

NORTH CAROLINA REGISTER

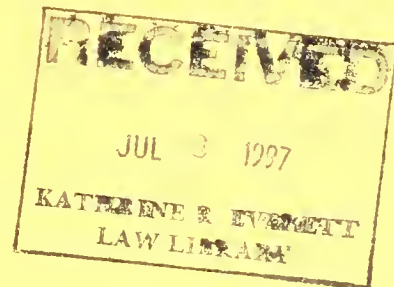
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July 1, 1997**

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Public Education
Rules Review Commission
Contested Case Decisions

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This issue contains documents officially filed
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NORTH CAROLINA REGISTER
Publication Schedule (Revised 07/26/96)
(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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12:02	07/15/97	06/23/97	09/15/97	10/01/97	07/30/97	08/14/97	08/20/97	05/10/98	09/15/97	09/22/97	05/10/98

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>

**EXECUTIVE ORDER NO. 112
EXTENDING EXECUTIVE ORDER NO. 78**

By the power vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

Executive Order No. 78 regarding the North Carolina Human Service Transportation Council is hereby extended for two years.

This order shall be effective immediately.

Done in Raleigh, North Carolina, this the 22nd day of May, 1997.

**EXECUTIVE ORDER NUMBER 113
MERIT-BASED HIRING PROCESS**

WHEREAS, the State of North Carolina has a responsibility to provide efficient and effective services to its citizens with a productive and professional state workforce; and,

WHEREAS, the citizens and the state government workforce deserve strong assurances that skills, knowledge and merit are the basis for state government hiring decisions, not political patronage; and,

WHEREAS, there is a pressing need to reform the state's personnel system with a merit-based hiring system designed to bring only the most-qualified people into state government;

NOW, THEREFORE, by the power vested in me as Governor by the laws and Constitution of the State of North Carolina, **IT IS ORDERED:**

Section 1. Policy.

By October 15, 1997, each State cabinet agency shall design a process for the recruitment and selection of the most highly qualified candidates for employment based upon specific job related knowledge, skills and abilities.

Section 2. Administration.

The process shall ensure that candidates selected best meet the needs of the agency. The selection process shall be administered without regard to political affiliation or influence.

The process designed by the agencies shall be submitted to the Office of State Personnel for review and to the State Personnel Commission for approval. All agency recruitment and selection processes shall:

- a. Comply with all existing state and federal laws, policies and rules governing personnel actions;
- b. Ensure full and fair consideration of all citizens without regard to race, religion, color, creed, national origin, sex, age, disability or political affiliation/influence; and,
- c. Comply with good human resource practices and with any procedural guidelines designed by the Office of State Personnel to implement this Executive Order.

Section 3. Agency Plan.

The plan shall include standard elements of a recruitment and selection process including but not limited to:

- a. Pre-recruitment and recruitment activities:
 - (1) assess need for position;
 - (2) assess responsibilities and level of position;
 - (3) identify the specific knowledge, skills and abilities required;
 - (4) determine recruitment method, time frame and locations; and,
 - (5) develop and implement the recruitment plan.
- b. Evaluating and categorizing applications:
 - (1) applications evaluated and categorized by qualified independent individual or panel based on the specific knowledge, skills and abilities;
 - (2) identify the most highly qualified applicants, and send only that pool to the selection supervisor or manager for consideration;
 - (3) where tests are used to evaluate and categorize candidates, such tests shall comply with all requirements of state and federal law; and,
 - (4) consistent application among agencies when testing for the same or similar positions.
- c. Selection process based solely upon merit:
 - (1) consultation between the selection supervisor or manager and personnel professionals in utilizing a final selection process that is objective and based upon job related knowledge, skills and abilities;
 - (2) the selection supervisor or manager shall not have participated in the determination of the pool of most highly qualified applicants;
 - (3) successful applicant must be selected from the pool of most highly qualified applicants; and,
 - (4) the selection process shall appropriately consider all existing state and federal laws and rules applicable to the selection.

Section 4. Duties of Office of State Personnel.

The Office of State Personnel shall provide guidelines to agencies in designing a recruitment and selection process that selects employees based upon the process outlined in this Order. The Office of State Personnel shall monitor agency compliance with this Order.

Section 5. Duties of State Personnel Commission.

