildlife Resources Commission on the waters of the regulated areas described in Paragraph (a) of this Rule.

(d) **Placement and Maintenance of Markers.** The Board of Commissioners of Montgomery County is hereby designated a suitable agency for placement and maintenance of the markers hereby authorized, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers. With regard to marking the regulated areas described in Paragraph (a) of this Rule, supplementary standards as set forth in Rule .0301(g)(1) to (8) of this Section shall apply.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. November 1, 1977;
Amended Eff. July 1, 1998; December 1, 1990; May 1, 1989;
March 25, 1978.*

CHAPTER 21 - HEALTH: PERSONAL HEALTH

SUBCHAPTER 21I - SUMMER FOOD SERVICE PROGRAM

SECTION .0100 - GENERAL PROVISIONS

.0101 INCORPORATION BY REFERENCE: 7 C.F.R. PART 225

Title 7, Code of Federal Regulations, Part 225 is hereby incorporated by reference along with all subsequent amendments and editions. A copy of 7 C.F.R. Part 225 is maintained at the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, 1330 St. Mary's Street, Raleigh, North Carolina, or can be obtained by contacting the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, P.O. Box 10008, Raleigh, NC 27605, telephone (919) 733-2973, at a cost of five dollars (\$5.00).

*History Note: Authority G.S. 130A-29; 130A-361; S.L. 1995, c. 324, s. 17.11; 42 U.S.C. 1761;
Temporary Adoption Eff. July 8, 1996;
Eff. August 1, 1998.*

CHAPTER 21 - HEALTH: PERSONAL HEALTH

SUBCHAPTER 21J - CHILD AND ADULT CARE FOOD PROGRAM

SECTION .0100 - GENERAL PROVISIONS

.0101 INCORPORATION BY REFERENCE: 7 C.F.R. PART 226

Title 7, Code of Federal Regulations, Part 226 is hereby incorporated by reference along with all subsequent amendments and editions. A copy of 7 C.F.R. Part 226 is maintained at the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, 1330 St. Mary's Street, Raleigh, North Carolina, or can be obtained by contacting the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, P.O. Box 10008, Raleigh, NC 27605, telephone (919) 733-2973, at a cost of five dollars (\$5.00).

*History Note: Authority G.S. 130A-29; 130-361; S.L. 1995, c. 324, s. 17.11; 42 U.S.C. 1766;
Temporary Adoption Eff. July 8, 1996;
Eff. August 1, 1998.*

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 2 - DIVISION OF HIGHWAYS

SUBCHAPTER 2E - MISCELLANEOUS OPERATIONS

SECTION .0200 - OUTDOOR ADVERTISING

.0210 REVOCATION OF PERMIT

Any valid permit issued for a lawful outdoor advertising structure shall be revoked by the appropriate district engineer for any one of the following reasons:

- (1) mistake of material facts by the issuing authority for which had the correct facts been made known, the outdoor advertising permit in question would not have been issued;
- (2) misrepresentations of material facts by the outdoor advertiser on the application for permit for outdoor advertising;
- (3) failure to pay annual renewal fees or provide the documentation required under Rule .0207(c) of this Section;
- (4) failure to construct the outdoor advertising structure including all sign faces within 180 days from the date of issuance of the outdoor advertising permit;
- (5) any alteration of an outdoor advertising structure for which a permit has previously been issued which would cause that outdoor advertising structure to fail to comply with the provisions of the Outdoor Advertising Control Act or the rules adopted by the Board of Transportation pursuant thereto;
- (6) alterations to a nonconforming sign or a sign

conforming by virtue of the grandfather clause which would cause it to be other than substantially the same as it was on the date the sign became nonconforming, or a grandfather clause sign. For purposes of this Item, alterations include, but are not limited to:

- (a) enlarging a dimension of the sign facing, or raising the height of the sign;
- (b) changing the material of the sign structure's support;
- (c) adding a pole or poles; or
- (d) adding illumination;
- (7) failure to affix permanent permit emblem within 30 days after erection of the outdoor advertising structure;
- (8) unlawful destruction of trees or shrubs or other growth located on the right of way in order to increase or enhance the visibility of an outdoor advertising structure;
- (9) unlawful violation of the control of access on interstate, freeway, and other controlled access facilities;
- (10) failure to maintain a sign such that it remains blank for a period of 12 consecutive months;
- (11) failure to maintain a sign such that it reaches a state of dilapidation as defined in Rule .0201(w) of this Section;
- (12) abandonment, destruction, or discontinuance of a sign as defined in Rule .0201, Paragraphs (s) and (t), and Section 750.707(d)(6) of Title 23 of the Code of Federal Regulations;
- (13) violation of the criteria set out in Rule .0201(a) of this Section or when the criteria set out in Rule .0201(a) of this Section is no longer in existence within 24 months of the date of the issuance of the permit;
- (14) failure to provide the appropriate district engineer with written notice of any proposed alteration to a nonconforming sign or a sign conforming by virtue of a grandfather clause;
- (15) failure to affix the name of the person, firm, or corporation owning or maintaining the outdoor advertising sign to the sign structure in sufficient size to be plainly visible in accordance with G.S. 105-86(e);
- (16) failure to erect, maintain, or alter an outdoor advertising sign structure in accordance with the North Carolina Outdoor Advertising Control Act, codified in G.S. 136, Articles 11 and 11A, and the rules adopted by the Board of Transportation;
- (17) failure to maintain the permit emblem so that it is visible and readable from the main-traveled way;
- (18) when, within 24 months of the date of issuance of the permit for any outdoor advertising structure erected using the criteria stipulated in Rule .0201(a) of this Section, any of the criterion in Rule .0201(a) of this Section no longer exists or when the activity which qualified the area unzoned

commercial or industrial no longer exists.

History Note: Authority G.S. 105-86(e); 136-133; Eff. July 1, 1978;

Amended Eff. May 1, 1997; November 1, 1993; March 1, 1993; October 1, 1991; December 1, 1990.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 36 - BOARD OF NURSING

SECTION .0300 - APPROVAL OF NURSING PROGRAMS

.0320 STUDENTS

(a) Students in nursing programs shall meet requirements established by the controlling institution. Additional requirements may be stipulated by the nursing program for students because of the nature and legal responsibilities of nursing education and nursing practice.

(b) Admission requirements and practices shall be clearly stated and published by the controlling institution and shall include assessment of:

- (1) record of high school graduation, high-school equivalent, or earned credits from a post-secondary institution; and
- (2) achievement potential through the use of previous academic records and pre-entrance examination cut-off scores that are consistent with curriculum demands and scholastic expectations; and
- (3) physical and emotional health that would provide evidence that is indicative of the applicant's ability to provide safe nursing care to the public.

Initial admission may be based on Subparagraphs (b)(1) and (2) of this Rule and any other institutional requirements; however, final admission shall be contingent upon Subparagraph (b)(3) of this Rule.

(c) The number of students enrolled in nursing courses shall not exceed the maximum number approved by the Board as defined in 21 NCAC 36.0302 and 21 NCAC 36.0321.

(d) Published policies and practices shall exist that provide for identification and dismissal of students who:

- (1) present physical or emotional problems which conflict with safety essential to nursing practice and do not respond to appropriate treatment or counseling within a reasonable period of time.
- (2) demonstrate behavior which conflicts with safety essential to nursing practice.

(e) Criteria for progression through a program shall clearly define the level of performance required to pass each course in the curriculum, the level at which failure of the course is determined, and the level of performance in prerequisite courses required for progression to subsequent courses or levels. These criteria shall apply to both theoretical and clinical components of nursing courses.

(f) Program objectives shall be consistent with components of basic nursing practice as defined for the licensure level.

(g) Implementation of the nursing program shall result in no less than an annual 75 percent pass rate on first writing of the licensure examination for the calendar year ending December 31.

(h) Policies for transfer of credits or for admission to advanced placement shall be stated and must provide that:

- (1) general admission, progression, and graduation requirements of the nursing program shall apply to the applicant; and
- (2) the nursing program shall determine the total number of nursing courses or credits allowed for advancement placement.

History Note: Authority G.S. 90-171.23(b)(8); 90-171.38; Eff. February 1, 1976;

Amended Eff. August 1, 1998; January 1, 1996; June 1, 1992; January 1, 1989; January 1, 1984.

CHAPTER 37 - BOARD OF NURSING HOME ADMINISTRATORS

SUBCHAPTER 37D - NEW LICENSES

SECTION .0200 - APPLICATION FOR LICENSE

.0202 INITIAL LICENSURE FEE

The applicant shall send to the Board, prior to licensure, an initial licensure fee of three hundred twenty-five dollars (\$325.00) when applicant has passed the examinations as required by the Board under Sections .0600 and .0700 of this Chapter.

History Note: Filed as a Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on November 9, 1982;

Authority G.S. 90-280;

Eff. February 1, 1976;

Amended Eff. August 1, 1977;

Readopted Eff. October 1, 1981; December 15, 1977;

Amended Eff. February 1, 1991; October 1, 1982; December 30, 1981;

Transferred and Recodified from 21 NCAC 37A .0302 Eff. April 1, 1996;

Amended Eff. August 1, 1996;

Temporary Amendment Eff. August 15, 1996;

Amended Eff. July 1, 1998.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, June 19, 1997, 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, June 16, 1997, 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
 Philip O. Redwine - Chairman
 Vernice B. Howard
 Teresa L. Smallwood
 Charles H. Henry

Appointed by House
 Bill Graham - Vice Chairman
 James Mallory, III
 Paul Powell
 Anita White

RULES REVIEW COMMISSION MEETING DATES

July 17, 1997
 August 21, 1997
 September 18, 1997

October 16, 1997
 November 20, 1997

MEETING DATE: JUNE 19, 1997

LOG OF FILINGS

RULES SUBMITTED: APRIL 20, 1997 THROUGH MAY 20, 1997

AGENCY/DIVISION	RULE NAME	RULE	ACTION
COMMERCE/NC STATE PORTS AUTHORITY			
	Identifying Information	4 NCAC 13A .0101	Repeal
	Functions	4 NCAC 13A .0102	Repeal
	Administration of the Authority	4 NCAC 13A .0105	Repeal
	Execution of Contracts	4 NCAC 13A .0202	Repeal
	Real Property and Construction	4 NCAC 13A .0203	Repeal
	Vending Services	4 NCAC 13A .0204	Repeal
	Laws and Rules Governing	4 NCAC 13B .0001	Repeal
	Purchases Exceeding \$5,000	4 NCAC 13B .0002	Repeal
	Purchases Not Exceeding \$5,000	4 NCAC 13B .0003	Repeal
	Purchases Not Exceeding \$5,000	4 NCAC 13B .0004	Repeal
	Purchases Not Exceeding \$5,000	4 NCAC 13B .0005	Repeal
	Lease of Southport Boat Harbor	4 NCAC 13C .0001	Repeal
	Publication of Port Charges Tariff	4 NCAC 13D .0101	Repeal
	Title	4 NCAC 13E .0101	Repeal
	Adoption	4 NCAC 13E .0102	Repeal
	Ordination	4 NCAC 13E .0103	Repeal
	Statutory Definitions	4 NCAC 13E .0201	Repeal
	Definitions	4 NCAC 13E .0202	Repeal
	Duties of Police Departments	4 NCAC 13E .0301	Repeal
	Duties of Port Managers	4 NCAC 13E .0302	Repeal
	Enforcement by Police Officers	4 NCAC 13E .0401	Repeal
	Direction of Traffic	4 NCAC 13E .0402	Repeal
	Operation of Emergency Vehicle	4 NCAC 13E .0403	Repeal
	Right of Way	4 NCAC 13E .0404	Repeal

Collisions	4 NCAC 13E .0405	Repeal
Placement and Maintenance	4 NCAC 13E .0501	Repeal
Standards and Specifications	4 NCAC 13E .0502	Repeal
Speed Limits	4 NCAC 13E .0601	Repeal
Vehicles with Lugs	4 NCAC 13E .0602	Repeal
Erection of Traffic Control Signs	4 NCAC 13E .0603	Repeal
Smoking Restrictions	4 NCAC 13E .0701	Repeal
Fire Arms Prohibited	4 NCAC 13E .0702	Repeal
Penalties Upon Conviction	4 NCAC 13E .0801	Repeal
Registration	4 NCAC 13E .0803	Repeal
Wilmington Ordinance Schedules	4 NCAC 13E .0901	Repeal
Morehead City Ordinance Schedules	4 NCAC 13E .0902	Repeal
General	4 NCAC 13F .0301	Repeal
Personnel Questions	4 NCAC 13F .0302	Repeal

DEPARTMENT OF INSURANCE

Officers	11 NCAC 8 .1001	Adopt
Meetings	11 NCAC 8 .1002	Adopt
Persons and Practices	11 NCAC 8 .1003	Adopt
Equivalent Experience	11 NCAC 8 .1004	Adopt
Reciprocity	11 NCAC 8 .1005	Adopt
Net Assets	11 NCAC 8 .1006	Adopt
Examination	11 NCAC 8 .1007	Adopt
Applications for Licenses	11 NCAC 8 .1008	Adopt
Display of License	11 NCAC 8 .1009	Adopt
Appeals of Denials	11 NCAC 8 .1010	Adopt
Fee Schedule	11 NCAC 8 .1011	Adopt
Definitions	11 NCAC 8 .1101	Adopt
Standards of Practice	11 NCAC 8 .1102	Adopt
Purpose and Scope	11 NCAC 8 .1103	Adopt
General Limitations	11 NCAC 8 .1104	Adopt
General Exclusions	11 NCAC 8 .1105	Adopt
Structural Components	11 NCAC 8 .1106	Adopt
Exterior	11 NCAC 8 .1107	Adopt
Roofing	11 NCAC 8 .1108	Adopt
Plumbing	11 NCAC 8 .1109	Adopt
Electrical	11 NCAC 8 .1110	Adopt
Heating	11 NCAC 8 .1111	Adopt
Central Air Conditioning	11 NCAC 8 .1112	Adopt
Interiors	11 NCAC 8 .1113	Adopt
Insulation and Ventilation	11 NCAC 8 .1114	Adopt
Built-In Kitchen Appliances	11 NCAC 8 .1115	Adopt
Code of Ethics	11 NCAC 8 .1116	Adopt
Definitions	11 NCAC 8 .1201	Adopt
Complaints	11 NCAC 8 .1202	Adopt
Board Staff	11 NCAC 8 .1203	Adopt
Investigation	11 NCAC 8 .1204	Adopt
Disciplinary Hearing	11 NCAC 8 .1205	Adopt
Presiding Officer	11 NCAC 8 .1206	Adopt
Prehearing Conference	11 NCAC 8 .1207	Adopt
Consent Agreement	11 NCAC 8 .1208	Adopt
Final Board Order	11 NCAC 8 .1209	Adopt

JUSTICE/NC ALARM SYSTEMS LICENSING BOARD

Experience Requirements	12 NCAC 11 .0202	Amend
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NC PSYCHOLOGY BOARD

Psychological Associate	21 NCAC 54 .1802	Amend
Licensed Psychologist	21 NCAC 54 .1803	Amend
Supervisor	21 NCAC 54 .2001	Amend
Nature of Supervision	21 NCAC 54 .2002	Amend
Contracting and Reporting	21 NCAC 54 .2003	Repeal
Time Requirements	21 NCAC 54 .2004	Repeal
Alternate Supervision	21 NCAC 54 .2005	Amend
Applicants	21 NCAC 54 .2007	Amend
Psychological Associate	21 NCAC 54 .2008	Adopt
Licensed Psychologist	21 NCAC 54 .2009	Adopt

RULES REVIEW OBJECTIONS

ADMINISTRATION

State Construction

<i>1 NCAC 30G .0102 - Policy</i>	<i>RRC Objection</i>	<i>03/20/97</i>
<i>No Response from Agency</i>		<i>04/17/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>05/15/97</i>
<i>1 NCAC 30G .0104 - General Procedures</i>	<i>RRC Objection</i>	<i>03/20/97</i>
<i>No Response from Agency</i>		<i>04/17/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>05/15/97</i>

AGRICULTURE

<i>2 NCAC 43F .0003 - Standards for Receptacles: Labeling: Etc. (Recodified to .0103)</i>	<i>RRC Objection</i>	<i>05/15/97</i>
<i>2 NCAC 43H .0007 - Special Requirements (Recodified to .0107)</i>	<i>RRC Objection</i>	<i>05/15/97</i>

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Marine Fisheries

<i>15A NCAC 30 .0101 - License Agents</i>	<i>RRC Objection</i>	<i>04/17/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>05/15/97</i>

HUMAN RESOURCES

Child Day Care Commission

<i>10 NCAC 3U .0707 - In-Service Training Requirements</i>	<i>RRC Objection</i>	<i>03/20/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>

Facility Services

<i>10 NCAC 3R .3033 - Open Heart Surgery Services Need Determinations (Rev. Cat. H)</i>	<i>RRC Objection</i>	<i>01/16/97</i>
	<i>Obj. Cont'd</i>	<i>02/20/97</i>
	<i>Obj. Cont'd</i>	<i>03/20/97</i>

Medical Assistance

<i>10 NCAC 26B .0113 - Case Mgmt Svcs/Adults/Children/at Risk/Abuse/Neglect/Exploitation</i>		
<i>Returned to Agency for Failure to Comply with APA</i>		<i>04/17/97</i>

INSURANCE

<i>11 NCAC 12 .1702 - Viatical Settlement Providers</i>	<i>RRC Objection</i>	<i>03/20/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>