The State Personnel Commission shall review for approval all recruitment and selection processes that comply with:

- a. Provisions of this Order;
- b. Existing federal and state laws and rules;
- c. Any procedural guidelines designed by the Office of State Personnel; and,
- d. Good human resource practices.

This order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the 12th day of June, 1997.

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.

• PUBLIC NOTICE •

Citizens are invited to attend public hearings on the Draft 1998 State Medical Facilities Plan to be conducted by the North Carolina State Health Coordinating Council (SHCC) at the following times and locations:

Asheville	July 9, 1997 (Wednesday)	1:30 p.m.	MAHEC 501 Biltmore Avenue Classroom Room #1 Asheville, NC 28801-4686
Greenville	July 10, 1997 (Thursday)	1:30 p.m.	The Willis Building East Carolina University 300 East First Street Greenville, NC 27858-4356
Greensboro	July 10, 1997 (Thursday)	1:30 p.m.	Council of Governments Koger Office Center (near Howard Johnson's) 2216 W. Meadowview Road Suite 201, Wilmington Building (2nd Floor Conference Room) Greensboro, NC 27407-3480
Wilmington	July 11, 1997 (Friday)	1:30 p.m.	Coastal AHEC New Hanover Regional Med. Ctr. Auditorium -- Ground Floor 2131 S. 17th Street Wilmington, NC
Charlotte	July 11, 1997 (Friday)	1:30 p.m.	Rankin Education Center - Auditorium Carolinas Medical Center 1200 Blythe Boulevard Charlotte, NC
Raleigh	July 15, 1997 (Tuesday)	1:30 p.m.	Division of Facility Services Conference Room #201 701 Barbour Drive Raleigh, NC 27603

All persons commenting on the Draft Plan at the public hearings are asked to supply WRITTEN COPIES of their remarks. Persons with disabilities who need assistance to participate in the public hearing are requested to notify the Medical Facilities Planning Section in advance so that reasonable accommodations can be arranged.

The State Medical Facilities Plan projects need for acute care hospital beds, rehabilitation facilities and beds, ambulatory surgery facilities and operating rooms, technology services and equipment, nursing care beds, home health agencies, kidney dialysis stations, hospice home care programs and inpatient beds, psychiatric hospitals, substance abuse treatment facilities, and intermediate care facilities for the mentally retarded. NOTE: After the need determinations and policies are adopted by the SHCC and approved by the Governor, they will be incorporated in rules for the 1998 State Medical Facilities Plan.

IN ADDITION

Persons wishing to review or purchase the Draft 1998 State Medical Facilities Plan or who want information about the Plan or the series of public hearings may call 919-733-4130, or write to: Medical Facilities Planning Section, Division of Facility Services, P.O. Box 29530, Raleigh, NC 27626-0530. Inquiries may be made to this same address about comments or petitions received regarding the Draft Plan. Copies of the Draft Plan will also be made available to all Area Health Education Centers and to all Lead Regional Organizations (Councils of Government) in the State. **ALL WRITTEN COMMENTS AND PETITIONS ON THE DRAFT 1998 STATE MEDICAL FACILITIES PLAN MUST BE RECEIVED BY JULY 15, 1997.**

U.S. Department of Justice

Civil Rights Division

IKP:GS:NT:jdp
DJ 166-012-3
96-1062

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

June 6, 1997

Robert C. Cogswell, Jr., Esq.
City Attorney
P.O. Box 1513
Fayetteville, North Carolina 28302-1513

Dear Mr. Cogswell:

This refers to 15 annexations, their designation to existing city council districts, the change in the size of the city council by the addition of three members to be elected from single-member districts, and the redistricting plan for the City of Fayetteville in Cumberland 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 April 9, 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:

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

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

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

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

Citation to Existing Rules Affected by this Rule-Making:
15A NCAC 10F .0311, .0333, .0360 - Other rules may be proposed in the course of the rule-making process.

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

Statement of the Subject Matter:

15A NCAC 10F .0311 - Establish no wake zone on Kerr Lake, Kerr Lake Methodist Campground, Vance County.

15A NCAC 10F .0333 - Establish no wake zone on Lake Wiley Marine Commission, Hwy 27 Bridge, Mecklenburg County.

15A NCAC 10F .0360 - Establish no wake zone on Santeetlah Lake, Cheoah Point swimming area in Graham County.

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

Comment Procedures: The record will be open for receipt of written comments from July 1, 1997 through September 2, 1997. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N.

Salisbury Street, Raleigh, NC 27604-1188.

**TITLE 21 - OCCUPATIONAL LICENSING
BOARDS**

CHAPTER 36 - BOARD OF NURSING

Notice of Rule-making Proceedings is hereby given by the North Carolina Board of Nursing in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules 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:
21 NCAC 36 .0601 - .0606 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 55B; 57C-2-01; 150B-11

Statement of the Subject Matter: Adoption of rules for organizing a limited liability company for the purposes of providing nursing and related services consistent with G.S. 55B and G.S. 57C-2-01.

Reason for Proposed Action: To facilitate the process for registered nurses wanting to form a limited liability company as organized under G.S. 57C-2-01.

Comment Procedures: Comments regarding this notice should be directed to Jean Stanley, APA Coordinator, North Carolina Board of Nursing, P.O. Box 2129, Raleigh, NC 27602-2129. Comments must be received in the Board of Nursing office by 4:30 p.m. on September 2, 1997.

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 14A - DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Crime Control & Public Safety, Governor's Crime Commission intends to amend rule cited as 14A NCAC 7 .0313. Notice of Rule-making Proceedings was published in the Register on March 15, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 1:30 p.m. on July 17, 1997 at the Archdale Building, 2nd Floor Library, 512 N. Salisbury Street, Raleigh, NC 27611.

Reason for Proposed Action: To change rule to allow federal block grants to be approved for more than two years.

Comment Procedures: Any interested person may submit comments relevant to the proposed action at the public hearing either in writing or oral form. Comment period will be open through July 31, 1997. Written statements not presented at the public hearing may be directed prior to or after the public hearing to Jo Macklin, Administrative Procedures Coordinator, Department of Crime Control & Public Safety, P.O. Box 29590, Raleigh, NC 27626-0590.

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

CHAPTER 7 - DIVISION OF GOVERNOR'S CRIME COMMISSION

SECTION .0300 - GRANT APPLICATION PROCESS AND ADMINISTRATION

.0313 TWO YEAR LIMITATION ON FEDERAL FUNDING

Grantees may receive up to two years of funding on a project, at such ratios of federal funds to matching state or local funds as may be specified by each particular federal grant program or relevant ~~guidelines~~. guidelines, or as may be determined by the Commission. ~~Projects may be considered for one or more additional grant periods consistent with federal regulations and subject to availability of funds.~~ The two-year funding limit applies even if a project receives funds from more than one federal criminal justice block grant source during that

time.

Authority G.S. 143B-477; 143B-479.

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

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNHR - Environmental Management Commission intends to amend rules cited as 15A NCAC 2B .0304. Notice of Rule-making Proceedings was published in the Register on March 14, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 7:00 p.m. on August 26, 1997 at the North Henderson High School Auditorium, 10 Fruitland Road, Hendersonville, NC 28792.

Reason for Proposed Action: The North Carolina Department of Environment, Health and Natural Resources on behalf of the Environmental Management Commission (EMC) will conduct a public hearing in order to receive public comments on a proposal to reclassify a portion of Clear Creek (French Broad River Basin) in Henderson County for primary recreation. These rule-making proceedings are being held in accordance with N.C.G.S. 143-214.1, 143-215.1, and 143-215.3(a)(1). The Division of Water Quality (Division) is requesting that the EMC reclassify Clear Creek from its source to Lewis Creek from Class C Tr (Trout) to Class B Tr. The B and SB classifications are assigned to waters that are used for primary recreational purposes. Class B is applicable to freshwaters and Class SB to saltwaters. Primary recreation is defined in Division rules as "swimming, skin diving, skiing, and similar uses involving human body contact with water where such activities take place in an organized or on a frequent basis." Under North Carolina rules, several criteria must be met before waters can be classified for primary recreation. These are: 1) the area must be of sufficient size and depth to support primary recreation; 2) fecal coliform concentrations must be less than 200 colonies per 100 milliliters based on a geometric mean derived from five samples taken within a 30 day period; 3) there must be no sources of water pollution which could result in a hazard to public health in close proximity to areas where recreation occurs; and 4) primary recreation must take place in an organized or on a frequent basis. In the original request for reclassification, which was made by a local property owner in 1992, the Division was asked to investigate reclassifying Clear