DEPARTMENT OF JUSTICE

Criminal Justice Education & Training Standards Commission

12 NCAC 9B .0102 - Background Investigation

Agency Revised Rule

RRC Objection

04/17/97

Obj. Removed

05/15/97

BOARD OF NURSING

21 NCAC 36 .0320 - Students

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

BOARD OF PHARMACY

21 NCAC 46 .1317 - Definitions

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

21 NCAC 46 .1410 - Personnel

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

21 NCAC 46 .1411 - Responsibilities of the Pharmacist-Manager

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

21 NCAC 46 .1412 - Physical Requirements

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

21 NCAC 46 .1414 - Drug Distribution and Control

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

21 NCAC 46 .1415 - Medication in Health Care Facility Emergency Departments

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

21 NCAC 46 .1416 - Repackaging

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

21 NCAC 46 .1604 - Transfer of Permits Allowed

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

21 NCAC 46 .1703 - Drugs to Be Dispensed

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

21 NCAC 46 .2611 - Medical Equipment

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

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 O. Smith
Thomas R. West

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ADMINISTRATION				
Douglas J. Register v. Department of Administration	96 DOA 0172	Reilly	08/16/96	
Mechanical Products, Co. v. Dept. of Administration & Dept. of Corr and Willoughby Industries, Inc.	97 DOA 0338	Gray	05/12/97	
<i>Purchase and Contract</i>				
Budd Seed, Inc. v. Department of Administration	96 DOA 0281	Chess	09/19/96	
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Osama Arafat Sadar v. Alcoholic Beverage Control Commission	95 ABC 0721	Gray	07/09/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles	95 ABC 0883*7	Gray	07/10/96	
Cole Entertainment, Inc. v. Alcoholic Beverage Control Commission	95 ABC 0917	West	08/21/96	11:12 NCR 1027
Fuad Saif Murshed v. Alc. Bev. Ctl. Comm. & Durham Mem. Bapt. Ch.	95 ABC 0922	Chess	04/24/96	
Alcoholic Beverage Control Commission v. Tremik, Inc.	95 ABC 0925	Morrison	03/25/96	
City of Raleigh v. Alcoholic Beverage Control Commission and	95 ABC 1143	Morrison	11/08/96	11:17 NCR 1362
Marshall Stewart, III, Robert David Park, and Park Stewart Inc.				
Alcoholic Beverage Control Commission v. Maria Virginia Tramontano	95 ABC 1200	West	04/23/96	
Alcoholic Beverage Control Commission v. Huffman Oil Co., Inc.	95 ABC 1251	West	04/03/96	11:03 NCR 166
Pinakin P. Talate v. Alcoholic Beverage Control Commission	95 ABC 1329	West	04/10/96	
Alcoholic Beverage Control Commission v. Entrepreneur, Inc.	95 ABC 1363	Reilly	05/02/96	
Alcoholic Beverage Control Commission v. Zell, Inc.	95 ABC 1366	West	06/17/96	
Alcoholic Beverage Control Commission v. Henry Franklin Gurganus	95 ABC 1389	West	04/01/96	
Andrew Parker v. Alcoholic Beverage Control Commission	95 ABC 1402	Phipps	03/27/96	
Barraq Sabri Alquza v. Alcoholic Beverage Control Commission	95 ABC 1424	Phipps	04/03/96	
Alcoholic Beverage Control Comm. v. Partnership T/A T & L Groceries	95 ABC 1443	West	03/26/96	
Alcoholic Beverage Control Commission v. Cashion's Food Mart, Inc.	95 ABC 1444	Gray	03/13/96	
Alcoholic Beverage Control Commission v. E.K.'s II, Inc. Carl E. Collins	95 ABC 1458	Chess	08/12/96	
Bro Bee, Inc. v. Alcoholic Beverage Control Commission	95 ABC 1480	West	04/15/96	
Alcoholic Beverage Control Commission v. Donald Ray Doak	95 ABC 1488	West	03/29/96	
Alcoholic Beverage Control Commission v. Janice Lorraine Jeter	96 ABC 0013	Reilly	04/26/96	
Alcoholic Beverage Control Commission v. Well Informed, Inc.	96 ABC 0016	Chess	05/28/96	
Alcoholic Beverage Control Commission v. Kubbard, Inc.	96 ABC 0017	Reilly	05/20/96	
Alcoholic Beverage Control Commission v. Stemmermans's, Inc.	96 ABC 0018	Chess	05/28/96	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
George Wright and Alice Ramsuer v. Alcoholic Beverage Control Comm.	96 ABC 0058	Becton	04/16/96	
Alcoholic Beverage Control Commission v. Bayron Green	96 ABC 0097	Becton	08/23/96	
Alcoholic Beverage Control Commission v. Circle K Stores, Inc.	96 ABC 0134	Gray	11/06/96	
Alcoholic Beverage Control Commission v. Robert Montgomery McKnight	96 ABC 0135	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Cadillacs Discotheque, Inc.	96 ABC 0136	Phipps	12/04/96	
Gerald Audry Sellars v. Alcoholic Beverage Control Commission	96 ABC 0160	Becton	06/25/96	11:08 NCR 564
Alcoholic Beverage Control Commission v. Jacqueline Robin Anthony	96 ABC 0184	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Factory Night Club, Inc.	96 ABC 0226	Phipps	08/02/96	
Alcoholic Beverage Control Commission v. C.N.H. Enterprises, Inc.	96 ABC 0232	Becton	07/09/96	
Alcoholic Beverage Control Commission v. Millicent J. Green	96 ABC 0234	Smith	06/13/96	
Ghassan Hasan Issa v. Alcoholic Beverage Control Commission	96 ABC 0256	Morrison	05/23/96	
Alcoholic Beverage Control Commission v. Abdelhakeem Muraweh Saleh	96 ABC 0381	Chess	08/27/96	
Alcoholic Beverage Control Commission v. Triangle Drive-In	96 ABC 0443	Reilly	06/11/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0447	Morrison	08/30/96	11:13 NCR 1085
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0448	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0449	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0450	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Giles Rozier	96 ABC 0473	Morrison	09/19/96	
Alcoholic Beverage Control Commission v. Clifton Franklin Smith	96 ABC 0474	Reilly	08/12/96	
Alcoholic Beverage Control Comm. v. Crown Central Petroleum Corp.	96 ABC 0482	Morrison	10/18/96	
Dilhtra Smith Patton v. Alcoholic Beverage Control Commission	96 ABC 0505	Morrison	08/06/96	
Virginia Caporal v. Alcoholic Beverage Control Commission	96 ABC 0507	Becton	10/04/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles	96 ABC 0526*	Gray	07/10/96	
Alcoholic Beverage Control Commission v. Chae Ypo Chong	96 ABC 0530	Morrison	10/29/96	
Alcoholic Beverage Control Commission v. Albert S. Carter	96 ABC 0534	Morrison	08/05/96	
Alcoholic Beverage Control Commission v. Taleb Abed Rahman	96 ABC 0551	West	11/14/96	
Alcoholic Beverage Control Comm. v. Centergrove Entertainment Ent.	96 ABC 0583	Reilly	08/12/96	
Michael L. Harris D/B/A Big House Inc. v. Alcoholic Beverage Control	96 ABC 0680	Phipps	02/12/97	
Joseph Marcel Etienne v. Alcoholic Beverage Control Commission	96 ABC 0718	Phipps	10/17/96	
Alcoholic Beverage Control Commission v. Jesse Smith	96 ABC 0804	Gray	11/19/96	
Alcoholic Beverage Control Commission v. Winn Dixie Charlotte, Inc.	96 ABC 0858	Morrison	11/21/96	
Alcoholic Beverage Control Commission v. Winn Dixie Charlotte, Inc.	96 ABC 0859	Morrison	11/21/96	
Louis Corpening v. Alcoholic Beverage Control Commission	96 ABC 0985	Gray	09/26/96	
Alcoholic Beverage Control Commission v. Joyce N. Capra	96 ABC 1060	Reilly	11/15/96	
HARB Inc. v. Alcoholic Beverage Control Commission	96 ABC 1124	Phipps	10/23/96	
Alcoholic Beverage Control Commission v. Mutaz Mohammed	96 ABC 1181	Chess	02/13/97	
Alcoholic Beverage Control Commission v. Warner Enterprises, Inc.	96 ABC 1315	Gray	01/30/97	11:23 NCR 1801
Alcoholic Beverage Control Commission v. James Ramsey, Jr.	96 ABC 1317	Gray	02/03/97	
Alcoholic Beverage Control Commission v. Russell Bernard Speller	96 ABC 1394	Smith	12/20/96	
Alcoholic Beverage Control Commission v. Anthony Ralph Cecchini, Jr.	96 ABC 1420	Becton	02/28/97	
Alcoholic Beverage Control Comm. v. Ptnrshp., T/A Blue Front Groc.	96 ABC 1469	Smith	12/09/96	
Alcoholic Beverage Control Comm. v. Crown Central Petroleum Corp.	96 ABC 1584	Gray	02/12/97	
Alcoholic Beverage Control Commission v. Anthony Jerome Foster	96 ABC 1587	Reilly	01/29/97	
Alcoholic Beverage Control Comm. v. Park Entertainment, Inc.	96 ABC 1928	Smith	02/06/97	
Lomax Brooks v. Alcoholic Beverage Control Commission	96 ABC 1930	Gray	03/21/97	
Alcoholic Beverage Control Comm. v. Betty Smallwood Smith	96 ABC 2059	Becton	04/30/97	
Alcoholic Beverage Control Comm. v. Larry's Famous Bar, Inc.	96 ABC 2095	Phipps	04/21/97	11:28 NCR 2165
Alcoholic Beverage Control Comm. v. Circle K Stores, Inc. #8620	96 ABC 2080	Becton	05/15/97	
Alcoholic Beverage Control Comm. v. The Great A & P Tea Co., Inc.	96 ABC 2082	Chess	04/09/97	11:29 NCR 2282
Alcoholic Beverage Control Comm. v. Tonya Colleen Daugherty	97 ABC 0063	Morrison	05/01/97	

COMMISSION FOR AUCTIONEERS

John W. Foster v. Auctioneer Licensing Board	96 CFA 0201	Phipps	05/06/96
Barry G. York v. Auctioneer Licensing Board	96 CFA 0297	Smith	10/18/96

DEPARTMENT OF COMMUNITY COLLEGES

James E. Price, Sr. v. Central Carolina Community College, DCC	97 DCC 2035	Morrison	04/15/97
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DEPARTMENT OF CORRECTION

James J. Lewis v. Department of Correction	96 DOC 0772	West	09/05/96
AMERIMARK, Inc. v. Department of Correction	97 DOC 0040	Morrison	04/17/97
Joseph Phillip Smith v. Department of Correction	97 DOC 0109	Morrison	04/15/97
Maurice Crovell v. Department of Correction	97 DOC 0185	Phipps	04/22/97

CRIME CONTROL AND PUBLIC SAFETY

Roland Lee Kelly, Jr. v. United Family Services, Victim Assistance/Crime Victims Compensation Comm.	95 CPS 0568	Morrison	05/29/96	
Robert F. Bronsdon v. Crime Victims Compensation Commission	95 CPS 1216	Chess	05/28/96	
Helen B. Hunter-Reid v. Crime Victims Compensation Commission	95 CPS 1336	Smith	03/29/96	11:02 NCR 93

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Deborah C. Passarelli v. Crime Victims Compensation Commission	95 CPS 1399	Reilly	07/18/96	11:09 NCR 814
Kenneth Saunders v. Victims Compensation Commission	95 CPS 1445	Chess	03/26/96	
Franklin McCoy Jones v. Crime Victims Compensation Commission	96 CPS 0056	Smith	07/03/96	
Ruby H. Ford v. Crime Victims Compensation Commission	96 CPS 0110	Reilly	04/18/96	
Manuel Cervantes v. Victims Compensation Fund	96 CPS 0118	Chess	03/19/96	
Sheila Carol Blake v. Victims Compensation Commission	96 CPS 0280	West	07/10/96	
James T. Mungo v. Victims Compensation Commission	96 CPS 0333	Reilly	07/09/96	
Jerome Crutchfield v. CPS, Victims Compensation Commission	96 CPS 0340	Phipps	09/05/96	
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Emma Coble v. Crime Victims Compensation Commission	96 CPS 0468	Chess	09/25/96	
Donna Williams v. Crime Victims Compensation Commission	96 CPS 0493	Morrison	06/13/96	
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Anthony P. Dawkins v. Crime Victims Compensation Commission	96 CPS 0716	Reilly	08/16/96	
Judy Worley Milam v. Crime Victims Compensation Commission	96 CPS 0717	Gray	11/21/96	
James A. Cherry v. Crime Control & Public Safety	96 CPS 0793	Phipps	01/17/97	
Shirley M. King v. Crime Victims Compensation	96 CPS 0802	West	08/08/96	
Mark Matthews for Child Victim v. Crime Victims Compensation Comm.	96 CPS 0832	Becton	08/20/96	
Clara Durham v. Victims Compensation	96 CPS 0906	Phipps	09/23/96	
George Battle, Jr. v. Crime Control & Public Safety	96 CPS 1006	Phipps	01/17/97	
Larry McLeod v. Crime Victims Compensation Commission	96 CPS 1073	Smith	03/14/97	
Shawn P. Saddler v. Victims Compensation Commission	96 CPS 1109	Morrison	01/02/97	
Ricky Cleveland v. Crime Victims Compensation Commission	96 CPS 1174	Chess	03/06/97	
Melvin Lewis Huntley v. Victims Compensation Commission	96 CPS 1211	Gray	04/16/97	11:28 NCR 2169
David Carl Anderson v. Crime Victims Compensation Commission	96 CPS 1409	Smith	11/25/96	
Ronald Richardson v. Crime Victims Compensation Commission	96 CPS 1729	Becton	04/16/97	
Douglas Alan West v. Crime Victims Compensation Commission	96 CPS 1888	West	01/03/97	
Sandra Ray Weden v. Victim's Compensation Commission	97 CPS 0072	Phipps	03/11/97	
Alton R. Simmons v. Crime Victims Compensation Commission	97 CPS 0091	Becton	04/17/97	
Victor Lewis Mayberry v. Crime Victims Compensation Commission	97 CPS 0105	Reilly	05/05/97	

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Gribble & Assoc. & Four Seasons Car Wash v. EHNR	95 EHR 0576	Gray	04/25/96	
Webster Environmental Inc. v. EHNR, Asbestos Hazard Mgmt. Branch	95 EHR 0647	Becton	01/24/97	
Wilton Evans v. Environment, Health, & Natural Resources	95 EHR 0843	Reilly	07/17/96	
David Martin Shelton v. Rockingham County Dept/Public Health, EHNR	95 EHR 0941	West	05/01/96	
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1198*2	Smith	03/27/96	11:02 NCR 97
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1199*2	Smith	03/27/96	11:02 NCR 97
Elsie & Tony Cecchini v. Environment, Health, & Natural Resources	95 EHR 1240	Reilly	04/22/96	
United Organics Corporation v. Environment, Health, & Natural Res.	96 EHR 0064	Smith	07/01/96	
Gerald Mac Clamrock v. Environment, Health, & Natural Resources	96 EHR 0168	Phipps	05/06/96	
Sapphire Ridge Development Corp. v. Envir., Health, & Natural Res.	96 EHR 0320	Gray	05/12/97	
Phillip T. Goetz v. Carteret County Health Center	96 EHR 0596	Smith	01/23/97	
John Milazzo v. Environment, Health, & Natural Resources	96 EHR 0644	Reilly	08/13/96	
Daniel Bordeaux, Coast Wastewater Op. v. Env., Health, & Nat. Resources	96 EHR 0751	Gray	04/21/97	
Wayne Marshall, Pres. Metro Area Dev., Inc. v. EHNR	96 EHR 0826	West	10/01/96	
Joel B. Patterson v. Environment, Health, & Natural Resources	96 EHR 0846	Reilly	04/22/97	11:28 NCR 2175
David J. Mohn v. Environment, Health, & Natural Resources	96 EHR 0947	Smith	10/04/96	
Robert D. Smith v. Brunswick County Health Dept., Bolivia, NC	96 EHR 1057	Chess	02/04/97	
Frederick Albritton and wife Peggy S. Albritton v. EHNR	96 EHR 1126	Reilly	04/02/97	11:27 NCR 2097
Isaac R. Wilkins, David L. Wilkins v. Envir., Health, & Natural Res	96 EHR 1239	Gray	05/08/97	
Elizabeth Shepard Covin v. Environment, Health, & Natural Resources	96 EHR 1258	Becton	01/14/97	
The Papco Group, Inc. v. Forsyth County Environmental Affairs Dept	96 EHR 1293	Chess	02/17/97	
Reuben Massey v. Environment, Health, and Natural Resources	96 EHR 1301	Reilly	12/18/96	
Joseph London v. Environment, Health, and Natural Resources	96 EHR 1397	Reilly	12/10/96	
Anna Croyle Callahan v. Environment, Health, & Natural Resources	96 EHR 1897	Reilly	05/09/97	
Gregory S. and Kimberly C. Maloney v. Environment, Health, & Nat. Res.	97 EHR 0171	Chess	04/02/97	
Carolina Wood Products Southeast, Inc. v. Env., Health, & Nat. Res.	97 EHR 0218	Reilly	05/08/97	

Coastal Resources

Martin W. Synger v. Division of Coastal Management	95 EHR 1006	Chess	05/13/96	
J. E. Smith Construction Co. v. Division of Coastal Management	96 EHR 0074	Smith	02/23/96	
Theodore D. Barris v. Town of Long Beach, NC & Coastal Mgmt. EHNR	96 EHR 0277	West	05/09/96	
Town of Sunset Beach v. EHNR, Division of Coastal Management	96 EHR 1112	Becton	03/26/97	11:26 NCR 2045

Environmental Health

Forest Gate Motel v. Environment, Health, and Natural Resources	96 EHR 0076	West	06/17/96	
Paradise Ridge Home Owners by Anne Norburn v. EHNR, Env. Health	96 EHR 0162	Phipps	05/06/96	
Zack Diakogiannis v. EHNR, Division of Environmental Health	96 EHR 0768	Gray	01/08/97	

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<i>Environmental Management</i>				
Frank A. Corriher & Sons Well Drilling, Inc. v. Env. Mgmt., EHNR	95 EHR 0048	Phipps	09/20/96	11:14 NCR 1191
North Buncombe Assoc of Concerned Citizens v. Env. Mgmt. EHNR	95 EHR 0108	Chess	02/03/97	11:24 NCR 1866
Ford Motor Company v. EHNR, Division of Environmental Management	95 EHR 0588	Smith	12/20/96	
Herman E. Smith v. Division of Environmental Management	95 EHR 0962	West	04/30/96	
Lake Summit Property Owners Assoc. v. EHNR, Environmental Mgmt.	95 EHR 1022	Reilly	12/30/96	
Conover Lumber Co., Inc. v. EHNR, Division of Environmental Mgmt.	95 EHR 1081	Reilly	04/12/96	
City of Reidsville, a Municipal Corp. v. EHNR, Environmental Mgmt.	95 EHR 1335	Gray	10/01/96	11:15 NCR 1249
Jack West d/b/a Jack West Tree Service v. Environmental Mgmt. Comm.	95 EHR 1421	Morrison	04/08/96	
The Smithfield Packing Co., Inc., v. EHNR, Environmental Mgmt. and Citizens for Clean Industry, Inc. and Bladen Environment	95 EHR 1474	West	07/03/96	
Commscope, Inc. v. EHNR, Division of Environmental Management	96 EHR 0078	Gray	12/23/96	
Stephen L. Reedy v. EHNR, Division of Environmental Management	96 EHR 0181	Gray	12/16/96	
Rayco Utilities, Inc. v. EHNR, Division of Environmental Management	96 EHR 0367	Becton	10/04/96	
Clover M Farms, Inc. v. EHNR, Division of Environmental Management	96 EHR 0405	Becton	06/10/96	
Providence Glen Associates v. Environmental Management, EHNR	96 EHR 0648	Becton	08/12/96	
R.H. Mohesky and Clover M Farms, Inc. v. EHNR, Environmental Mgmt.	96 EHR 0649	Morrison	04/28/97	11:28 NCR 2171
Overcash Gravel & Grading Co., Inc. v. Division of Environmental Mgmt	96 EHR 0990	West	10/29/96	
<i>Land Resources</i>				
K&G Properties, Inc. v. EHNR, Division of Land Resources	95 EHR 1078	Smith	03/25/96	
<i>Marine Fisheries</i>				
Robert I. Swinson, Sr. v. EHNR, Health & Nat. Res., Marine Fisheries	95 EHR 0320	Chess	03/29/96	11:03 NCR 168
Grayden L. Fulcher and Michael Styron, Sr. v. Div. of Marine Fisheries	96 EHR 0003	Reilly	03/06/96	
Johnny R. Stotesberry v. Marine Fisheries Commission	96 EHR 0072	Gray	08/19/96	11:11 NCR 955
Julian G. Gilgo v. Environment, Health, and Natural Resources	96 EHR 0692	West	12/06/96	11:19 NCR 1530
<i>Radiation Protection</i>				
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Claude F. Nunnery v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0305	Gray	08/28/96	
John Charles Maloney v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0306	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	
Philip A. Berezik, Jr. v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0652	Reilly	11/13/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Morrison	08/02/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Phipps	01/28/97	
Glenn R. Brammer v. Sheriffs' Ed. & Training Standards Comm.	96 DOJ 0839	Smith	09/05/96	
Timothy Wayne Fulford v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0840	Smith	09/16/96	
Brent Lee Millsaps v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0841	Chess	09/24/96	
Debra McHale Sadler v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0891	Smith	03/13/97	
James Michael Doe v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0957	Phipps	12/06/96	
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Charles M. Perry v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 1016	Smith	01/22/97	
Gregory K. Knox v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 1836	Reilly	02/03/97	
Tyrone Sutton v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 1837	Becton	02/17/97	
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Randy C. Hoyle v. Private Protective Services Board	96 DOJ 0024	Smith	06/10/96	
John Darrell Shaver v. Private Protective Services Board	96 DOJ 0127	Reilly	02/26/97	
Daniel Ray Williams v. Private Protective Services Board	96 DOJ 0128	Reilly	02/26/97	
Robert A. Gibson v. Private Protective Services Board	96 DOJ 0386	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	
Charlie C. Brackett v. Private Protective Services Board	96 DOJ 0712	Becton	02/03/97	
Thomas R. Harris v. Private Protective Services Board	96 DOJ 0761	Reilly	07/11/96	
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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	
Keith L. Saunders v. Private Protective Services Board	96 DOJ 1363	Smith	01/15/97	