Creek to include the High Quality Waters (HQW) supplemental classification along with the reclassification for primary recreation. Results received in 1993 and 1995 from studies conducted by the Division showed that Clear Creek did not qualify for reclassification to HQW, but did meet the requirements for reclassification to B waters. The purpose of this rule change is to protect the water's primary recreational uses. If reclassified, wastewater dischargers to Clear Creek will be required to comply with reliability standards set forth in 15A NCAC 2H .0124. Reliability standards require facilities to insure continued treatment of wastewater during instances of power failure. This can be accomplished through employment of multiple treatment components and backup power supply, or demonstration that the nature of the facility is such that untreated wastewater would not be discharged to surface waters during instances of power failure.

Comment Procedures: The purpose of this announcement is to encourage those interested in this proposal to provide comments. You may either attend the public hearing and make relevant verbal comments or submit written comments, data or other relevant information by September 26, 1997. The Hearing Officer may limit the length of time that you may speak at the public hearing, if necessary, so that all those who wish to speak may have an opportunity to do so. We encourage you to submit written comments as well. The EMC is very interested in all comments pertaining to the proposed reclassifications. It is very important that all interested and potentially affected persons or parties make their views known to the EMC whether in favor of or opposed to any and all provisions of the proposed reclassifications. The EMC may, not adopt a rule that differs substantially from the text of the proposed rule published in the North Carolina Register unless the EMC publishes the text of the proposed different rule and accepts comments on the new text (see 150B-21.1(g)). All interested and potentially affected persons are strongly encouraged to read the entire announcement and supporting information, and make appropriate comments on the proposal presented. The proposed effective date for the final rules pursuant to this hearing process is August 1, 1998. Written comments may be submitted by September 26, 1997 to: Liz Kovasckitz, DEHNR/Division of Water Quality, P.O. Box 29535, Raleigh, NC 27626-0535, (919) 733-5083, extension 572. In the case of inclement weather on the day the public hearing is scheduled, please contact the above telephone number for a recorded message on any changes to the location, day or time of the hearing.

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 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

.0304 FRENCH BROAD RIVER BASIN

(a) ~~Places where the schedules may be inspected:~~ The schedule may be inspected at the following places:

- (1) Clerk of Court:
Avery County
Buncombe County
Haywood County
Henderson County
Madison County
Mitchell County
Transylvania County
Yancey County
- (2) North Carolina Department of Environment, Health, and Natural Resources
Asheville Regional Office
Interchange Building
59 Woodfin Place
Asheville, North Carolina ~~Carolina~~.

(b) Unnamed Streams. Such streams entering Tennessee will be classified "B."

(c) The French Broad River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) September 22, 1976;
- (2) March 1, 1977;
- (3) August 12, 1979;
- (4) April 1, 1983;
- (5) August 1, 1984;
- (6) August 1, 1985;
- (7) February 1, 1986;
- (8) May 1, 1987;
- (9) March 1, 1989;
- (10) October 1, 1989;
- (11) January 1, 1990;
- (12) August 1, 1990;
- (13) August 3, 1992;
- (14) October 1, 1993;
- (15) July 1, 1995;
- (16) November 1, 1995;
- (17) January 1, 1996;
- (18) April 1, 1996; 1996;
- (19) August 1, 1998.

(d) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective March 1, 1989 as follows:

- (1) Cataloochee Creek (Index No. 5-41) and all tributary waters were reclassified from Class C-trout and Class C to Class C-trout ORW and Class C ORW.
- (2) South Fork Mills River (Index No. 6-54-3) down to Queen Creek and all tributaries were reclassified from Class WS-I and Class WS-III-trout to Class WS-I ORW and Class WS-III-trout ORW.

(e) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended

effective October 1, 1989 as follows: Cane River (Index No. 7-3) from source to Bowlens Creek and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

(f) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective January 1, 1990 as follows: North Toe River (Index No. 7-2) from source to Cathis Creek (Christ Branch) and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

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

(h) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective October 1, 1993 as follows: Reasonover Creek [Index No. 6-38-14-(1)] from source to Reasonover Lake Dam and all tributaries were reclassified from Class B Trout to Class WS-V and B Trout, and Reasonover Creek [Index No. 6-38-14-(4)] from Reasonover Lake Dam to Lake Julia Dam and all tributaries were reclassified from Class C Trout to Class WS-V Trout.

(i) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective July 1, 1995 with the reclassification of Cane Creek [Index Nos. 6-57-(1) and 6-57-(9)] from its source to the French Broad River from Classes WS-IV and WS-IV Tr to Classes WS-V, WS-V Tr and WS-IV.

(j) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective November 1, 1995 as follows: North Toe River [Index Numbers 7-2-(0.5) and 7-2-(37.5)] from source to a point 0.2 miles downstream of Banjo Branch, including tributaries, has been reclassified from Class WS-III, WS-III Trout and WS-III Trout CA (critical area) to Class WS-IV Trout, WS-IV, WS-IV Trout CA, and C Trout.

(k) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective January 1, 1996 as follows: Stokely Hollow [Index Numbers 6-121.5-(1) and 6-121.5-(2)] from source to mouth of French Broad River has been reclassified from Class WS-II and Class WS-II CA to Class C.

(l) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended April 1, 1996 with the reclassification of the French Broad River

[Index No. 6-(1)] from a point 0.5 miles downstream of Little River to Mill Pond Creek to Class WS-IV; French Broad River [Index No. 6-(51.5)] from a point 0.6 miles upstream of Mills River to Mills River to Class WS-IV CA (Critical Area), from Mills River to a point 0.1 miles upstream of Boring Mill Branch to Class C; and the Mills River [Index No. 6-54-(5)] was reclassified from City of Hendersonville water supply intake to a point 0.7 miles upstream of mouth of Mills River to Class WS-III, and from a point 0.7 miles upstream of mouth of Mills River to French Broad River to Class WS- III CA (Critical Area).

(m) The schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 1998 with the reclassification of Clear Creek [Index No. 6-55-II-(1)] from its source to Lewis Creek from Class C Tr to Class B Tr.

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

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNR - Environmental Management Commission intends to amend rules cited as 15A NCAC 2B .0304, .0306, .0309, .0311, .0313, .0316 - .0317. Notice of Rule-making Proceedings was published in the Register on April 15, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 7:00 p.m. on August 25, 1997 (concurrent hearings) at the Archdale Building, Ground Floor Hearing Room, 512 N. Salisbury Street, Raleigh, NC and Catawba Valley Community College, Auditorium, 2550 Highway 70 SE, Hickory, NC.

Reason for Proposed Action: The Environmental Management Commission (EMC) was petitioned in early 1996 to interpret the definition of the Protected Area [rule 15A NCAC 2B .0202(46)]. The question was raised whether the Protected Area boundary for WS-IV run-of-the-river water supplies should be measured either as ten miles "as-the-river-flows" or "linearly." On May 9, 1996, the EMC clarified the definition by stating that the "as-the-river-flows" method is the appropriate method in determining the Protected Area for WS-IV run-of-the-river water supplies. The EMC stated that each proposed modification to the WS-IV Protected Area must go through the rule-making process. The EMC also stated that local water supply protection ordinances would remain in effect until reclassification. Local governments within WS-IV ten-mile Protected Area water supplies were sent a letter of notification on June 4, 1996 of the EMC's interpretation decision. The letter instructed those local governments desiring to have the Protected Area boundaries within their jurisdiction revised, based on the EMC's interpretation to submit a request to the Division of Water Quality by October 31, 1996. Twenty-one local government resolutions were received. The resolutions affect 29 of the 55 WS-IV water supplies with a ten-

mile Protected Area. The result of the proposed WS-IV ten-mile Protected Area boundary modifications will be that local governments having jurisdiction within the affected area will have the option of revising their area of coverage for water supply watershed protection. In general, less area will be affected. The area affected by state permitting requirements for landfills, residual application sites and wastewater dischargers will also potentially be reduced. Streams within the areas proposed for revision will be considered for reclassification. In general, mainstem waterbodies that are currently classified as WS-IV, that are within the Protected Area being considered for revision, will become Class WS-V or Class C, and most affected tributaries will become Class C. Affected tributaries classified B will remain Class B. Supplemental classifications are not proposed for revision.