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John W. Charing v. Department of Labor	97 DOL 0161	Becton	05/06/97	
Luke Caudle, Midtown Sundries Inc. v. Department of Labor	97 DOL 0295	Phipps	04/21/97	

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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	Smith	03/13/96	11:01 NCR 50
V.A.A. and R.L.A. v. Johnston County School System	95 EDC 1024	Mann	02/11/97	11:24 NCR 1860
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	
Candace 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	
Zelma J. Hillsman v. NC State Board of Education	96 EDC 0399	Phipps	01/27/97	11:23 NCR 1808
Cyonnae 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	
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John Barlow v. Watauga County Board of Education	96 EDC 0623	Reilly	07/24/96	
Louis Craig Gill v. State Board of Education	96 EDC 0675	Smith	12/18/96	11:20 NCR 1624
John L. Archer v. Department of Public Instruction	96 EDC 0678	Smith	08/02/96	

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Pamela F. Cummings v. Department of Public Instruction	96 EDC 0742	Smith	08/16/96	
Susie Whitley/Brandon Whitley v. Charlotte-Mecklenburg Bd. of Ed.	96 EDC 0964	Chess	09/17/96	
Larry Goins v. Department of Public Instruction	96 EDC 0994	Reilly	04/10/97	
Michael Wayne Geter v. Charlotte-Mecklenburg School Board	96 EDC 1036	West	09/23/96	
Ted Louis Raye v. State Board of Education	96 EDC 1055	Morrison	01/10/97	
Felicia M. Moore v. Charlotte-Mecklenburg Schools & Dept. of Public Ins.	96 EDC 1303	Smith	11/25/96	
Michael B. Trombley v. Department of Public Instruction	96 EDC 1970	Gray	02/20/97	
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<i>Department of Administration</i>				
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	
<i>Administrative Office of the Court</i>				
Ethel R. Tyson v. NC Judicial Dept., Administrative Office of the Court	96 OSP 0080	Smith	03/15/96	
<i>Department of Agriculture</i>				
Richard E. Taylor v. Department of Agriculture	97 OSP 0257	Phipps	05/07/97	
<i>Albemarle Mental Health Center</i>				
Judy A. Gordon v. Albemarle Mental Health Center	96 OSP 0354	Chess	10/17/96	
<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>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	
Nancy L. Marek v. Department of Correction, Division of Prisons	95 OSP 1075	Chess	02/17/97	
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	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 Propst v. Foothills Correctional Institution	96 OSP 0199	Morrison	04/09/96	
Delon D. Solomon v. Department of Correction	96 OSP 0258	West	07/02/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0261	Morrison	08/05/96	
Ann Williams v. Department of Correction	96 OSP 0279	Phipps	10/31/96	
Haydee C. Craver v. Department of Correction, Christopher Phillips	96 OSP 0348	Phipps	05/15/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0372**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0373**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0374**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0375**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0376**	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	
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Greggory Thomas, Sr. v. Department of Correction	96 OSP 0578	Chess	04/10/97	
Tony R. Broffman v. Department of Correction	96 OSP 0625	Becton	08/29/96	
James C. Calvert v. Department of Correction	96 OSP 0635	Reilly	05/07/97	
Mary Hargraves v. Department of Correction	96 OSP 0674	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	Smith	10/16/96	
Thomas N. Powell v. Department of Correction ENTERPRISE	96 OSP 0950	Chess	04/15/97	
Sharon Oxendine v. Department of Correction	96 OSP 0999	Becton	10/22/96	
Sophia Denise Cole v. Department of Correction	96 OSP 1072	Reilly	04/29/97	
James D. Dowdy v. Department of Correction	96 OSP 1081	Smith	02/21/97	
Larry W. Cole, Sr. v. Brown Creek Correctional Inst.	96 OSP 1136	Phipps	02/10/97	
Martin Tyler Wells, Sr. v. Dept. of Correction Sandhill Youth Center	96 OSP 1142	Chess	01/28/97	
Timothy J. Ciscel & Anita K Ciscel v. DOP/Piedmont Corr. Inst.	96 OSP 1149	Chess	01/24/97	
Charles H. Perry v. Department of Correction	96 OSP 1542	Reilly	01/02/97	
Barbara Graham v. Department of Correction	96 OSP 1700	Becton	03/07/97	11:25 NCR 1964
Calvia L. Hill v. Dept. of Correction, Lumberton Correctional Inst.	96 OSP 1705	Smith	03/27/97	
Samuel Davenport v. Department of Correction	96 OSP 1973	Chess	04/04/97	
Mohammad R. Pirouzkah v. Department of Correction	97 OSP 0038	Phipps	03/24/97	
Robert L. Wilkes, Jr. v. Department of Correction	97 OSP 0159	Smith	05/15/97	
Mohammad R. Pirouzkah v. Department of Correction	97 OSP 0239	Gray	04/11/97	
<i>Craven County Health Department</i>				
Linda Walker v. Craven County Health Department	95 OSP 1171* ¹⁵	Smith	01/24/97	
Patricia Kemp v. Craven County Health Department	95 OSP 1233* ¹⁵	Smith	01/24/97	
Patricia Kemp v. Craven County Health Department	96 OSP 0324* ¹⁵	Smith	01/24/97	
<i>Department of Crime Control and Public Safety</i>				
Jerry Lee Fields v. State Highway Patrol	94 OSP 1174* ¹⁰	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 0249* ⁹	Smith	07/23/96	
Hearl Oxendine v. Crime Control & Public Safety, St. Highway Patrol	95 OSP 0697	Smith	10/16/96	
Jerry Lee Fields v. State Highway Patrol	95 OSP 0836* ¹⁰	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 1050* ⁹	Smith	07/23/96	
Lloyd Edward Lowry v. Department of Crime Control & Public Safety	96 OSP 0341	Reilly	02/28/97	11:24 NCR 1886
Peter Mason Griffin v. Crime Control & Public Safety, St. Hwy Patrol	96 OSP 1309	Gray	12/12/96	
Mary S. Holmes v. Victim & Justice Services Division, DCCPS	96 OSP 2000	Morrison	04/16/97	
<i>Durham County Health Department</i>				
Lylla D. Stockton v. Durham County Health Department	95 OSP 0176	West	07/02/96	
<i>Employment Security Commission</i>				
Kenneth W. White v. Employment Security Commission	90 OSP 0390* ³⁰	Becton	04/30/97	11:29 NCR 2285
Craig S. Eury v. Employment Security Commission	90 OSP 0391* ³⁰	Becton	04/30/97	11:29 NCR 2285
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	
Jessie James Thomas, Jr. v. Employment Security Commission	96 OSP 1961	Phipps	01/27/97	
<i>Department of Environment, Health, and Natural Resources</i>				
Roberta 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
Diana Tootle v. Department of Environment, Health, & Natural Resources	95 OSP 0569	Reilly	03/24/97	11:26 NCR 2042
Donald E. Batts v. Division of Adult Health, EHNR	95 OSP 1071	Smith	10/01/96	
<i>Guilford County Area Mental Health, Developmental Disabilities and Substance Abuse</i>				
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<i>Department of Human Resources</i>				
Sheila Logan v. Black Mountain Center, Dept. of Human Resources	95 OSP 0672	Chess	01/24/97	
Myron A. Smith v. DHR, Division of Child Development	95 OSP 1033	Morrison	11/27/96	
Ophelia Webb v. Edard R. Inman, Dir. Alamance Cty DSS, Alamance Cty DSS, Alamance County, and DHR	96 OSP 0112	Gray	03/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0114* ¹¹	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0146* ¹¹	Gray	11/05/96	

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Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0147**11	Gray	11/05/96	
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	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0241**11	Gray	11/05/96	
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	
William C. Neal v. Department of Human Resources	96 OSP 0605	Morrison	04/17/97	11:27 NCR 2099
Allen J. Wright, Jr. v. Blue Ridge Area Authority	96 OSP 0665	Reilly	12/20/96	
Lynn S. Hales v. John Umstead Hospital	96 OSP 0729	West	10/02/96	
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Barbara A. Denkins v. Department of Human Resources	96 OSP 1080	Reilly	05/05/97	
Jacqueline C. Branch v. Division of Facility Services	96 OSP 1089	Smith	12/09/96	
<i>Buncombe County Department of Social Services</i>				
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<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	Smith	03/21/96	
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<i>Cumberland County Department of Social Services</i>				
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Ruth Fortner v. Cumberland County Department of Social Services	96 OSP 0829	Becton	12/02/96	
<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>Harnett County Department of Social Services</i>				
Debra McLean-Galbreath v. Harnett County Department of Social Services	96 OSP 1064	Gray	05/08/97	
<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
<i>Lenoir County Department of Social Services</i>				
Sharron S. Moten v. Lenoir County DSS, Jack B. Jones	96 OSP 1100	Gray	12/06/96	
Felicia Ann Baker v. Lenoir County DSS, Jack B. Jones	96 OSP 1101	Gray	12/12/96	
<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	
Gale Worrells v. Department of Human Resources, O'Berry Center	96 OSP 1011	Gray	01/09/97	11:21 NCR 1699
<i>Onslow County Department of Social Services</i>				
Andrew Kent Wigmore v. Onslow County Department of Social Services	96 OSP 1014	Trawick	04/15/97	11:27 NCR 2108
Sandra L. Riley v. Onslow County Department of Social Services	97 OSP 0217	Reilly	05/08/97	
<i>Rockingham County Department of Social Services</i>				
Loretta Lawson v. Rockingham County DSS	96 OSP 0471	West	06/13/96	

CONTESTED CASE DECISIONS

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<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>				
Phyllis 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	11/01/96	
<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 Justice</i>				
Thomas M. Hughes v. State Bureau of Investigation, Dept. of Justice	95 OSP 0368	Becton	02/28/97	11:24 NCR 1877
<i>Department of Labor</i>				
Kevin P. Kolbe, Sr. v. Department of Labor	95 OSP 0968	Morrison	03/14/96	11:01 NCR 58
Sydney Cheryl Sutton v. Department of Labor	95 OSP 1211	Phipps	02/04/97	
<i>Neuse Mental Health</i>				
Debra Conner v. Neuse Mental Health	97 OSP 0268	Smith	04/28/97	
<i>New Hanover County Board of Health</i>				
Tabandeh Zand v. New Hanover County Board of Health	95 OSP 1035	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>Department of Revenue</i>				
Richard B. Meadows v. Department of Revenue, Motor Fuels Tax Division	95 OSP 0901	Chess	04/09/97	
<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>Tideland Mental Health Center</i>				
Lisa C. Selfridge v. Tideland Mental Health Center	96 OSP 1144	Smith	02/10/97	
<i>Department of Transportation</i>				
Pearlie M. Simuel-Johnson v. Department of Transportation	94 OSP 0589 ^{*1}	Gray	03/01/96	11:03 NCR 173
Dorothy J. Grays v. Div. of Motor Vehicles, Dept. of Transportation	94 OSP 1044	Reilly	04/12/96	
Bobby R. Mayo v. Department of Transportation	95 OSP 0561 ^{*13}	Reilly	01/08/97	
James H. Broyhill v. Department of Transportation	95 OSP 0673	Gray	12/02/96	
Bobby R. Mayo v. Department of Transportation	95 OSP 0798 ^{*13}	Reilly	01/08/97	
Pearlie M. Simuel-Johnson v. Department of Transportation	95 OSP 0837 ^{*1}	Gray	03/01/96	
Lisa Ann Lee v. Department of Transportation	95 OSP 1099	Reilly	07/31/96	
Melvin Duncan v. Department of Transportation	95 OSP 1462	Morrison	03/08/96	
Greg Brown v. Department of Transportation	96 OSP 0048	Reilly	05/02/96	
Jesse Wayne Castle v. State Highway Maint., Guess Rd., Durham, NC	96 OSP 0087	Gray	04/15/96	
Archie Brooks v. W. F. Rosser, Department of Transportation	96 OSP 0239	Smith	05/17/96	
Jessie L. Allen et al. v. DMV Enforcement Section	96 OSP 0408	Becton	08/12/96	
Dwight Odell Graves v. DOT Maintenance, Caswell County	96 OSP 0616	Morrison	10/24/96	

* Consolidated cases.

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R.L. Singleton v. Department of Transportation	96 OSP 0683	Becton	08/12/96	
William Dean Gillenwater v. Department of Transportation	96 OSP 0684	Gray	12/13/96	
Shirley Pierce v. DOT/DMV Drivers License	96 OSP 0731	West	03/31/97	
Stephanie Taylor v. Department of Motor Vehicles	96 OSP 0955	Becton	08/29/96	11:13 NCR 1095
James M. Stokes, III v. Department of Transportation	96 OSP 0983	Smith	03/03/97	11:24 NCR 1891
Larry J. Winstead v. Department of Transportation	97 OSP 0060	Becton	03/27/97	
Tri-County Mental Health Complex				
Deborah Heil v. Tri-County Mental Health Complex	95 OSP 1100	Smith	03/22/96	
University of North Carolina				
Gregory Lapicki v. East Carolina University	94 OSP 1721	Reilly	09/26/96	
William C. Neal v. Fayetteville State University	95 OSP 0392	Smith	04/22/96	
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	
Bruce W. Hunt v. Pembroke State University	95 OSP 1288	Becton	12/02/96	
Francina Y. Tate v. Chancellor Julius L. Chambers, NC Central Univ.	95 OSP 1432	Smith	04/22/96	
Renee Lynch v. NC Central University	95 OSP 1461	Smith	10/03/96	11:15 NCR 1255
Jerel H. Bonner v. School of Nursing UNC at Chapel Hill	96 OSP 0026	Gray	03/12/96	11:01 NCR 61
Janice S. Walton v. ASU, Beverly Christian, Joan Critcher, Libby Clawson	96 OSP 0055	West	01/15/97	
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	
Vernell Mitchell v. North Carolina Cooperative Extension	96 OSP 0132	Gray	05/10/96	
Bela E. Karvaly, Ph.D. v. ECU Bd. of Trustees, Ch. Richard R. Eakin	96 OSP 0150	Chess	05/08/96	
Bela E. Karvaly, Ph.D. v. UNC Bd. of Gov., Pres. C.D. Spangler, Jr.	96 OSP 0151	Chess	05/08/96	
Teresa Dail McCaskill v. East Carolina University	96 OSP 0212	Gray	01/10/97	
Carl E. Whigham v. UNC Hospitals at Chapel Hill	96 OSP 0248	Chess	06/11/96	
Gejuan Long v. Winston Salem State University	96 OSP 0253	Gray	01/17/97	
Theresa Louise Whittington v. Appalachian State University	96 OSP 0350	Smith	10/09/96	
Joey M. Carey v. A & T State University	96 OSP 0393	West	10/10/96	
J. Scott Spears v. Ralph Pederson and UNC-C	96 OSP 0548	Chess	08/30/96	
Lawrence Beebe v. UNC Department of Surgery	96 OSP 0640	West	05/01/97	
Richard Paul Schneck v. ECU Human Res., Sch. of Med., Psych. Med.	96 OSP 0759	Smith	12/19/96	
Rebecca Williams v. Winston Salem State University	96 OSP 0807	Smith	01/23/97	
Nellie Joyce Ferguson v. UNC Physicians & Assoc., Charles Foskey, Dir.	96 OSP 0977	Phipps	10/02/96	
Kristin K. Parkinson v. Western Carolina University	96 OSP 0987	Becton	10/22/96	
Mae Helen Lewis v. UNC Greensboro - Physical Plant	96 OSP 1000	Reilly	10/21/96	
Frederick A. Parmley v. NCSU Public Safety	96 OSP 1037	Smith	01/14/97	
Donna M. VanHook v. UNC Hospitals at Chapel Hill	96 OSP 1103	Gray	01/29/97	
Tommie Thompson v. UNCG, Physical Plant	96 OSP 1135	Chess	01/29/97	
Harvey Lee Clemmons v. North Carolina State University	96 OSP 1426	Reilly	01/16/97	
Lola T. McKnight v. North Carolina Central University	96 OSP 1699	Becton	02/26/97	
Andrew W. Gholson v. North Carolina State University	96 OSP 1730	Reilly	01/15/97	
Wake County Board of Health				
Debbie L. Whitley v. Env. Health Div. Wake Cty. Dept. of Health	96 OSP 1090	Smith	09/05/96	
STATE TREASURER				
Donald B. Durham v. Teachers' & St. Employees Retirement Sys.	92 DST 1066	Chess	07/17/96	11:09 NCR 810
Linda H. Belk v. Bd. of Trustees Teachers & St. Emp Retirement Sys	96 DST 0600	Smith	03/13/97	
Barbara Dauterman v. Teachers' & St. Employees Retirement Sys.	96 DST 0913	Phipps	03/07/97	
Joyce Clyburn v. Dept. of State Treasurer Retirement Systems Division	96 DST 1087	Smith	10/18/96	
James Gregg Judson v. Dept. of State Treasurer Retirement Systems Div.	96 DST 1285	West	04/21/97	
DEPARTMENT OF TRANSPORTATION				
James E. Phillips v. Department of Transportation, Div. of Motor Vehicles	96 DOT 1829	Reilly	12/10/96	
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	
WILDLIFE RESOURCES COMMISSION				
Lawrence L. Rouch, III v. Wildlife Resources Commission	96 WRC 1189	Gray	04/24/97	

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 ABC 2082

N.C. ALCOHOLIC BEVERAGE CONTROL,
COMMISSION

Petitioner,

v.