Comment Procedures: The purpose of the announcement is to encourage those interested in this proposal to provide comments. You may either attend the public hearings and make relevant verbal comments or submit written comments, data, or other information relevant to this proposal by September 25, 1997. The Hearing Officer may limit the length of time that you may speak at the public hearing, if necessary, so that all those who wish to speak may have an opportunity to do so. We encourage you to submit written comments as well. It is very important that all interested and potentially affected persons or parties make their views known to the EMC whether in favor or opposed to any and all provisions of the proposal being noticed. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published in the North Carolina Register unless the EMC publishes the text of the proposed different rule and accepts comments on the new text. (See 150B-21.2(g)). All interested and potentially affected persons are strongly encouraged to read the entire announcement and supporting information and make comments on the proposal being noticed. You may obtain further explanations and details of the proposed rule making by writing or calling Steve Zoufaly. Written comments may be submitted to: Steve Zoufaly, DEHNR/Division of Water Quality, Planning Branch, P.O. Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, extension 566.

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

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

.0304 FRENCH BROAD RIVER BASIN

(a) ~~Places where the schedules may be inspected: The schedule may be inspected at the following places:~~

- (1) Clerk of Court:
Avery County
Buncombe County
Haywood County
Henderson County
Madison County
Mitchell County
Transylvania County
Yancey County
- (2) North Carolina Department of Environment, Health, and Natural Resources
Asheville Regional Office
Interchange Building
59 Woodfin Place
Asheville, North Carolina Carolina.

(b) Unnamed Streams. Such streams entering Tennessee will be classified "B."

(c) The French Broad River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) September 22, 1976;
- (2) March 1, 1977;
- (3) August 12, 1979;
- (4) April 1, 1983;
- (5) August 1, 1984;
- (6) August 1, 1985;
- (7) February 1, 1986;
- (8) May 1, 1987;
- (9) March 1, 1989;
- (10) October 1, 1989;
- (11) January 1, 1990;
- (12) August 1, 1990;
- (13) August 3, 1992;
- (14) October 1, 1993;
- (15) July 1, 1995;
- (16) November 1, 1995;
- (17) January 1, 1996;
- (18) April 1, ~~1996~~ 1996;
- (19) August 1, 1998.

(d) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective March 1, 1989 as follows:

- (1) Cataloochee Creek (Index No. 5-41) and all tributary waters were reclassified from Class C-trout and Class C to Class C-trout ORW and Class C ORW.
- (2) South Fork Mills River (Index No. 6-54-3) down to Queen Creek and all tributaries were reclassified from Class WS-I and Class WS-III-trout to Class WS-I ORW and Class WS-III-trout ORW.

(e) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective October 1, 1989 as follows: Cane River (Index No. 7-3) from source to Bowlens Creek and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

(f) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective January 1, 1990 as follows: North Toe River (Index No. 7-2) from source to Cathis Creek (Christ Branch) and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

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

(h) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective October 1, 1993 as follows: Reasonover Creek [Index No. 6-38-14-(1)] from source to Reasonover Lake Dam and all tributaries were reclassified from Class B Trout to Class WS-V and B Trout, and Reasonover Creek [Index No. 6-38-14-(4)] from Reasonover Lake Dam to Lake Julia Dam and all tributaries were reclassified from Class C Trout to Class WS-V Trout.

(i) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective July 1, 1995 with the reclassification of Cane Creek [Index Nos. 6-57-(1) and 6-57-(9)] from its source to the French Broad River from Classes WS-IV and WS-IV Tr to Classes WS-V, WS-V Tr and WS-IV.

(j) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective November 1, 1995 as follows: North Toe River [Index Numbers 7-2-(0.5) and 7-2-(37.5)] from source to a point 0.2 miles downstream of Banjo Branch, including tributaries, has been reclassified from Class WS-III, WS-III Trout and WS-III Trout CA (critical area) to Class WS-IV Trout, WS-IV, WS-IV Trout CA, and C Trout.

(k) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective January 1, 1996 as follows: Stokely Hollow [Index Numbers 6-121.5-(1) and 6-121.5-(2)] from source to mouth of French Broad River has been reclassified from Class WS-II and Class WS-II CA to Class C.