THE GREAT A & P TEA CO., INC., T/A SUPER,
FRESH SAV-A-CENTER, 750 AIRPORT ROAD
CHAPEL HILL, NC 27514,
Respondent.

RECOMMENDED DECISION

This contested case was heard before Sammie Chess, Jr., Administrative Law Judge in the Office of Administrative Hearings, on March 25, 1997 in Raleigh, North Carolina.

APPEARANCES

For Petitioner: John S. Staton, Esq.

For Respondent: Melissa C. Owens, Esq.

ISSUES

1. Whether Respondent's employee sold malt beverages to Alison Oakley, a person less than 21 years of age, on the licensed premises on or about March 21, 1996 at 6:32 p.m.
2. Whether Respondent's employee sold malt beverages to Rahul Raj, a person less than 21 years of age, on the licensed premises on or about March 21, 1996 at 8:41 p.m.

FINDINGS OF FACT

The undersigned Administrative Law Judge finds the following facts:

1. G.S. 18B-203 empowers Petitioner ABC Commission to administer the ABC laws and enforce the ABC laws.
2. The burden of proof is on the Petitioner to prove by a greater weight of the evidence that Respondent violated the ABC laws in the alleged manner.
3. The Great A & P Tea Co., Inc., T/A Super Fresh Sav-A-Center, located at 750 Airport Road, Chapel Hill, NC, holds off-premise Malt Beverage, Unfortified Wine and Fortified Wine permits.
4. The ABC Commission has taken the following action against the establishment for ABC violations within the last four years:
 - a. Issued an Official Warning for sale to underage person occurring on March 27, 1992.
 - b. Imposed a \$1200.00 fine for sale to an underage person occurring on September 9, 1992.
 - c. Imposed \$800.00 fine for sale to an underage person occurring on October 31, 1994.
5. At the administrative hearing, the parties stipulated to the following facts:

- a. On March 21, 1996 at 6:32 p.m., the Respondent's employee, Alisha Harris, sold malt beverages to Alison Oakley, a person less than 21 years of age, on the licensed premises in violation of G. S. 18B-302(a)(1).
 - b. Alison Oakley was born on March 30, 1979. On March 21, 1996, Alison Oakley was 16 years old.
 - c. A photo taken of Ms. Oakley on March 21, 1996 was admitted into evidence as Petitioner's Exhibit 1.
- 6. Rahul Raj was born on August 23, 1976. On March 21, 1996, Rahul Raj was 19 years old, weighed approximately 175 lbs., and was approximately 5'10½ in height.
 - 7. On March 21, 1996 at 8:41 p.m., Respondent's employee, Alisha Harris, sold malt beverages to Rahul Raj on the licensed premises in violation of G.S. 18B-302(a)(1).
 - 8. At the time of sale, Mr. Raj presented an International Student identification to Ms. Harris. This identification bore Mr. Raj's photograph and displayed a date of birth of July 23, 1973.
 - 9. The identification card Mr. Raj presented at the time of sale was not one of the acceptable identifications listed in and required by G.S. 18B-302(d)(1).
 - 10. A store manager trained Respondent's employee, Ms. Harris, regarding the ABC laws, including training explaining the four types of acceptable identifications required by G.S. 18B-302. Ms. Harris read and signed a form indicating she had received such training by Respondent.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the undersigned Administrative Law Judge makes the following Conclusions of Law:

- 1. The Office of Administrative Hearings has jurisdiction in this matter.
- 2. G.S. 18B-302(a)(1) provides that it shall be unlawful for any person to sell or give malt beverages or fortified wine to anyone less than 21 years old.
- 3. G.S. 18B-1003(b) provides that "For purposes of this Chapter, a permittee shall be responsible for the actions of all employees of the business for which the permit is issued."
- 4. On March 21, 1996 at 6:32 p.m., Respondent's employee, Alisha Harris, sold malt beverages to Alison Oakley, a person less than 21 years of age, on the licensed premises, in violation of G.S. 18B-302(a)(1).
- 5. On March 21, 1996, 8:41 p.m., Respondent's employee, Alisha Harris, sold malt beverages to Rahul Raj, a person less than 21 years of age, on the licensed premises, in violation of G.S. 18B-302(a)(1).
- 6. G.S. 18B-302(d) states that it shall be a defense to a violation of subsection (a) of this section if the seller:
 - (1) Shows that the purchaser produced a driver's license, a special identification card issued under G.S. 20-37.7, a military identification card, or a passport, showing his age to be at least the required age for purchase and bearing a physical description of the person named on the card reasonably describing the purchaser; or
 - (2) Produces evidence of other facts that reasonably indicated at the time of sale that the purchaser was at least the required age.
- 7. To establish a defense under G.S. 18B-302(d) that is based solely upon the seller checking a fraudulent identification at the time of sale, the seller must show that the purchaser produced one of the four types of acceptable identifications required by G.S. 18B-302(d)(1).

8. G.S. 18B-302(d)(2) does not allow a seller to perfect an otherwise imperfect G.S. 18B-302(d)(1) defense. The presentation, at the time of sale, of an identification that is not a type listed in G.S. 18B-302(d)(1), does not establish "other facts that reasonably indicated at the time of sale that the purchaser was at least the required age" under G.S. 18B-302(d)(2).
9. The evidence presented at the administrative hearing did not establish a defense pursuant to G. S. 18B-302(d)(1) or (2).

RECOMMENDED DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Administrative Law Judge recommends the Respondent's ABC permits be suspended for 30 days, with the last 15 days to be avoided upon the Respondent's payment of \$1000.00.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, NC 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. § 150B-36(a).

The agency is required by G.S. § 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney on record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the N.C. Alcoholic Beverage Control Commission.

This the 9th day of April, 1997.

Sammie Chess, Jr.
Administrative Law Judge

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

KENNETH W. WHITE,
Petitioner,

v.

N.C. EMPLOYMENT SECURITY COMMISSION,
Respondent.

90 OSP 0390
COUNTY OF RICHMOND

CRAIG S. EURY,
Petitioner

v.

N.C. EMPLOYMENT SECURITY COMMISSION
Respondent

90 OSP 0391
COUNTY OF MOORE

AMENDED RECOMMENDED DECISION

This matter is currently before the undersigned Administrative Law Judge, Brenda B. Becton, pursuant to the remand order and decision filed on August 2, 1994 by the North Carolina Court of Appeals, and the Decision and Order by the State Personnel Commission dated September 1, 1995. Eury v. N.C. Employment Security Comm., 115 N.C. App. 590, 446 S.E.2d 383, 396 (1994), cert. denied, 338 N.C. 309, 451 S.E.2d 635 (1994). Another hearing was conducted on February 19-21, 1996, in Carthage, North Carolina. At the conclusion of the hearing, the Respondent requested a transcript and the parties were allowed to file written post-hearing submissions.

APPEARANCES

For Petitioner: Robert J. Willis, Attorney at Law, Raleigh, North Carolina.

For Respondent: Alfreda Williamson and Thelma Hill, Staff Attorneys, Employment Security Commission of North Carolina, Raleigh, North Carolina.

PROCEDURAL HISTORY

The Petitioners each filed a Petition for a Contested Case Hearing on April 18, 1990 to contest their dismissal from their positions as Rural Manpower Representative I's ("RMR I") with the Employment Security Commission of North Carolina ("ESC") on October 5, 1989.

During discovery, the Petitioners served a request for admissions on the ESC. The ESC failed to respond to the Petitioners' request for admissions and, pursuant to N.C. Gen. Stat. §1A-A, Rule 36, the request for admissions were deemed admitted.

The Petitioners filed a Motion to Compel Discovery, Strike Answers to First Request for Admissions, and for Sanctions on October 22, 1990. After the ESC filed its response to the Petitioners' motion, a motions hearing was conducted on November 21, 1990. During arguments regarding the Petitioners' motions, counsel for the ESC made an oral motion to withdraw its admissions. The ESC filed a written motion to withdraw admissions on November 28, 1990. The Petitioners filed their written objection to ESC's motion on December 3, 1990. On January 4, 1991, the undersigned entered an order denying the ESC's motion to withdraw its admissions.

A hearing was conducted in this matter on July 16-18, 1991 in Carthage, North Carolina. At the beginning of those proceedings, counsel for the Petitioners made several motions, including a motion in limine to exclude any testimony or evidence on matters deemed admitted. The motion in limine was granted. As a consequence of granting the Petitioners' motion in limine, the ESC was precluded from offering any evidence about the opinions of the Petitioners' supervisors regarding the impact of the Petitioners' conduct on the agency's or management's ability to trust the Petitioners to perform their duties. During the proceedings, the ESC argued that the admissions should not be interpreted in an unduly broad manner to include material not contained in the language of the admission request. That is, ESC argued that the term "supervisors" only included the Petitioners' immediate supervisors and did not include higher level management.

On August 9, 1991 and on August 23, 1991, the parties submitted post-hearing memoranda concerning the effect of Rule 36 admissions. On October 14, 1991, the undersigned entered an Order in which it was noted that the ESC continues to argue that its admissions were not admissions that it would not have any doubts about the Petitioners' job performance despite its concession during oral arguments on November 21, 1990 that trust would not be an issue if the ESC was not allowed to withdraw its admissions. The Order filed October 14, 1991, contained a ruling that the issue of trust was covered by the ESC's admissions and no evidence of lack of trust offered by the ESC would be considered by the undersigned in rendering a Recommended Decision.

The parties filed proposed recommended decisions in October 1991. The undersigned filed a Recommended Decision on January 13, 1992. That decision found that ESC failed to give the Petitioners adequate notice of the reasons for the investigatory suspension; that the ESC failed to establish a rational nexus between the Petitioners' personal conduct and their ability to perform their job duties, therefore, the ESC had failed to establish "just cause" for the Petitioners' termination; and the ESC failed to consistently apply its own personnel policy with respect to the factors that it considers in determining the severity of the disciplinary sanction to be imposed upon its employees.

In a "Decision and Order" dated June 26, 1992, the State Personnel Commission ("SPC") found for the ESC on the admissions issue, stating that the administrative law judge "improperly expanded the scope of the respondent[-ESC]'s admissions and improperly excluded testimony regarding the effect of the Petitioners' conduct on their continued employment." The SPC went on to conclude that ESC had "just cause" to dismiss the Petitioners based upon their personal conduct.

The Petitioners sought judicial review of the administrative proceedings pursuant to N.C. Gen. Stat. §150B-43. By order filed June 23, 1993, the Superior Court found that there was no admissible or substantial evidence in the record which contradicted or warranted rejection of the findings and conclusions of the administrative law judge. The Superior Court reversed the SPC's decision, holding that there was no just cause for the dismissal of the Petitioners; that the ESC's failure to afford the Petitioners the same or reasonably comparable disciplinary treatment afforded other, similarly situated ESC employees constituted arbitrary and capricious agency action and an abuse within the meaning of N.C. Gen. Stat. §§126-37 and 150B-23(a)(4); and that the ESC violated the provisions of 25 NCAC 1J .0610(6) when it failed to inform the Petitioners in writing of all the alleged acts or omissions that it was investigating during the Petitioners' investigatory suspension..

The ESC appealed the Superior Court's decision to the North Carolina Court of Appeals. In a decision filed on August 2, 1994, the Court of Appeals reversed the Superior Court's decision. The Court of Appeals remanded the case to the Superior Court for remand to the SPC. The SPC was instructed to "conduct, or cause to be conducted, a further hearing and [to] make appropriate findings of fact and conclusions of law regarding the agency's demonstration or failure to demonstrate a rational nexus."

On January 13, 1995, the Superior Court of Wake County entered an Order of Remand remanding the case to the SPC for additional proceedings consistent with the North Carolina Court of Appeals' August 2, 1994 decision.

In an order dated September 1, 1995, the SPC remanded the "case to the Office of Administrative Hearings for the purpose of causing a hearing to be conducted to receive further evidence on the issue of whether there is a rational nexus to justify the dismissal of the petitioners based upon their off-duty criminal conduct."

**RULING OF JURISDICTION
AND SCOPE OF REMAND**

In its decision in Eury and White v. N.C. Employment Security Comm., 115 N.C. App. 509, 606, 446 S.E.2d 382, cert. denied 338 N.C. 309, 451 S.E.2d 635 (1994), the Court of Appeals only addressed one of the three reasons given by Judge Weeks in his June 29, 1993 Order as the basis for reversing the SPC's decision. The Court of Appeals specifically

declined to address two of the issues raised by the Respondent's assignments of error: (1) Whether the severity of the discipline imposed by the ESC was inconsistent with ESC policy and practice regarding the level and nature of discipline to impose for the improper personal conduct committed and admitted to by the Petitioners; and (2) Whether the Petitioners were arbitrarily and capriciously discharged in violation of N.C. Gen. Stat. §§126-35, 126-37, and 150B-23(a)(4) for off-duty criminal conduct when at least one similarly situated employee of the Respondent received more lenient disciplinary treatment than either of the Petitioners without any justification in the record for the difference in treatment.

Neither the Court of Appeals nor the State Personnel Commission included any instruction that the Office of Administrative Hearings' regulations that are generally applicable to all administrative hearings before the Office of Administrative Hearings would not apply to the hearing to be conducted before the Administrative Law Judge ("ALJ") in the remand of this case. The Office of Administrative Hearings' rules contemplate the submission of a recommended decision by the ALJ to the SPC within 45 days after the date on which the record in the case is closed. See, e.g., 26 NCAC 3 .0026. A close reading of the decision of the Court of Appeals and the remand order of the SPC does not reveal any provision which purports to preclude the application of any of the Office of Administrative Hearings' hearing regulations. Therefore, under the clear and unequivocal requirement of 26 NCAC 3 .0026, the ALJ is required to make a recommended decision to the SPC pursuant to the SPC's remand order. Consistent with the requirement that a recommended decision include findings of fact and conclusions of law, the ALJ's decision in this case should address any issues not resolved by the Court of Appeals in its decision.

ISSUES

1. Whether there is a rational nexus to justify the dismissal of the Petitioners based upon their off-duty criminal conduct.
2. Whether the severity of the discipline imposed by the ESC was inconsistent with ESC policy and practice regarding the level and nature of discipline to impose for the improper personal conduct committed and admitted to by the Petitioners.
3. Whether the Petitioners were arbitrarily and capriciously discharged in violation of N.C. Gen. Stat. §§126-35, 126-37, and 150B-23(a)(4) for off-duty criminal conduct when at least one similarly situated employee of the Respondent received more lenient disciplinary treatment than either of the Petitioners without any justification in the record for the difference in treatment.

STATUTES AND RULES INVOLVED

N.C. Gen. Stat. §126-35
N.C. Gen. Stat. §126-37
N.C. Gen. Stat. §150B-23(a)(4)

EXHIBITS

The following exhibits were received in evidence:

P1, P1A, P3, P4, P5, P6, P7, P8, P9, P10, P11, P12, P13, P14, P15, P17, P18, P19, P20, P21, P22, P23, P24, P25, P26, P27, P28, P29, P30, P31, P32, P33, P34, P35, P36, P37, P38, P39, P39A, P40, P41, P42, P43, P44, P45, R4, R6, R8, R9, R11, R17, R18, R19, R20, and R21.

From official documents in the file, sworn testimony of the witnesses, and other competent and admissible evidence, the undersigned makes the following:

FINDINGS OF FACT

Findings of Fact numbers 1 - 63 and 65-83 from the Recommended Decision filed by the undersigned on January 13, 1992, are adopted and incorporated herein by reference.

Based upon the State Personnel Commission's ruling regarding the scope of the Respondent's admissions, Findings of Fact number 64 from the Recommended Decision filed by the undersigned on January 13, 1992, is revised as follows:

64. Neither the criminal proceedings against the Petitioners nor the Petitioners' admission to the ESC on September 29, 1989 that they had been growing marijuana on July 12, 1989 had any discernible negative impact on the ability of the Petitioners to circulate freely without any doubt in the minds of their immediate supervisors as to the real nature of the Petitioners' absence from the ESC's offices.

Based upon the evidence presented during the February 19-21, 1996 hearing, it is found as a fact that:

84. In 1989, Betty Dorsett was the manager of the ESC's Rockingham and Wadesboro Branches. As such, she was Petitioner White's immediate supervisor. On July 14, 1989, Ms. Dorsett was shocked and hurt when Petitioner White told her that he been arrested in Moore County for growing marijuana. Ms. Dorsett felt that Petitioner White's actions put the ESC in the position of possibly being ridiculed by the employers and other organizations that the ESC does business with. Despite her concerns, Ms. Dorset felt that she and the other ESC employees could have continued to work with Petitioner White. However, she felt his continued employment would have necessitated closer supervision by her until such time as trust could be re-established.
85. Although Ms. Dorsett thought that Petitioner White's arrest was well known throughout the area, she had only one conversation with an agricultural employer about the arrest incident.
86. In 1989, Robert Mooneyham was the manager of the ESC's Sandford office. Mr. Mooneyham was Petitioner Eury's immediate supervisor. On July 13, 1989, Petitioner Eury called Mr. Mooneyham and informed about his arrest on charges involving marijuana. Mr. Mooneyham thought that Mr. Eury had been arrested for smoking marijuana. When he learned that the charges against Mr. Eury involved growing marijuana, he felt Mr. Eury's conduct was even more shocking.
87. Mr. Mooneyham could have continued to work with and supervise Mr. Eury. However, Mr. Mooneyham felt that it would have been necessary to monitor Mr. Eury's work more closely until trust could be re-established. Mr. Mooneyham felt that trust was an issue even though he did not believe that Mr. Eury would be involved in any further illegal activities.
88. Although Mr. Mooneyham felt that Mr. Eury's arrest was well known throughout the community, he only had one conversation with one of the employers that the ESC served about the incident. That particular farmer was still very supportive of Mr. Eury despite his arrest.
89. In 1989, James E. Knight was the Southeast Regional Manager for the ESC. Mr. Knight supervised ESC activities in 19 counties located in the southeastern portion of the state. He was Ms. Dorsett's supervisor. Mr. Knight was of the opinion that Mr. White would not have been able to effectively carry out his duties if he had been retained after his arrest for growing marijuana. Mr. Knight did not consult with Ms. Dorsett or any members of the farming community that Mr. White served before he arrived at his conclusion that Mr. White would not be able to function effectively. Mr. Knight based his conclusion on his belief that Mr. White would not be able to operate as independently as had previously. He also felt that employers would be reluctant to utilize ESC services if Mr. White were retained. Mr. Knight feared that employers would interpret retention of Mr. White as condoning his illegal activities. Mr. Knight further based his opinion on his belief that anyone caught growing marijuana should not be allowed to work for the state in any capacity.
90. Paul W. Keck was the Regional Manager for the Raleigh-Durham Area in 1989. He was Mr. Mooneyham's supervisor. Mr. Keck's reaction when he learned about Mr. Eury's arrest for growing marijuana was that this was going to be a big headache. Although there were no questions about Mr. Eury's past job performance, his arrest caused Mr. Keck to question Mr. Eury's personal integrity. Mr. Keck had no contact with any of the farmers that Mr. Eury served; and he was unaware of the letters of support written by some of the farmers on Mr. Eury's behalf. Despite, Mr. Mooneyham's assertion that he could continue to work with Mr. Eury if he were more closely supervised, Mr. Keck did not think that would be possible. He also felt that fellow employees at ESC and employers who used ESC services would react negatively to Mr. Eury's being retained as an ESC employee.
91. Manfred Emmrich, ESC's Director of Employment Services, recommended that the Petitioners be discharged

because they had engaged in unacceptable personal conduct that he felt had damaged the Petitioners' relationship with their co-workers and was potentially damaging to ESC's public image. Mr. Emmrich did not interview any of the Petitioners co-workers or talk with any members of the agricultural community that the Petitioners served about the Petitioners' arrests and what, if any, affect their arrests had upon their relationship with the Petitioners and the ESC's public image.

92. Mr. Emmrich feels that termination was the correct decision because he believes that the Petitioners can no longer be trusted.
93. Mr. Emmrich was not aware of any growers who indicated that they would not utilize the ESC's services if the Petitioners were retained as ESC employees.
94. Based upon the reports and evidence gathered during the Petitioners' investigatory suspension, Mr. Emmrich testified that he did not have any reason to believe that the Petitioners would misuse state property.
95. Mr. Emmrich did not think that the odds were great that the Petitioners would repeat their misconduct.
96. During their predissmissal conferences, the Petitioners presented Mr. Emmrich with a packet of materials containing letters of support and/or recommendations from agricultural growers from their districts and some co-workers. Mr. Emmrich testified that the letters of support did not influence his decision about whether or not to terminate the Petitioners.
97. The Petitioners also told Mr. Emmrich that if they were not dismissed, they were willing to submit to drug testing at their own expense.
98. Since April 1990, Petitioner Eury has been employed as the President and Executive Secretary of the N.C. Growers Association. The N.C. Growers Association is a labor management organization designed to provide agricultural employers with farm labor. Processing the laborers requires that the Petitioners have frequent contact with the ESC and interaction with many of the Petitioners former co-workers.
99. Petitioner White has worked with the N.C. Growers Association for approximately four years. Mr. Eury is Mr. White's supervisor.
100. Many of the members of the N.C. Growers Association are some of the same agricultural growers that the Petitioners worked with as RMR I's while employed at the ESC.
101. After their suspensions, the Petitioners continued to receive requests from some agricultural growers for assistance in finding farm workers up through October, 1989.
102. Henry A. Precythe is employed by the ESC as a RMR II. He has worked out of the ESC's Mt. Olive Office for approximately 28 years of 30 years he has worked for the ESC. For two years he was he was Mr. Eury's RMR II. Mr. Precythe recommended Mr. Eury for the RMR I position. After Mr Eury's arrest and at his request, Mr. Precythe wrote a letter of recommendation for Mr. Eury. Mr. Precythe wrote the letter because he felt that a show of support would be good for Mr. Eury and he knew it would be difficult to find someone who could do a good a job as Mr. Eury as a RMR I.
103. Thomas R. Leak was employed by the ESC as a RMR II from 1979 until 1993. Mr. Leak wrote letters of recommendation for the Petitioners after their July 1989 arrests in an effort to help the Petitioners retain their jobs. Mr. Leak knew many of the growers in the areas that the Petitioners served as RMR I's. None of the growers he spoke with, who knew about the Petitioners' arrests, indicated they would not utilize the ESC's services if the Petitioners were retained. Mr. Leak felt that the Petitioners were doing a good job in their positions as RMR I's and their dismissal would be a great loss to the agricultural community. Mr. Leak was of the opinion that it would take some time to re-establish trust between the Petitioners and their supervisors but both would have been able to effectively carry out their job responsibilities if they had been retained by the ESC.
104. Mr. Leak was aware that some growers continued to contact the Petitioners for assistance obtaining workers after their suspension from their jobs. He shared that information with Steve Adams, a member of the ESC's

upper management.

105. Chester V. Pilson is a farmer from Moore County. For the past twenty years, Mr. Pilson has needed hand laborers to help harvest his crops. He utilized Mr. Eury's services to help locate the laborers he needed. After Mr. Eury was suspended, Mr. Pilson continued to call upon Mr. Eury to help him locate laborers and he greatly appreciated Mr. Eury's help. He wrote a letter on Mr. Eury's behalf because he felt that no one else would do a better job for the farmers in the area. The other farmers who signed the letter had used Mr. Eury to help locate workers and they would have continued to use the ESC's services if Mr. Eury had been retained.
106. No one from ESC contacted Mr. Pilson about how he thought the agricultural community would react to knowledge of Mr. Eury's arrest.
107. Mr. Pilson is on the Board of Directors of the N.C. Growers Association. The Association depends upon Mr. Eury to get the job done without the Directors' supervision. In Mr. Pilson's opinion, he has no reason not to trust Mr. Eury since Mr. Eury has always been fair and honest in their dealings with each other.

Based on the foregoing Findings of Fact, the undersigned Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. North Carolina General Statutes section 126-35 states, in pertinent part, that no permanent state employee subject to the State Personnel Act shall be discharged, suspended, or reduced in pay or position, except for just cause.
2. The Petitioners were permanent State employees within the meaning of NC. Gen. Stat. §126-35 at the time that they were placed on investigatory suspension without pay and, later, discharged by the ESC. The Office of Administrative Hearings has jurisdiction over each of their claims pursuant to NC. Gen. Stat. §§126-35 and 150B-23.
3. Based upon the Court of Appeals decision in Eury v. N.C. Employment Security Comm., 115 N.C. App. 509, 606, 446 S.E.2d 382, *cert. denied* 338 N.C. 309, 451 S.E.2d 635 (1994), the procedures the ESC followed during its investigatory suspension of the Petitioners gave the Petitioners sufficient notice of the reasons for their suspension.
4. In cases in which an employee has engaged in off-duty criminal conduct, the agency need not show actual harm to its interest to demonstrate just cause for an employee's dismissal; rather, the agency must demonstrate that the dismissal is supported by the existence of a rational nexus between the type of criminal conduct committed and the potential adverse impact on the employee's future ability to perform for the agency. Eury, 115 N.C. App. at 611. In determining whether a rational nexus exists, the court in Eury, recommended that the following factors should be considered:

-the degree to which, if any, the conduct may have adversely affected clients or colleagues;

-the relationship between the type of work performed by the employee for the agency and the type of criminal conduct committed;

-the likelihood of recurrence of the questioned conduct and the degree to which the conduct may affect work performance, work quality, and the agency's good will and interests;

-the proximity or remoteness in time of the conduct to the commencement of the disciplinary proceedings;

-the extenuating or aggravating circumstances, if any surrounding the conduct;

-the blameworthiness or praiseworthiness of the motive resulting in the conduct; and

-the presence or absence of any relevant factors in mitigation.

5. There is no evidence that either the Petitioners' clientele (the agricultural growers they served), immediate supervisors, or co-workers would have been unable to continue their association with the Petitioners due to their arrests for growing marijuana. Therefore, the Petitioners' conduct had little adverse impact on their clients or colleagues.
6. The Petitioners' jobs securing labor for the farming community and their growing of marijuana for personal consumption, both involved agricultural enterprises. However, since the Petitioners did not utilize any labor other than their own, there is no direct correlation between their job functions and their illegal off-duty conduct.
7. The ESC started the disciplinary process immediately upon learning of the Petitioners' illegal off-duty conduct.
8. The fact that the Petitioners were growing the marijuana for their personnel consumption and not for sell to others is an extenuating circumstance. The fact the Petitioners were growing the marijuana on property other than their own is an aggravating circumstance. The fact that this was the Petitioners first offense is an extenuating circumstance.
9. The evidence does not indicate that there were any praiseworthy motives for the Petitioners' conduct.
10. The Petitioners' superlative work performance, the scarcity of adverse publicity about the Petitioners' arrest, and the leniency of the punishment imposed by the criminal justice system are relevant mitigating factors.
11. The conclusion reached by the ESC's upper level supervisors that the Petitioners would not be able to effectively continue working as RMRs because they could not be trusted to perform their duties and because the public would look unfavorably upon the Petitioners retention as ESC employees has no basis in fact.
12. Considering the factors in conclusions numbers 5-11, the ESC has failed to establish by the preponderance of the evidence that there exists a rational nexus between the Petitioners' illegal off-duty conduct and the agency's decision to terminate the Petitioners' employment.
13. The ESC failed to consistently apply its own personnel policy with respect to the factors that the ESC considers in determining the severity of the disciplinary sanction to be imposed by it against one of its employees when personal conduct involving a violation of a state or federal statute is at issue. The ESC failed to apply its policy that the nature and severity of the sentence imposed will influence the severity of the discipline that the ESC imposes. The failure of a governmental agency to adhere to its own policy constitutes arbitrary and capricious agency action. Electricities of North Carolina, Inc. v. Southeastern Power Administration, 774 F.2d 1262, 1267 (4th Cir. 1985).
14. The severity of the discipline imposed on the Petitioners by the ESC was inconsistent with the severity of the discipline imposed by ESC for improper personal conduct by other, similarly situated employees of ESC, which is a violation of the ESC policy calling for consistency in the severity of disciplinary action against ESC employees for improper personal conduct. Another employee, specifically James Wells, whose conduct involved both improper use of alcohol and a plea of guilty to a more serious crime than the crime that the Petitioners pled to, received more lenient treatment than the Petitioners. When one compares the circumstances surrounding the Petitioners' dismissal with the circumstances surrounding Mr. Wells' demotion, there is nothing in the record to justify the more lenient treatment Mr. Wells received. If anything, the reverse is true. Mr. Wells, as head of the ESC's Rural Manpower Service enjoyed a higher degree of responsibility and public visibility and his misconduct was more serious. The ESC's actions in failing to accord the Petitioners the same treatment afforded to other ESC employees constitutes arbitrary and capricious agency action and an "abuse" within the meaning of N.C. Gen. Stat. §§126-37 and 150B-23(a)(4).

RECOMMENDED DECISION

The State Personnel Commission will make the Final Decision in this contested case. It is recommended that the Commission adopt the Findings of Fact and Conclusions of Law set forth above and reinstate the Petitioners to the positions they held at the time they were discharged, and award the Petitioners back pay in the manner and amount specified in the applicable administrative regulations promulgated by the SPC, and that the Petitioners be awarded reasonable attorney fees and costs pursuant to N.C. Gen. Stat. §126-4(11).

ORDER

It is hereby ordered that the agency serve a copy of the Final Decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with North Carolina General Statutes section 150B-36(b).

NOTICE

Before the agency makes the FINAL DECISION, it is required by North Carolina General Statutes section 150B-36(a) to give each party an opportunity to file exceptions to this RECOMMENDED DECISION, and to present written arguments to those in the agency who will make the final decision.

The agency is required by North Carolina General Statutes section 150B-36(b) to serve a copy of the Final Decision on all parties and to furnish a copy to the Parties' attorney of record.

This the 30th day of April, 1997.

Brenda B. Becton
Administrative Law Judge

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
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
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

Note: Title 21 contains the chapters of the various occupational licensing boards.

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					Action	Date				

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 .0101	11:18 NCR 1368									
21 NCAC 01 .0301		10:22 NCR 2860	Temp. Expired							
21 NCAC 01 .0702			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0703			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0704			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0705	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*		Codified	
21 NCAC 01 .0706			10:16 NCR 2027	*	Approve	02/20/97	*			
21 NCAC 01 .0707			10:16 NCR 2027	*	Approve	02/20/97	*			
21 NCAC 01 .0709	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*		Codified	
21 NCAC 01 .0710			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0711			10:16 NCR 2027	*	Approve	01/16/97	*			

ADMINISTRATIVE HEARINGS

Hearings Division

26 NCAC 03 .0301	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0302	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0303	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0304	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0305	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	

Rules Division

26 NCAC 02C	11:19 NCR 1413									
26 NCAC 02C .0102	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96			Codified	
26 NCAC 02C .0103	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	
26 NCAC 02C .0111	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96			Codified	
26 NCAC 02C .0307	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	

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					Action	Date				
26 NCAC 02C .0401	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	
26 NCAC 02C .0502	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	
ADMINISTRATION										
1 NCAC 39 .0101	10:16A NCR 1672		11:14 NCR 1111	*	Approve	12/19/96			Codified	
1 NCAC 39 .0201	10:16A NCR 1672		11:14 NCR 1111	*	Approve	12/19/96			Codified	
State Building Commission										
1 NCAC 30G .0101		11:04 NCR 194	11:19 NCR 1414	*	Approve	03/20/97			11:26 NCR 2004	
1 NCAC 30G .0102		11:04 NCR 194	11:19 NCR 1414	*	Object	03/20/97				
1 NCAC 30G .0103		11:04 NCR 194	11:19 NCR 1414	*	Approve	05/15/97	*		11:26 NCR 2004	
1 NCAC 30G .0104		11:04 NCR 194	11:19 NCR 1414	S/L	Approve	03/20/97	*			
1 NCAC 30G .0105		11:04 NCR 194	11:19 NCR 1414	S/L	Approve	05/15/97	*		11:26 NCR 2004	
AGRICULTURE										
2 NCAC 09C .0701	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 09C .0702	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 09C .0704	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 48A .0206	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*		11:22 NCR 1717	
2 NCAC 48A .0211	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97	*			
2 NCAC 48A .0214	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*		11:22 NCR 1717	
2 NCAC 48A .1103	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97	*		11:22 NCR 1717	
2 NCAC 48A .1110	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*		11:22 NCR 1717	
2 NCAC 48B .0112	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97	*		Codified	
2 NCAC 48B .0114	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*		Codified	
2 NCAC 48B .0119	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97	*		Codified	
2 NCAC 48B .0120	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		Codified	
2 NCAC 52A .0004	11:27 NCR 2053		11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 52A .0005	11:27 NCR 2053		11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 52A .0006	11:27 NCR 2053		11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 52A .0007	11:27 NCR 2053		11:06 NCR 324	*	Approve	12/19/96	*		Codified	

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					Action	Date				
2 NCAC 52A .0008	11:27 NCR 2053									
2 NCAC 52A .0009	11:27 NCR 2053									
2 NCAC 52B .0201	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96				
2 NCAC 52B .0212	11:14 NCR 1107		11:22 NCR 1709	*	Approve	05/15/97				Codified
2 NCAC 52B .0303	11:14 NCR 1107		11:22 NCR 1709	*	Approve	05/15/97				
2 NCAC 52C .0701	11:14 NCR 1107		11:22 NCR 1709	*	Approve	05/15/97				
2 NCAC 52D .0001	11:27 NCR 2053									
Marketing Authority										
2 NCAC 43F .0003	11:14 NCR 1107		11:22 NCR 1706	*	Object	05/15/97				
2 NCAC 43H .0101	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97				
2 NCAC 43H .0007	11:14 NCR 1107		11:22 NCR 1706	*	Object	05/15/97				
2 NCAC 43L .0202	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97				
2 NCAC 43L .0401	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97				
2 NCAC 43L .0402	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97				
2 NCAC 43L .0403	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97				
2 NCAC 43L .0405	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97	*			
Plant Conservation Board										
2 NCAC 48F .0301	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0302	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0304	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0305	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0306	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
Structural Pest Control										
2 NCAC 34 .0503		11:21 NCR 1651								
2 NCAC 34 .0602		11:21 NCR 1651								
2 NCAC 34 .0604		11:21 NCR 1651								
2 NCAC 34 .0605		11:21 NCR 1651								
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21 NCAC 04B .0202	11:18 NCR 1368		11:28 NCR 2129	*						

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COMMERCE										
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									
Community Assistance										
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	*						
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	*						

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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									
Credit Union Division										
4 NCAC 06C.0205	10:18 NCR 2398		11:29 NCR 2182	*						
4 NCAC 06C.0407	10:18 NCR 2398		11:29 NCR 2182	*						
4 NCAC 06C.0409	10:18 NCR 2398		11:29 NCR 2182	*						
Energy										
4 NCAC 12C.0007					Approve	07/18/96			Codified	
State Ports Authority										
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	*						

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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	*						
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	*						

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4 NCAC 13F .0302	10:24 NCR 3056		11:13 NCR 1040	*						
COMMUNITY COLLEGES										
23 NCAC 01A .0001	11:18 NCR 1369	11:25 NCR 1919			Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 01B .0001										
23 NCAC 01B .0004					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 01B .0005					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 01B .0008					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 02C .0108	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02C .0202	11:18 NCR 1369									
23 NCAC 02C .0207	11:18 NCR 1369									
23 NCAC 02C .0304										
23 NCAC 02C .0305	11:18 NCR 1369	11:25 NCR 1919			Object	01/16/97	*		11:24 NCR 1832	Notice Not Required
23 NCAC 02C .0604	11:18 NCR 1369	11:25 NCR 1919			Approve	02/20/97				
23 NCAC 02C .0701	11:18 NCR 1369									
23 NCAC 02D .0103	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0104										
23 NCAC 02D .0201	11:18 NCR 1369	11:25 NCR 1919			Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 02D .0202	11:17 NCR 1336									
23 NCAC 02D .0202	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0203	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0301	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0323	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0324	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0325	10:24 NCR 3058		11:09 NCR 585	*	Approve	11/21/96	*		Codified	
23 NCAC 02D .0327	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0101	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0102	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0201	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0203	10:24 NCR 3058		11:09 NCR 585	*	Object	01/16/97	*		11:24 NCR 1832	
					Approve	02/20/97				

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23 NCAC 02E .0203	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0204	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0205	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0501	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0604	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 03A .0113	10:24 NCR 3058		11:09 NCR 585	*	Approve	11/21/96	*		Codified	
CRIME CONTROL & PUBLIC SAFETY										
14A NCAC 07 .0313	11:24 NCR 1818									
CULTURAL RESOURCES										
USS North Carolina Battleship Commission										
7 NCAC 05 .0202	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
7 NCAC 05 .0203	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
7 NCAC 05 .0203		11:19 NCR 1436								
7 NCAC 05 .0204	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
7 NCAC 05 .0207	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
DENTAL EXAMINERS										
21 NCAC 16B .0303	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0002	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0003	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0004	11:20 NCR 1538									
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16I .0006	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16M .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16M .0003	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0002	11:20 NCR 1538									
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0004	11:20 NCR 1538		11:25 NCR 1915	*						