(l) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended April 1, 1996 with the reclassification of the French Broad River [Index No. 6-(1)] from a point 0.5 miles downstream of Little River to Mill Pond Creek to Class WS-IV; French Broad River [Index No. 6-(51.5)] from a point 0.6 miles upstream of Mills River to Mills River to Class WS-IV CA (Critical Area), from

Mills River to a point 0.1 miles upstream of Boring Mill Branch to Class C; and the Mills River [Index No. 6-54-(5)] was reclassified from City of Hendersonville water supply intake to a point 0.7 miles upstream of mouth of Mills River to Class WS-III, and from a point 0.7 miles upstream of mouth of Mills River to French Broad River to Class WS-III CA (Critical Area).

(m) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective August 1, 1998 with the revision to the primary classification for portions of the French Broad River [Index No. 6-(38.5)] and the North Toe River 7-2-(10.5) from Class IV to Class C.

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

.0306 BROAD RIVER BASIN

(a) ~~Places where the schedules may be inspected: The schedule may be inspected at the following places:~~

- (1) Clerk of Court:
Buncombe County
Cleveland County
Gaston County
Henderson County
Lincoln County
McDowell County
Polk County
Rutherford County
- (2) North Carolina Department of Environment, Health, and Natural Resources:
(A) Mooresville Regional Office
919 North Main Street
Mooresville, North Carolina
(B) Asheville Regional Office
Interchange Building
59 Woodfin Place
Asheville, North Carolina Carolina.

(b) Unnamed Streams. Such streams entering South Carolina are classified "C". "C."

(c) The Broad River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) February 12, 1979;
- (3) August 12, 1979;
- (4) April 1, 1983;
- (5) February 1, 1986;
- (6) August 3, 1992;
- (7) September 1, ~~1994~~; 1994;
- (8) August 1, 1998.

(d) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases,

streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(e) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective September 1, 1994 with the reclassification of the Second Broad River [Index No. 9-41-(0.5)] from its source to Roberson Creek including associated tributaries was reclassified from Class WS-V to Classes WS-V, WS-IV and WS-IV CA.

(f) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective August 1, 1998 with the revision to the primary classification for portions of the Broad River [Index No. 9-(23.5)] from Class WS-IV to Class C and Second Broad River [Index Nos. 9-41-(10.5) and 9-41-(14.5)] and First Broad River [Index No. 9-50-(11)] from Class WS-IV to Class WS-V.

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

.0307 NEW RIVER BASIN

(a) ~~Places where the schedules may be inspected: The schedule may be inspected at the following places:~~

- (1) Clerk of Court:
Alleghany County
Ashe County
Watauga County
- (2) North Carolina Department of Environment, Health, and Natural Resources:
 - (A) Asheville Regional Office
Interchange Building
59 Woodfin Place
Asheville, North Carolina
 - (B) Winston-Salem Regional Office
8025 North Point Boulevard, Suite 100
Winston-Salem, North Carolina ~~Carolina~~.

(b) Unnamed Streams. Such streams entering the State of Tennessee are classified "C"; "C."

(c) The New River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) August 10, 1980;
- (2) April 1, 1983;
- (3) February 1, 1986;
- (4) August 1, 1989;
- (5) August 1, 1990;
- (6) August 3, 1992;
- (7) February 1, 1993; 1993;
- (8) August 1, 1998.

(d) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective July 1, 1989 as follows:

- (1) South Fork New River [Index No. 10-1-(30)] from Dog Creek to New River and all tributary waters were reclassified from Class C-trout and Class C to

Class B-trout and B.

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

(f) The Schedule of Classifications and Water Quality Standards for the New River Basin has been amended effective February 1, 1993 as follows:

- (1) the South Fork New River (Index No. 10-1-33.5) from Dog Creek to the New River was reclassified from Class B HQW to Class B ORW;
- (2) the New River (Index No. 10) from the confluence of the North And South Fork New Rivers to the last point at which it crosses the NC/VA State line was reclassified from Class C HQW to Class C ORW; and
- (3) Old Field Creek (Index No. 10-1-22) from Call Creek to the South Fork New River, and Call Creek (Index No. 10-1-22-1) from its source to Old Field Creek were reclassified from Class WS-IV Trout to Class WS-IV Trout ORW.

(g) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 1, 1998 with the revision to the primary classification for a portion of the South Fork New River [Index No. 10-1-(20.5)] from Class IV to Class V.