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					Action	Date				
21 NCAC 16R .0005	11:20 NCR 1538									
21 NCAC 16V .0101	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
21 NCAC 16V .0102	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES										
15A Public Notice										
15A Public Notice										
15A NCAC 01K	10:19 NCR 2506									11:01 NCR 2
15A NCAC 01M .0101		11:06 NCR 368	Temp Expired							11:09 NCR 590
15A NCAC 01M .0101		11:19 NCR 1439								
15A NCAC 01M .0102		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0102		11:19 NCR 1439								
15A NCAC 01M .0201		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0201		11:19 NCR 1439								
15A NCAC 01M .0202		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0202		11:19 NCR 1439								
15A NCAC 01M .0301		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0301		11:19 NCR 1439								
15A NCAC 01M .0302		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0302		11:19 NCR 1439								
15A NCAC 01M .0303		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0303		11:19 NCR 1439								
15A NCAC 01M .0304		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0304		11:19 NCR 1439								
15A NCAC 01M .0305		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0305		11:19 NCR 1439								
15A NCAC 01M .0306		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0306		11:19 NCR 1439								
Coastal Resources Commission										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0104	10:24 NCR 3045		11:07 NCR 409	*	Object	11/21/96				11:09 NCR 575

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15A NCAC 07H .0106	10:16 NCR 1921		11:04 NCR 190	*	Approve	12/19/96	*		Codified	11:20 NCR 1569
15A NCAC 07H .0106	11:19 NCR 1408		11:27 NCR 2058	*	Approve	09/19/96	*		Codified	Notice Subject Matter
15A NCAC 07H .0201	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0202	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0203	11:22 NCR 1704		agency withdrew							
15A NCAC 07H .0204	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0205	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0206	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0207	11:22 NCR 1704		agency withdrew							
15A NCAC 07H .0208	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0208	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0304	10:24 NCR 3045		11:07 NCR 409	*	Object	11/21/96	*		Codified	11:09 NCR 575
15A NCAC 07H .0304	11:15 NCR 1200	11:15 NCR 1226	11:27 NCR 2069	S	Approve	12/19/96				11:20 NCR 1569
15A NCAC 07H .0305	11:15 NCR 1200	11:15 NCR 1226	11:27 NCR 2069	S						
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	*	Approve	01/16/97	*		11:22 NCR 1717	
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 .1601	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 07H .1604	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 07H .1605	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 07H .1704	11:04 NCR 183		11:11 NCR 907	*						

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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	*						
15A NCAC 07H .2104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07J .0102	10:24 NCR 3045		11:04 NCR 190	*	Approve	11/21/96			Codified	
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	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0402	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0403	10:18 NCR 2317		11:11 NCR 931	*	Object	01/16/97	*		11:24 NCR 1832	
					Approve	02/20/97	*			
15A NCAC 07M .1201	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07M .1202	11:19 NCR 1408		11:27 NCR 2058	*						
Environmental Management Commission										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0101	11:24 NCR 1818									
15A NCAC 02B .0202	11:24 NCR 1818									
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	*						

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15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0229	11:03 NCR 109		11:09 NCR 572	*	Object	11/21/96	*		Codified	
15A NCAC 02B .0229	11:24 NCR 1818				Approve	12/19/96				
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L/S/E						
15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
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 .0237					Approve	12/19/96			Codified	
15A NCAC 02B .0303	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0304	11:24 NCR 1818									
15A NCAC 02B .0304	11:26 NCR 1976									
15A NCAC 02B .0304	11:26 NCR 1984									
15A NCAC 02B .0305	11:20 NCR 1534									
15A NCAC 02B .0306	11:26 NCR 1976									
15A NCAC 02B .0306	11:26 NCR 1984									
15A NCAC 02B .0307	11:26 NCR 1976									
15A NCAC 02B .0307	11:26 NCR 1984									
15A NCAC 02B .0308	11:20 NCR 1534									
15A NCAC 02B .0308	11:26 NCR 1976		11:28 NCR 2121	*						
15A NCAC 02B .0308	11:26 NCR 1984									
15A NCAC 02B .0309	11:26 NCR 1976									
15A NCAC 02B .0309	11:26 NCR 1984									
15A NCAC 02B .0311	11:26 NCR 1976									

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15A NCAC 02B .0311	11:26 NCR 1984									
15A NCAC 02B .0313	11:24 NCR 1818									
15A NCAC 02B .0313	11:26 NCR 1976									
15A NCAC 02B .0313	11:26 NCR 1984									
15A NCAC 02B .0315	11:02 NCR 75		11:09 NCR 572	L	Approve	11/21/96	*		Codified	
15A NCAC 02B .0315	11:24 NCR 1818									
15A NCAC 02B .0316	11:20 NCR 1534									
15A NCAC 02B .0316	11:26 NCR 1976									
15A NCAC 02B .0316	11:26 NCR 1984									
15A NCAC 02B .0317	11:26 NCR 1976									
15A NCAC 02B .0317	11:26 NCR 1984									
15A NCAC 02C .0211					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02C .0213					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02C .0214					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
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	*	Approve	11/21/96			Codified	
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
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	*	Approve	11/21/96			Codified	

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15A NCAC 02D .0531	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0907	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0909	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0910	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0911	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0946	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200									
15A NCAC 02D .0953	11:26 NCR 1976									
15A NCAC 02D .0954	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .0954	11:15 NCR 1200									

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15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1107	11:15 NCR 1200									
15A NCAC 02D .1110	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .1111	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .1201	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1202	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1203	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1204	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1205	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1206	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1207	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1208	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 02D .1209	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 02D .1402	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .1403	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .1500	11:19 NCR 1408									
15A NCAC 02D .1902	11:19 NCR 1408									
15A NCAC 02D .1903	11:19 NCR 1408									
15A NCAC 02D .2200	11:15 NCR 1200									
15A NCAC 02D .2200	11:26 NCR 1976									
15A NCAC 02H .0225	11:15 NCR 1200	11:15 NCR 1225	11:20 NCR 1550	*						
		11:27 NCR 2073	11:27 NCR 2073	*						
15A NCAC 02H .0610	11:08 NCR 442									
15A NCAC 02H .1202	11:15 NCR 1200									
15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									

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15A NCAC 02L	11:15 NCR 1200 11:15 NCR 1204									
15A NCAC 02L .0106		10:19 NCR 2508	11:21 NCR 1639	*						
15A NCAC 02L .0115	11:15 NCR 1200 11:15 NCR 1204		11:21 NCR 1639	L						
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02N .0701	11:15 NCR 1200		11:21 NCR 1639	*						
15A NCAC 02N .0707	11:15 NCR 1204		11:21 NCR 1639	*						
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	10:19 NCR 2512	11:21 NCR 1639	*						
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96	*		Codified	
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0104	10:24 NCR 2400		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02Q .0107	10:18 NCR 2400		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02Q .0207	11:19 NCR 1408									
15A NCAC 02Q .0300	11:26 NCR 1976									
15A NCAC 02Q .0312	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0313	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0507	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0512	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0514	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0515	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0517	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0525	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0527	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0607	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02R .0501		11:27 NCR 2075								

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15A NCAC 02R .0502		11:27 NCR 2075								
15A NCAC 02R .0503		11:27 NCR 2075								
15A NCAC 02R .0504		11:27 NCR 2075								
NPDES Permits										11:06 NCR 317
NPDES Permits										11:07 NCR 406
NPDES Permits										11:27 NCR 2051
NPDES Permits										11:28 NCR 2115
Health Services, Commission for										
15A NCAC 13A .0101	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0105	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0107	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0111	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0112	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0119	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*					11:29 NCR 2211	
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 13C .0301	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0302	10:18 NCR 2317		11:06 NCR 357	*	Object Approve	09/19/96 11/21/96	*		Codified	
15A NCAC 13C .0303	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0304	10:18 NCR 2317		11:06 NCR 357	*	Approve	11/21/96	*		Codified	
15A NCAC 13C .0305	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0306	10:18 NCR 2317		11:06 NCR 357	*	Object Approve	09/19/96 11/21/96	*		Codified	
15A NCAC 13C .0307	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0308	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .0134	11:08 NCR 442		11:12 NCR 987	*	Object Approve Approve	12/19/96 01/16/97 01/16/97	*		11:22 NCR 1717 11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0134										

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15A NCAC 18A .0136	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0137	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0159	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0168	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0168					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0169	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	
15A NCAC 18A .0173	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		Codified	
15A NCAC 18A .0174	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0175	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0176	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A .0182	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0182					Approve	12/19/96			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0183	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0184	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0186	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A .0301	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0301					Approve	12/19/96			Codified	
15A NCAC 18A .0302	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0401	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0421	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		Codified	Notice Not Required
15A NCAC 18A .0421					Approve	12/19/96			Codified	
15A NCAC 18A .0424	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0425	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	
15A NCAC 18A .0614	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0614					Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0615	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	Notice Not Required
15A NCAC 18A .0616	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	

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15A NCAC 18A.0617	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		Codified	
15A NCAC 18A.0618	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A.0618					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.0620	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	
15A NCAC 18A.0621	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96				
15A NCAC 18A.0901	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A.0901					Approve	01/16/97				
15A NCAC 18A.1301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A.1301					Approve	01/16/97				
15A NCAC 18A.1302	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1319	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A.1319					Object	01/16/97				
15A NCAC 18A.1805	11:04 NCR 183		11:09 NCR 576	*	Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1814					Approve	12/19/96			Codified	
15A NCAC 18A.1937	11:19 NCR 1408	11:20 NCR 1561		*	Approve	12/19/96			11:22 NCR 1717	
15A NCAC 18A.1938	11:19 NCR 1408	11:20 NCR 1561		*	Object	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1958	11:19 NCR 1408	11:20 NCR 1561		*	Approve	01/16/97			Codified	
15A NCAC 18A.1961	11:19 NCR 1408	11:20 NCR 1561		*	Approve	12/19/96				
15A NCAC 18A.2601		11:01 NCR 24	11:05 NCR 273	*	Approve	10/17/96			Codified	
15A NCAC 18A.2701					Approve	06/20/96	*		Codified	
15A NCAC 19A.0101	11:26 NCR 1976									
15A NCAC 19A.0102	11:26 NCR 1976									
15A NCAC 19A.0201	11:26 NCR 1976									
15A NCAC 19A.0203	11:21 NCR 1638									
15A NCAC 19A.0205	11:26 NCR 1976									
15A NCAC 20D.0243										
15A NCAC 21H.0111		11:06 NCR 371	Temp expired 03/11/97		Approve	04/18/96			Codified	
15A NCAC 21H.0113		11:06 NCR 371	Temp expired 03/11/97							
15A NCAC 21I.0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*		11:29 NCR 2211	

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15A NCAC 21J .0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 24A .0202		11:24 NCR 1827								
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1976									
15A NCAC 03	11:26 NCR 1985									
15A NCAC 031 .0101	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		Codified	
15A NCAC 031 .0105	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		Codified	
15A NCAC 031 .0107	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	Notice/Not Required
15A NCAC 031 .0110	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	Notice/Not Required
15A NCAC 031 .0116	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	Notice/Not Required
15A NCAC 031 .0117	11:26 NCR 1976	11:26 NCR 2000								
15A NCAC 031 .0019			10:21 NCR 2737	*	Approve	05/16/96	*		Codified	
15A NCAC 03J .0104	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	Notice/Not Required
15A NCAC 03J .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03J .0301	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	Notice/Not Required
15A NCAC 03J .0401			10:21 NCR 2688	*	Approve	05/16/96	*		Codified	
15A NCAC 03K .0105	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	Notice/Not Required
15A NCAC 03K .0204	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	Notice/Not Required
15A NCAC 03K .0304	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	Notice/Not Required
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0201	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		Codified	

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15A NCAC 03L .0203	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03L .0205	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03M .0202	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96			Codified	
15A NCAC 03M .0204		11:14 NCR 1153	11:18 NCR 1371	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 03M .0401	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03M .0503	11:07 NCR 407		11:11 NCR 938	*	Approve	12/19/96			Codified	
15A NCAC 03M .0503		11:18 NCR 1383	11:26 NCR 1988	*			*			
15A NCAC 03M .0504	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96			Codified	
15A NCAC 03M .0504		11:14 NCR 1153		*	Approve	12/19/96			Codified	
15A NCAC 03M .0506	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			Codified	
15A NCAC 03M .0506		11:18 NCR 1383	11:26 NCR 1988	*	Approve	12/19/96			Codified	
15A NCAC 03M .0507		11:11 NCR 938	11:26 NCR 1988	*			*			
15A NCAC 03M .0511	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96			Codified	
15A NCAC 03M .0514		11:18 NCR 1383	11:26 NCR 1088	*						
15A NCAC 03N .0103	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03N .0104	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03N .0105	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03O .0101	N/A				Object	04/17/97				Notice Not Required
15A NCAC 03O .0201	N/A	N/A	N/A		Approve	05/15/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03O .0202	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03O .0205	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03O .0208	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03R .0101	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03R .0102	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03R .0103	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03R .0104	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03R .0105	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03R .0106	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			Codified	
15A NCAC 03R .0107	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
15A NCAC 03R .0107	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			Codified	

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Parks and Recreation										
15A NCAC 12B .1206	10:18 NCR 2317		11:12 NCR 985	*	Object	11/21/96 12/19/96	*		Codified	
Soil and Water Conservation										
15A NCAC 06E .0102	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96			Codified	
15A NCAC 06E .0102	11:12 NCR 1004									
15A NCAC 06E .0103	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96			Codified	
15A NCAC 06E .0105	11:12 NCR 1004									
Water Pollution Control System Operators Certification Commission										
15A NCAC 08A	11:26 NCR 1976									
15A NCAC 08B	11:26 NCR 1976									
15A NCAC 08C	11:26 NCR 1976									
15A NCAC 08D	11:26 NCR 1976									
15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									
15A NCAC 08F .0101		11:19 NCR 1442	11:28 NCR 2123	*						
15A NCAC 08F .0102		11:19 NCR 1442	11:28 NCR 2123	*						
15A NCAC 08F .0201		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0202		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0203		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0301		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0401		11:19 NCR 1442	11:28 NCR 2123	*						
15A NCAC 08F .0402		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0403		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0404		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0405		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0406		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0407		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0501		11:19 NCR 1442	11:28 NCR 2123	*						
15A NCAC 08F .0502		11:19 NCR 1442	11:28 NCR 2123	S						

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15A NCAC 08F .0503		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0504		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0505		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0506		11:19 NCR 1442	11:28 NCR 2123	*						
Wildlife Resources Commission										
15A NCAC 10B .0106	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		Codified	
15A NCAC 10B .0113	11:07 NCR 408		11:12 NCR 983	*	Approve	12/19/96	*		Codified	
15A NCAC 10B .0115	11:07 NCR 408		11:12 NCR 984	*	Approve	12/19/96			Codified	
15A NCAC 10B .0115	11:11 NCR 882									
15A NCAC 10B .0116	11:12 NCR 959		11:18 NCR 1372	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 10B .0123	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96			Codified	
15A NCAC 10B .0203	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
15A NCAC 10B .0208	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10B .0209	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96			Codified	
15A NCAC 10C .0107	11:02 NCR 76									
15A NCAC 10C .0205	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
15A NCAC 10C .0305	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
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	*	Approve	11/21/96	*		Codified	
15A NCAC 10D .0003	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	Notice Not Required
15A NCAC 10F .0102	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0103	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0104	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		Codified	
15A NCAC 10F .0105	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		Codified	
15A NCAC 10F .0106	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0107	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0109	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0300	11:01 NCR 13		11:01 NCR 14	*	Approve	07/18/96	*		Codified	

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15A NCAC 10F .0302	11:05 NCR 272		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
15A NCAC 10F .0303	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			Codified	
15A NCAC 10F .0305	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			Codified	
15A NCAC 10F .0307	11:02 NCR 76		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10F .0307	11:08 NCR 451		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
15A NCAC 10F .0308	11:21 NCR 1638		11:29 NCR 2206	*						
15A NCAC 10F .0310	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			Codified	
15A NCAC 10F .0310	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			Codified	
15A NCAC 10F .0317	11:13 NCR 1039		11:19 NCR 1427	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 10F .0327	11:14 NCR 1109		11:20 NCR 1551	*	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 10F .0339	11:13 NCR 1039		11:19 NCR 1427	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 10F .0339	11:21 NCR 1638		11:29 NCR 2206	*						
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			Codified	
15A NCAC 10F .0355	11:25 NCR 1905									
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			Codified	
15A NCAC 10G .0103	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0202	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0203	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0206	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0302	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0303	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0401	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0402	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 10G .0403	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 10G .0404	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 10G .0501	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	

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15A NCAC 101 .0001	10:22 NCR 2829		11:04 NCR 191	*	Approve	09/19/96			Codified	11:03 NCR 104
15A NCAC 101 .0002	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		Codified	11:04 NCR 182
Wildlife Proclamation										11:23 NCR 1778
Wildlife Proclamation										11:26 NCR 1969
Wildlife Proclamation										11:28 NCR 2114

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
Voting Rights Act										11:18 NCR 1367
Voting Rights Act										11:20 NCR 1533
Voting Rights Act										11:24 NCR 1814
Voting Rights Act										11:27 NCR 2050
Voting Rights Act										11:29 NCR 2179

GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0202		11:24 NCR 1828								
21 NCAC 12 .0204	10:22 NCR 2829	11:06 NCR 372	11:09 NCR 583	*	Approve	10/17/96			Codified	
21 NCAC 12 .0204	11:28 NCR 2117									
21 NCAC 12 .0503	10:22 NCR 2829	11:06 NCR 372	11:09 NCR 584	*	Approve	10/17/96	*		Codified	
21 NCAC 12 .0503	11:28 NCR 2117									
21 NCAC 12 .0504	11:28 NCR 2117									
21 NCAC 12 .0901	11:28 NCR 2117									
21 NCAC 12 .0902	11:28 NCR 2117									
21 NCAC 12 .0903	11:28 NCR 2117									

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21 NCAC 12.0904 11:28 NCR 2117
 21 NCAC 12.0905 11:28 NCR 2117
 21 NCAC 12.0906 11:28 NCR 2117
 21 NCAC 12.0907 11:28 NCR 2117
 21 NCAC 12.0908 11:28 NCR 2117
 21 NCAC 12.0909 11:28 NCR 2117
 21 NCAC 12.0910 11:28 NCR 2117
 21 NCAC 12.0911 11:28 NCR 2117
 21 NCAC 12.0912 11:28 NCR 2117

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
 Number 105 - Eff. 12/02/96 11:19 NCR 1406
 Number 106 - Eff. 12/11/96 11:21 NCR 1631
 Number 107 - Eff. 02/20/97 11:25 NCR 1901
 Number 108 - Eff. 02/24/97 11:25 NCR 1901
 Number 109 - Eff. 03/25/97 11:28 NCR 2113
 Number 110 - Eff. 03/27/97 11:28 NCR 2113
 Number 111 - Eff. 04/14/97 11:28 NCR 2113

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24 NCAC 01P .0101 11:14 NCR 1154 11:28 NCR 2132 S

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					Action	Date				
24 NCAC 01P .0102		11:14 NCR 1154	11:28 NCR 2132	S						
24 NCAC 01P .0103		11:14 NCR 1154	11:28 NCR 2132	S						
24 NCAC 01P .0201		11:14 NCR 1154	11:28 NCR 2132	S						
24 NCAC 01P .0202		11:14 NCR 1154	11:28 NCR 2132	S						
24 NCAC 01P .0203		11:14 NCR 1154	11:28 NCR 2132	S						
HUMAN RESOURCES										
10 NCAC 41P .0013	11:06 NCR 323	11:08 NCR 528	11:12 NCR 966	L	Approve	12/19/96	*		Codified	
10 NCAC 01B	11:23 NCR 1779									
Aging										
10 NCAC 22	10:23 NCR 2956									
Child Day Care Commission										
10 NCAC 03U .0102		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .0302	11:24 NCR 1817									
10 NCAC 03U .0506	11:24 NCR 1817									
10 NCAC 03U .0509	11:24 NCR 1817									
10 NCAC 03U .0601	11:24 NCR 1817									
10 NCAC 03U .0602	11:24 NCR 1817									
10 NCAC 03U .0604	11:03 NCR 109		11:09 NCR 571	*	Approve	03/20/97			11:26 NCR 2004	
10 NCAC 03U .0604	11:24 NCR 1817									
10 NCAC 03U .0700	11:08 NCR 449									
10 NCAC 03U .0704	10:19 NCR 2506		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .0705	11:14 NCR 1108		11:27 NCR 2054	*						
10 NCAC 03U .0705	11:24 NCR 1817									
10 NCAC 03U .0707	11:08 NCR 449		11:17 NCR 1338	*	Object Approve	03/20/97 04/17/97	*		11:29 NCR 2211	
10 NCAC 03U .0710	10:22 NCR 2829		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .0714	11:24 NCR 1817									
10 NCAC 03U .0802	11:24 NCR 1817									

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10 NCAC 03U .0803	11-24 NCR 1817									
10 NCAC 03U .0901	11-08 NCR 449		11-17 NCR 1338	*						
10 NCAC 03U .1402	11-24 NCR 1817									
10 NCAC 03U .1403	11-24 NCR 1817									
10 NCAC 03U .1717	11-14 NCR 1108		11-27 NCR 2054	*						
10 NCAC 03U .1717	11-24 NCR 1817									
10 NCAC 03U .2500	11-29 NCR 2181									
10 NCAC 03U .2510	11-08 NCR 449									
10 NCAC 03U .2603	11-24 NCR 1817									
10 NCAC 03U .2606	11-08 NCR 449									
10 NCAC 03U .2610	11-24 NCR 1817									
10 NCAC 03U .2611	11-24 NCR 1817									
10 NCAC 03U .2701		10-20 NCR 2593	11-10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .2702		10-20 NCR 2593	11-10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .2703		10-20 NCR 2593	11-10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .2704		10-20 NCR 2593	11-10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
Facility Services										
10 NCAC 03	10-18 NCR 2399									
10 NCAC 03R .3000	11-23 NCR 1780									
10 NCAC 03R .3001		10-21 NCR 2699	11-08 NCR 452	S/I/SE	Approve	10/17/96	*		Codified	11-11 NCR 888
10 NCAC 03R .3001	10-23 NCR 2956		11-06 NCR 328	S/I/SE						
10 NCAC 03R .3002		11-21 NCR 1655								
10 NCAC 03R .3010		10-21 NCR 2699	11-08 NCR 452	S/I/SE	Approve	10/17/96			Codified	11-11 NCR 888
10 NCAC 03R .3020		10-21 NCR 2699	11-08 NCR 452	S/I/SE	Approve	10/17/96	*		Codified	11-11 NCR 888
10 NCAC 03R .3020	10-23 NCR 2956		11-06 NCR 328	S/I/SE						
10 NCAC 03R .3030		10-21 NCR 2699	11-08 NCR 452	S/I/SE	Object Approve	10/17/96 11/21/96 03/20/97	*			11-11 NCR 888
							*		11-26 NCR 2004	

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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	*		Codified	11:11 NCR 888
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3033		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3034		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3035		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3036		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3037		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3038		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3040		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Approve	11/21/96	*		Codified	11:11 NCR 888
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3051		11:21 NCR 1655		S/L/SE	Object	10/17/96				
10 NCAC 03R .3052		11:21 NCR 1655		S/L/SE	Approve	11/21/96	*		Codified	11:11 NCR 888
10 NCAC 03R .3053		11:21 NCR 1655		S/L/SE						
10 NCAC 03R .3053		11:22 NCR 1713		S/L/SE						
10 NCAC 03R .3054		11:21 NCR 1655		S/L/SE						
10 NCAC 03R .3055		11:21 NCR 1655		S/L/SE						
10 NCAC 03R .3056		11:21 NCR 1655		S/L/SE						
10 NCAC 03R .3057		11:21 NCR 1655		S/L/SE						
10 NCAC 03R .3058		11:21 NCR 1655		S/L/SE						
10 NCAC 03R .3059		11:21 NCR 1655		S/L/SE						
10 NCAC 03R .3060		11:21 NCR 1655		S/L/SE						
10 NCAC 03R .3061		11:21 NCR 1655		S/L/SE						
10 NCAC 03R .3062		11:21 NCR 1655		S/L/SE						
10 NCAC 03R .3063		11:21 NCR 1655		S/L/SE						

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10 NCAC 03R .3064		11:21 NCR 1655								
10 NCAC 03R .3065		11:21 NCR 1655								
10 NCAC 03R .3066		11:21 NCR 1655								
10 NCAC 03R .3067		11:21 NCR 1655								
10 NCAC 03R .3068		11:21 NCR 1655								
10 NCAC 03R .3069		11:21 NCR 1655								
10 NCAC 03R .3070		11:21 NCR 1655								
10 NCAC 03R .3071		11:21 NCR 1655								
10 NCAC 03R .3072		11:21 NCR 1655								
10 NCAC 03R .3073		11:21 NCR 1655								
10 NCAC 03R .3074		11:21 NCR 1655								
10 NCAC 03R .3075		11:21 NCR 1655								
10 NCAC 03R .3076		11:21 NCR 1655								
10 NCAC 03R .3077		11:21 NCR 1655								
10 NCAC 03R .3078		11:21 NCR 1655								
10 NCAC 03R .3079		11:21 NCR 1655								
10 NCAC 03R .3080		11:21 NCR 1655								
10 NCAC 03R .3081		11:21 NCR 1655								
10 NCAC 03R .3082		11:21 NCR 1655								
10 NCAC 03R .3083		11:21 NCR 1655								
10 NCAC 03R .3084		11:21 NCR 1655								
10 NCAC 03R .3085		11:21 NCR 1655								
10 NCAC 03R .3086		11:21 NCR 1655								
10 NCAC 03R .3087		11:21 NCR 1655								
10 NCAC 03R .3088		11:21 NCR 1655								
10 NCAC 03R .6001	11:22 NCR 1704									

Medical Assistance

Disproportionate Share List										
10 NCAC 26B .0105	10:18 NCR 2398			*	Approve	04/18/96	*		Codified	11:03 NCR 101
10 NCAC 26B .0113	10:16 NCR 1721		10:22 NCR 2831	S/L						
			11:28 NCR 2118							

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10 NCAC 26B .0123		11:19 NCR 1436	11:24 NCR 1824	*						
10 NCAC 26G .0707	11:08 NCR 450	11:15 NCR 1205	11:18 NCR 1371	*	Approve	04/17/97			11:29 NCR 2211	
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	11:23 NCR 1781	S/L	Approve	05/15/97				
10 NCAC 26H .0213		11:15 NCR 1205								
10 NCAC 26H .0213	11:18 NCR 1368									
10 NCAC 26H .0213		11:26 NCR 1997								
10 NCAC 26H .0506		11:02 NCR 77	Temp. Expired							
10 NCAC 26H .0506	10:21 NCR 2686									
10 NCAC 26H .0506		11:19 NCR 1438	11:29 NCR 2205	S/L/SE						
10 NCAC 26H .0602	11:09 NCR 569	11:13 NCR 1062		S/L	Approve	12/19/96			Codified	
10 NCAC 50B .0202		11:10 NCR 841	11:28 NCR 2118	*						
10 NCAC 50B .0404		11:10 NCR 841	11:28 NCR 2118	L						
10 NCAC 50B .0409		11:10 NCR 841	11:28 NCR 2118	*						11:06 NCR 316
10 NCAC 50D										
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								
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								

Medical Care Commission

10 NCAC 03B 11:16 NCR 1268

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10 NCAC 03B .1001		11:20 NCR 1560	11:29 NCR 2187	*						
10 NCAC 03B .1002		11:20 NCR 1560	11:29 NCR 2187	*						
10 NCAC 03C .3707	11:20 NCR 1534		11:29 NCR 2187	*						
10 NCAC 03C .6208					Approve	04/18/96			Codified	
10 NCAC 03D .0800	11:23 NCR 1779									
10 NCAC 03D .0900	11:23 NCR 1779									
10 NCAC 03D .1000	11:23 NCR 1779									
10 NCAC 03D .1100	11:23 NCR 1779									
10 NCAC 03D .1200	11:23 NCR 1779									
10 NCAC 03D .1300	11:23 NCR 1779									
10 NCAC 03D .1400	11:23 NCR 1779									
10 NCAC 03D .1500	11:23 NCR 1779									
10 NCAC 03D .2001	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2101	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2102	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2103	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2104	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2105	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2106	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2201	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2202	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2203	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2301	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2302	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2303	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2401	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03M	11:23 NCR 1779		11:29 NCR 2187	*						
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .3402	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*	Approve	05/15/97				*

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					Action	Date					
10 NCAC 14V .3803	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97					
10 NCAC 14V .5602	11:08 NCR 449		11:24 NCR 1822	*	Approve	05/15/97		*			
10 NCAC 15A .0128	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97					
			11:24 NCR 1822	*	Approve	05/15/97					
			11:14 NCR 1124	*	Withdrawn	01/16/97					
			11:24 NCR 1822	*	Approve	05/15/97					
10 NCAC 15A .0129	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97					
			11:24 NCR 1822	*	Approve	05/15/97					
10 NCAC 18W .0201	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97		*			
			11:24 NCR 1822		Approve	02/20/97		*			
			11:14 NCR 1124		Approve	01/16/97					
10 NCAC 18W .0202	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97					
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97		*			
10 NCAC 18W .0204	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97		*			
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97					
			11:14 NCR 1124		Approve	02/20/97		*			
10 NCAC 18W .0206	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97		*			
10 NCAC 18W .0207	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97		*			
10 NCAC 18W .0208	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97		*			
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97		*			
10 NCAC 18W .0210	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97		*			
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97					
			11:14 NCR 1124		Approve	01/16/97		*			
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97					
			11:14 NCR 1124		Approve	02/20/97		*			
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97		*			
10 NCAC 18W .0214	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97		*			
10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97					
			11:14 NCR 1124		Approve	02/20/97		*			
			11:14 NCR 1124		Object	01/16/97					
			11:14 NCR 1124		Approve	02/20/97		*			
			11:14 NCR 1124		Object	01/16/97		*			
			11:14 NCR 1124		Approve	02/20/97		*			
			11:14 NCR 1124		Approve	01/16/97		*			
			11:14 NCR 1124		Approve	01/16/97		*			
			11:14 NCR 1124		Approve	01/16/97		*			
			11:14 NCR 1124		Object	01/16/97					
			11:14 NCR 1124		Approve	02/20/97		*			
			11:14 NCR 1124		Approve	01/16/97		*			
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97					
			11:14 NCR 1124		Approve	02/20/97		*			
10 NCAC 451I .0200	11:08 NCR 449										
10 NCAC 451I .0203	11:08 NCR 449	11:29 NCR 2208	11:29 NCR 2208	*							

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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	*		Codified	
10 NCAC 41F .0706		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96			Codified	
10 NCAC 41F .0707		10:21 NCR 2726	11:03 NCR 111	S	Object	07/18/96	*		Codified	
					Approve	09/19/96			Codified	
10 NCAC 41F .0812		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96			Codified	
10 NCAC 41F .0813		10:21 NCR 2726	11:03 NCR 111	S	Object	07/18/96	*		Codified	
					Approve	09/19/96			Codified	
10 NCAC 41F .0814	10:23 NCR 2956		11:03 NCR 111	L	Object	07/18/96	*		Codified	
					Approve	09/19/96			Codified	
10 NCAC 41I .0100	10:17 NCR 2228									
10 NCAC 41I .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41P .0102	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Object	11/21/96	*		Codified	Notice Not Required
10 NCAC 41P .0105					Approve	12/19/96			Codified	
10 NCAC 41P .0106					Approve	12/19/96			Codified	
10 NCAC 41P .0108	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Object	11/21/96	*		Codified	Notice Not Required
					Approve	12/19/96			Codified	
10 NCAC 41P .0105	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	Notice Not Required
10 NCAC 41P .0106	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 41P .0108	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	Notice Not Required
10 NCAC 41P .0109	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	10/17/96	*		Codified	
10 NCAC 41P .0110	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 41P .0111	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 41P .0112	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 42A .0701		10:21 NCR 2728	11:10 NCR 823	S/L/SE	Approve	11/21/96			Codified	
10 NCAC 42A .0702		10:21 NCR 2728	11:10 NCR 823	*	Approve	11/21/96	*		Codified	
10 NCAC 42A .0703		10:21 NCR 2728	11:10 NCR 823	*	Object	11/21/96			Codified	
					Approve	12/19/96			Codified	

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					Action	Date				
10 NCAC 42B .1209		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42B .1210		10:21 NCR 2729	11:12 NCR 967	S/L	Approve	11/21/96	*		Codified	
10 NCAC 42B .1211		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		Codified	
10 NCAC 42B .2402		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42B .2403		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42B .2404		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42B .2405		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42C .2010		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42C .2011		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96			Codified	
10 NCAC 42C .2012		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*		Codified	
10 NCAC 42C .3701		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*		Codified	
10 NCAC 42C .3702		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*		Codified	
10 NCAC 42C .3703		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		Codified	
10 NCAC 42C .3704		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		Codified	
10 NCAC 42D .1409		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42D .1410		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42D .1411		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*		Codified	
10 NCAC 42D .1827		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*		Codified	
10 NCAC 42D .1828		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*		Codified	
10 NCAC 42D .1829		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*		Codified	
10 NCAC 42D .1830		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42J .0001		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42J .0004		11:16 NCR 1288		*	Approve	11/21/96			Codified	
10 NCAC 42J .0005		11:16 NCR 1288		*	Approve	11/21/96			Codified	
10 NCAC 42V .0201		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		Codified	
10 NCAC 42V .0802		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		Codified	
10 NCAC 42V .0803		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		Codified	
10 NCAC 49A .0102		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96			Codified	

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					Action	Date				
10 NCAC 49B .0202		11-08 NCR 528	11-12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 49B .0310		11-08 NCR 528	11-12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 49B .0502		11-08 NCR 528	11-12 NCR 960	*	Approve	11/21/96			Codified	
10 NCAC 49C .0107		10-18 NCR 2402	Temp. Expired							
Vocational Rehabilitation Services										
10 NCAC 20B .0204	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0205	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0206	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0208	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0209	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0210	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0214	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0218	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0222	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0224	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0226	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0227	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20C .0603	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20D .0204	11-08 NCR 450		11-13 NCR 1051	*	Approve	12/19/96	*		Codified	
INSURANCE										
N.C. Home Inspector Licensure Board										11:27 NCR 2049
11 NCAC 08 .1001		11-15 NCR 1212	11-19 NCR 1416	*	Agency Withdrawn 03/97				Temp Filed over obj	
11 NCAC 08 .1002		11-15 NCR 1212	11-25 NCR 1906	*	Agency Withdrawn 03/97				Temp Filed over obj	
11 NCAC 08 .1003		11-15 NCR 1212	11-25 NCR 1906	*	Agency Withdrawn 03/97				Temp Filed over obj	
11 NCAC 08 .1004		11-15 NCR 1212	11-25 NCR 1906	*	Agency Withdrawn 03/97				Temp Filed over obj	
11 NCAC 08 .1005		11-15 NCR 1212	11-25 NCR 1906	*	Agency Withdrawn 03/97				Temp Filed over obj	
11 NCAC 08 .1006		11-15 NCR 1212	11-25 NCR 1906	*	Agency Withdrawn 03/97				Temp Filed over obj	
11 NCAC 08 .1007		11-15 NCR 1212	11-25 NCR 1906	*	Agency Withdrawn 03/97				Temp Filed over obj	

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11 NCAC 08 .1008		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1009		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1010		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1011		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1101		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1102		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1103		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1104		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1105		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1106		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1107		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1108		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1109		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1110		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1111		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1112		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1113		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1114		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1115		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1116		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1201		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1202		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					Temp Filed over obj

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11 NCAC 08 .1203		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1204		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1205		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1206		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1207		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1208		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1209		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 10 .0602		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
11 NCAC 10 .0603		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
11 NCAC 10 .0606		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
11 NCAC 12 .0551	10:18 NCR 2399		10:22 NCR 2831	*	Approve	05/16/96	*		Codified	
11 NCAC 12 .1702	N/A	N/A	N/A		Object	03/20/97			11:29 NCR 2211	
11 NCAC 16 .0703	10:18 NCR 2399		10:22 NCR 2832	*	Approve	04/17/97			Codified	
JUSTICE										
Attorney General/Company Police										
12 NCAC 021 .0101					Approve	04/18/96			Codified	
12 NCAC 021 .0206					Approve	04/18/96			Codified	
12 NCAC 021 .0210					Approve	04/18/96			Codified	
Alarm Systems Licensing Board										
12 NCAC 11 .0202	10:24 NCR 3057		11:14 NCR 1136	*						
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0102	11:14 NCR 1109		11:20 NCR 1539	*	Object	04/17/97	*			
12 NCAC 09B .0111	11:14 NCR 1109		11:20 NCR 1539	*	Approve	05/15/97			11:29 NCR 2211	
12 NCAC 09B .0206	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0224	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	

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12 NCAC 09B .0225	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0409	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0304	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0307	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97	*		11:29 NCR 2211	
12 NCAC 09C .0309	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0601	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0602	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0603	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0604	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0605	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0606	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0607	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0608	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
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		11:17 NCR 1339	*	Approve	05/15/97				
12 NCAC 04E .0104	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0401	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0404	11:17 NCR 1336		11:22 NCR 1710	*						

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12 NCAC 04E .0405	11:17 NCR 1336		11:22 NCR 1710	*						11:22 NCR 1703
LABOR										
Permanent Variance Filing										
Boller & Pressure Vessel		11:25 NCR 1918								
13 NCAC 13 .0213										
Occupational Safety and Health										
*Verbatim Adoption Federal Standards										
*13 NCAC 07A .0301										11:25 NCR 1903
*13 NCAC 07A .0301										11:29 NCR 2178
*13 NCAC 07F .0101										11:24 NCR 1813
*13 NCAC 07F .0101										11:25 NCR 1903
*13 NCAC 07F .0101										11:25 NCR 1903
*13 NCAC 07F .0201										11:25 NCR 1903
*13 NCAC 07F .0501										11:25 NCR 1903
13 NCAC 07A .0302	11:26 NCR 1984									
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F .0101		11:03 NCR 119	Temp. Expired							
13 NCAC 07F .0101	11:24 NCR 1817									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0201	11:24 NCR 1817									
13 NCAC 07F .0301	11:03 NCR 106									
13 NCAC 16 .0102	11:26 NCR 1984									
13 NCAC 16 .0201	11:26 NCR 1984									
13 NCAC 16 .0202	11:26 NCR 1984									
13 NCAC 16 .0203	11:26 NCR 1984									
13 NCAC 16 .0204	11:26 NCR 1984									
13 NCAC 16 .0205	11:26 NCR 1984									
13 NCAC 16 .0206	11:26 NCR 1984									

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					Action	Date				
13 NCAC 16 .0207	11:26 NCR 1984									
13 NCAC 16 .0208	11:26 NCR 1984									
13 NCAC 16 .0301	11:26 NCR 1984									
13 NCAC 16 .0302	11:26 NCR 1984									
13 NCAC 16 .0303	11:26 NCR 1984									
MEDICAL BOARD										
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32F .0003		11:18 NCR 1386								
21 NCAC 32H	10:18 NCR 2400									
21 NCAC 32H	11:26 NCR 1986									
21 NCAC 32H .0101	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0102	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0201	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0203	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0301	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0302	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0303	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0401	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0402	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0403	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0404	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0406	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0407	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			Codified	
21 NCAC 32H .0408	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			Codified	
21 NCAC 32H .0409	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0501	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0502	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0504	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0505	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0506	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	

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					Action	Date				
21 NCAC 3211 .0507	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0601	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0602	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			Codified	
21 NCAC 3211 .0701	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0702	10:18 NCR 2400		10:22 NCR 2835	*	Object	04/18/96			Returned to Agency 6/20/96	
21 NCAC 3211 .0801	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0901	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0902	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			Codified	
21 NCAC 320	11:18 NCR 1369									
NURSING, BOARD OF										
21 NCAC 36 .0109	11:24 NCR 1821		11:28 NCR 2130	*						
21 NCAC 36 .0320	11:14 NCR 1109		11:19 NCR 1428	*	Object	03/20/97			11:29 NCR 2211	
NURSING HOME ADMINISTRATORS										
21 NCAC 37D .0202		11:11 NCR 940	11:18 NCR 1372	*	Approve	04/17/97	*		11:29 NCR 2211	
21 NCAC 37G .0102		11:11 NCR 940	11:18 NCR 1372	*	Approve	04/17/97			11:29 NCR 2211	
OPTOMETRY, BOARD OF										
21 NCAC 42B .0107	11:18 NCR 1369		11:25 NCR 1917	*						
PSYCHOLOGY BOARD										
21 NCAC 54 .1802			11:18 NCR 1373	*						
21 NCAC 54 .1803			11:18 NCR 1373	*						
21 NCAC 54 .2001			11:18 NCR 1373	*						
21 NCAC 54 .2002			11:18 NCR 1373	*						
21 NCAC 54 .2003			11:18 NCR 1373	*						
21 NCAC 54 .2004			11:18 NCR 1373	*						
21 NCAC 54 .2005			11:18 NCR 1373	*						
21 NCAC 54 .2007			11:18 NCR 1373	*						
21 NCAC 54 .2008			11:18 NCR 1373	*						
21 NCAC 54 .2009			11:18 NCR 1373	*						
21 NCAC 54 .2704			11:18 NCR 1373	*						
					Approve	04/18/96			Codified	

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					Action	Date				
PUBLIC EDUCATION										
Standards Board for Public School Administration										
21 NCAC 54.2706					Approve	04/18/96			Codified	
16 NCAC 01A.0001					Approve	05/16/96			Codified	
16 NCAC 01A.0003					Approve	05/16/96			Codified	
Standards Board for Public School Administration										
16 NCAC 07.0101	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96	*		Codified	
16 NCAC 07.0102	10:23 NCR 2957		11:09 NCR 576	*	Approve	11/21/96				
16 NCAC 07.0103	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96	*		Codified	
16 NCAC 07.0103	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96				
16 NCAC 07.0104	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96	*		Codified	
16 NCAC 07.0104	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07.0105	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07.0106	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07.0107	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07.0108	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07.0109	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07.0110	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07.0111	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07.0112	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
REAL ESTATE COMMISSION										
21 NCAC 58A.0101	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A.0104	11:07 NCR 408		11:11 NCR 935	*	Approve	12/19/96	*		Codified	
21 NCAC 58A.0105	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A.0109	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A.0110	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A.0302	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96				
21 NCAC 58A.0503	10:22 NCR 2829		11:03 NCR 114	*	Approve	01/16/97	*		11:22 NCR 1717	
21 NCAC 58A.0504	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A.1501	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A.1502	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96	*		11:22 NCR 1717	
				*	Approve	01/16/97			Codified	
				*	Object	12/19/96			Codified	

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					Action	Date				
21 NCAC 58A .1601	10:22 NCR 2835		11:03 NCR 114	*	Approve Approve	01/16/97 12/19/96	*		11:22 NCR 1717 Codified	
REFRIGERATION EXAMINERS										
21 NCAC 60 .0204	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96			Codified	
21 NCAC 60 .0207	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96	*		Codified	
21 NCAC 60 .0314	11:05 NCR 272		11:10 NCR 839	*	Object Approve	11/21/96 12/19/96	*		Codified	
REVENUE										
17 NCAC 01C .0504		10:20 NCR 2599		*	Object	08/15/96			Codified	
17 NCAC 01C .0506		10:20 NCR 2599		*	Approve	09/19/96			Codified	
17 NCAC 01C .0506			11:10 NCR 838	*	Approve	08/15/96			Codified	
17 NCAC 05C .0102			11:03 NCR 113	*	Object	01/16/97	*		11:22 NCR 1717	
			11:09 NCR 582	*	Rule Returned Approve	01/16/97 05/16/96	*		Codified	
17 NCAC 05C .2101			10:24 NCR 3059	*	Approve	04/18/96	*		Codified	
17 NCAC 06B .0612			10:22 NCR 2833	*	Approve	04/18/96	*		Codified	
17 NCAC 06B .3716			10:22 NCR 2833	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .0118			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .1101			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1105			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1108			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1109			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1110			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1112			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1114			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1123			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1602			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1602			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .1701			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1702			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1702			11:12 NCR 998	*	Approve	11/21/96	*		Codified	

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17 NCAC 07B .1802			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1802			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .2401			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .2601			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .3103			11:12 NCR 998	*	Approve	11/21/96			Codified	
17 NCAC 07B .3106			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .4002			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .4004			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .4008			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .4202			11:12 NCR 998	*	Approve	11/21/96			Codified	
17 NCAC 07B .4301			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .4408			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .4501			11:12 NCR 998	*	Approve	11/21/96			Codified	
17 NCAC 07B .4902			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
Tax Review Board										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
Tax Review Board										11:17 NCR 1332
Tax Review Board										11:21 NCR 1632
Tax Review Board										11:26 NCR 1970
Tax Review Board										11:27 NCR 2052
SOCIAL WORK, BOARD OF										
21 NCAC 63 .0306		10:21 NCR 2739	11:03 NCR 118	*	Approve	11/21/96	*		Codified	
SOIL SCIENTISTS, BOARD FOR LICENSING										
21 NCAC 69 .0101	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
21 NCAC 69 .0102	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve Object	09/19/96			Codified	
21 NCAC 69 .0103	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
21 NCAC 69 .0104	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0104	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						

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21 NCAC 69 .0201	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0202	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0301	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0302	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0303	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0304	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0305	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0306	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0307	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0308	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0401	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0402	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0501	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	

SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

21 NCAC 64 .0303 11:23 NCR 1780

STATE PERSONNEL COMMISSION

25 NCAC 01D .2501	11:13 NCR 1062	11:19 NCR 1429	*
25 NCAC 01D .2503	11:13 NCR 1062	11:19 NCR 1429	*
25 NCAC 01D .2504	11:13 NCR 1062	11:19 NCR 1429	*
25 NCAC 01D .2505	11:13 NCR 1062	11:19 NCR 1429	*
25 NCAC 01D .2507	11:13 NCR 1062	11:19 NCR 1429	*
25 NCAC 01D .2508	11:13 NCR 1062	11:19 NCR 1429	*
25 NCAC 01D .2509	11:13 NCR 1062	11:19 NCR 1429	*
25 NCAC 01D .2511	11:13 NCR 1062	11:19 NCR 1429	*

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25 NCAC 01D .2513		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2514		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2516		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01E .0705	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01E .0707	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01E .0709	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01J .0613		10:23 NCR 2960	Temp. Expired							
25 NCAC 01J .0613					Approve	03/21/96			Codified	
SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD										
21 NCAC 68	10:18 NCR 2401									
21 NCAC 68 .0101	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0102	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0201	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0202	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0203	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0204	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0205	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0206	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0207	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0208	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0209	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0210	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0211	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0212	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0213	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0401	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0402	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0403	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0404	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0405	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	

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					Action	Date				
21 NCAC 68.0406	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68.0407	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68.0701	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68.0702	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68.0703	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68.0704	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68.0705	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68.0706	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68.0707	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68.0708	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68.0709	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
TRANSPORTATION										
19A NCAC 06B.0401	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0402	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0403	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0404	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0405	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0406	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0407	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0408	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0409	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0410	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0411	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0412	10:23 NCR 2957		11:05 NCR 279	S	Object	08/15/96			Codified	
					Approve	09/19/96	*		Codified	
19A NCAC 06B.0413	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0414	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0415	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0416	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B.0417	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	

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					Action	Date				
Highways, Division of										
19A NCAC 02B .0164	11:20 NCR 1537		11:26 NCR 1991	*						
19A NCAC 02B .0242	11:26 NCR 1986									
19A NCAC 02B .0303	11:26 NCR 1986									
19A NCAC 02D .0415	11:20 NCR 1537		11:26 NCR 2004	*						
19A NCAC 02D .0425					Approve	08/15/96			Codified	
19A NCAC 02D .1101	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96			Codified	
19A NCAC 02D .1102	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96				
					Approve	09/19/96	*		Codified	
19A NCAC 02D .1103	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1104	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1105	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1106	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96			Codified	
19A NCAC 02D .1107	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96			Codified	
19A NCAC 02D .1108	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96				
					Approve	09/19/96	*		Codified	
19A NCAC 02D .1109	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1110	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1111	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96	*			
					Approve	09/19/96			Codified	
19A NCAC 02D .1112	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
19A NCAC 02E .0210	N/A	N/A	N/A		Approve	04/17/97			11:29 NCR 2211	NoticeNot Required
Motor Vehicles, Division of										
19A NCAC 03E .0403					Object	12/19/96				
19A NCAC 03E .0501	11:01 NCR 13		11:07 NCR 416	*	Approve	01/16/97	*		11:22 NCR 1717	Notice Not Required
19A NCAC 03E .0502	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0510	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0511	11:01 NCR 13		11:07 NCR 416	*	Approve	10/17/96	*		Codified	
19A NCAC 03E .0512	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0513	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	

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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 03E .0514	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0515	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0518	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0519	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0522	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03I .0100	11:19 NCR 1413									
19A NCAC 03I .0200	11:19 NCR 1413									
19A NCAC 03I .0300	11:19 NCR 1413									
19A NCAC 03I .0400	11:19 NCR 1413									
19A NCAC 03I .0500	11:19 NCR 1413									
19A NCAC 03I .0600	11:19 NCR 1413									
19A NCAC 03I .0700	11:19 NCR 1413									
19A NCAC 03I .0800	11:19 NCR 1413									
19A NCAC 03J .0102	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*		11:24 NCR 1832	
19A NCAC 03J .0306	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97				
					Approve	03/20/97	*		11:26 NCR 2004	Notice Not Required
					Approve	03/20/97			11:26 NCR 2004	
19A NCAC 03J .0306	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97				
					Return to Agency	03/20/97				
					Approve	03/20/97			11:26 NCR 2004	Notice Not Required
					Approve	03/20/97			11:26 NCR 2004	Notice Not Required
19A NCAC 03J .0307	11:11 NCR 882									
19A NCAC 03J .0308	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97	*		11:26 NCR 2004	
19A NCAC 03J .0308	11:11 NCR 882		11:17 NCR 1340	*	Approve	03/20/97	*		11:24 NCR 1832	
19A NCAC 03J .0601	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*			

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DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
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Division of Purchase & Contract	201 10 051	\$30.00
Federal Block Grant Funds	201 10 331	\$25.00
Title 2 - Dept. of Agriculture - Complete Title	202 00 001	\$140.00
Food & Drug Protection Division	202 15 091	\$35.00
Structural Pest Control Committee	202 15 341	\$30.00
Agricultural Markets	202 15 431	\$30.00
Plant Industry	202 15 481	\$30.00
Animal Industry	202 15 521	\$30.00
Title 3 - Dept. of State Auditor - Complete Title	203 00 001	\$25.00
Title 4 - Dept. of Commerce - Complete Title	204 00 001	\$125.00
Alcoholic Beverage Control Commission	204 15 021	\$45.00
Banking Commission	204 15 031	\$45.00
Credit Union Division	204 15 061	\$25.00
Savings & Loan Division	204 15 091	\$25.00
Industrial Commission/Workers Compensation	204 15 101	\$30.00
Savings Institutions Division	204 15 161	\$35.00
Title 5 - Dept. of Corrections - Complete Title	205 00 001	\$70.00
Division of Prisons	205 15 021	\$35.00
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Title 7 - Dept. of Cultural Resources - Complete Title	207 00 001	\$60.00
Title 8 - State Board of Elections - Complete Title	208 00 001	\$30.00
Title 9 - Offices of the Governor & Lt. Governor - Complete Title	209 00 001	\$45.00
Title 10 - Dept. of Human Resources - Complete Title	210 00 001	\$470.00
Licensing of Health Facilities	210 20 101	\$95.00
Detention Facilities	210 20 201	\$40.00
Mental Health & Rehabilitation Services	210 20 301	\$110.00
Social Services	210 20 401	\$185.00
Children Services/Day Care	210 20 411	\$55.00
Services for the Aging	210 20 421	\$45.00
Services for the Blind	210 20 431	\$40.00
Services for the Deaf & Hard of Hearing	210 20 441	\$25.00
Employment Opportunities	210 20 451	\$45.00
Title 11 - Dept. of Insurance - Complete Title	211 00 001	\$90.00
Insurance	211 10 011	\$80.00
Consumer Services	211 10 041	\$30.00
Fire & Rescue Services	211 10 051	\$25.00
Agent Services	211 10 061	\$35.00
Engineering & Building Codes	211 10 081	\$30.00
Title 12 - Dept. of Justice - Complete Title	212 00 001	\$90.00
Private Protective Services	212 10 071	\$30.00
Police & Sheriff's Education & Training Standards	212 10 091	\$40.00
NC Alarm Systems Licensing Board	212 10 111	\$30.00
Title 13 - Dept. of Labor - Complete Title	213 00 001	\$110.00
Mine & Quarry Safety	213 15 061	\$25.00
General Safety/OSHA	213 20 001	\$70.00
Wage & Hour Rules	213 15 121	\$25.00
Boiler & Pressure Vessel Safety	213 15 131	\$25.00
Apprenticeship & Training	213 15 141	\$25.00
Elevator & Amusement Device Safety	213 15 151	\$25.00
Title 14A - Dept. of Crime Control & Public Safety - Complete Title	214 00 001	\$45.00
Alcohol Law Enforcement	214 00 081	\$25.00
Victims Compensation Fund	214 00 111	\$25.00
Title 15A - Dept. of Environ., Health, & Nat. Resources - Complete Title	215 00 001	\$395.00
Environmental Management	215 15 001	\$165.00
Air Quality	215 15 101	\$90.00
Water Quality	215 15 201	\$85.00
Land & Waste Management	215 15 301	\$85.00
Solid Waste Management	215 15 311	\$50.00

DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
Underground Storage Tanks	215 15 321	\$30.00
Coastal Management, Fishing & Boating	215 15 401	\$53.00
Environmental Health	215 25 001	\$150.00
Radiation/Nuclear Waste	215 25 101	\$65.00
Sanitation	215 25 201	\$60.00
Public Health	215 25 301	\$85.00
Intoxilizer & Breatherizer	215 25 311	\$25.00
Title 16 - Dept. of Public Instruction - Complete Title	216 00 001	\$60.00
Elementary & Secondary Education	216 10 061	\$30.00
Title 17 - Department of Revenue - Complete Title	217 00 001	\$130.00
Taxes on Individuals	217 15 101	\$40.00
Taxes on Business	217 15 201	\$70.00
Sales & Use Tax Division	217 15 271	\$45.00
Motor Fuels Tax Division	217 15 291	\$30.00
Title 18 - Secretary of State - Complete Title	218 00 001	\$60.00
Securities Division	218 10 060	\$35.00
Title 19A - Dept. of Transportation - Complete Title	219 00 001	\$90.00
Division of Highways	219 10 021	\$45.00
Division of Motor Vehicles	219 10 031	\$45.00
Title 20 - Dept. of the State Treasurer - Complete Title	220 00 001	\$45.00
Title 21 - Occupational Licensing Boards - Complete Title	221 00 001	\$230.00
Title 22 - Administrative Procedures - Repealed	n/a	
Title 23 - Community Colleges - Complete Title	223 00 001	\$45.00
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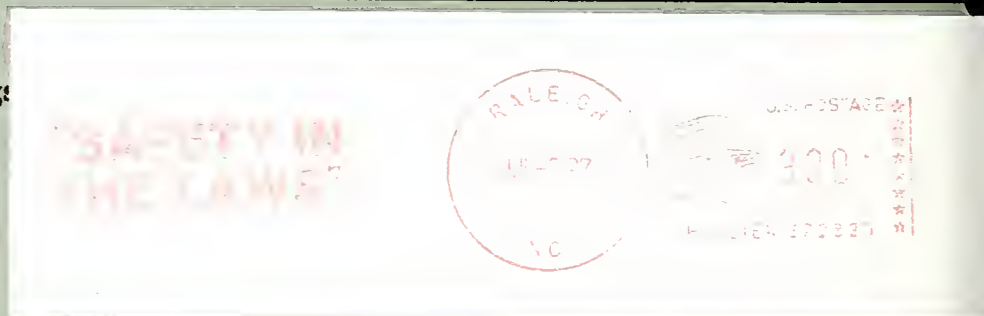
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