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

.0308 CATAWBA RIVER BASIN

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

- (1) Clerk of Court:
Alexander County
Avery County
Burke County
Caldwell County
Catawba County
Gaston County
Iredell County
Lincoln County
McDowell County
Mecklenburg County
Union County
Watauga County
- (2) North Carolina Department of Environment, Health, and Natural Resources:

- (A) Mooresville Regional Office
919 North Main Street
Mooresville, North Carolina
- (B) Asheville Regional Office
Interchange Building
59 Woodfin Place
Asheville, North Carolina.

(b) Unnamed Streams. Such streams entering South Carolina are classified "~~C~~", "C."

(c) The Catawba River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) August 12, 1979;
- (3) April 1, 1982;
- (4) January 1, 1985;
- (5) August 1, 1985;
- (6) February 1, 1986;
- (7) March 1, 1989;
- (8) May 1, 1989;
- (9) March 1, 1990;
- (10) August 1, 1990;
- (11) August 3, 1992;
- (12) April 1, 1994;
- (13) July 1, 1995;
- (14) September 1, ~~1996~~, 1996;
- (15) August 1, 1998.

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

- (1) Wilson Creek (Index No. 11-38-34) and all tributary waters were reclassified from Class B-trout and Class C-trout to Class B-trout ORW and Class C-trout ORW.

(e) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective May 1, 1989 as follows:

- (1) Henry Fork [Index Nos. 11-129-1-(1) and 11-129-1-(2)] from source to Laurel Creek, including all tributaries, were reclassified from Class WS-I, C and C trout to Class WS-I ORW, C ORW and C trout ORW, except Ivy Creek and Rock Creek which will remain Class C trout and Class C.
- (2) Jacob Fork [Index Nos. 11-129-2-(1) and 11-129-2-(4)] from source to Camp Creek, including all tributaries, were reclassified from Class WS-III trout and WS-III to WS-III trout ORW and WS-III ORW.

(f) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective March 1, 1990 as follows:

- (1) Upper Creek [Index No. 11-35-2-(1)] from source to Timbered Branch including all tributaries except Timbered Branch (Index No. 11-35-2-9) was reclassified from Class C Trout to Class C Trout ORW.
- (2) Steels Creek [Index No. 11-35-2-12(1)] from source to Little Fork and all tributaries was reclassified from

Class C Trout to Class C Trout ORW.

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

(h) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective April 1, 1994 as follows:

- (1) Friday Lake (Index No. 11-125.5) from its source to Little Paw Creek was reclassified from Class C to Class B.
- (2) The Linville River [Index No. 12-29-(1)] from Grandmother Creek to Linville Falls was reclassified from Class C Tr to Class B Tr.

(i) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective July 1, 1995 with the reclassification of Clark Creek from a point 0.6 mile downstream of Catawba County SR 2014 to 0.4 mile upstream of Larkard Creek [Index No. 11-129-5-(4.5)], and Howards Creek from its source to 0.7 mile upstream of Lincoln County State Road 1200 [Index No. 11-129-4], including associated tributaries from Class WS-IV to Classes C and WS-IV.

(j) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective September 1, 1996 as follows:

- (1) North Fork Catawba River [Index No. 11-24-(1)] from Laurel Branch to Armstrong Creek from Class C Tr to Class B Tr; and
- (2) Catawba River (Lake Hickory) from Rhodhiss dam to highway 321 ~~{Index [Index~~ [Index No. 11-(51)] from Class WS-IVCA to Class WS-IV&B CA.

(k) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 1, 1998 with the revision to the primary classification for portions of the South Fork Catawba River [Index No. 11-129-(0.5)] and Hoyle Creek [Index No. 11-129-15-(1)] from Class WS-IV to Class WS-V.

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

.0309 YADKIN-PEE DEE RIVER BASIN

(a) ~~Places where the schedule may be inspected:~~ The schedule may be inspected at the following places:

- (1) Clerk of Court:
Alexander County

Anson County
Cabarrus County
Caldwell County
Davidson County
Davie County
Forsyth County
Guilford County
Iredell County
Mecklenburg County
Montgomery County
Randolph County
Richmond County
Rowan County
Stanly County
Stokes County
Surry County
Union County
Watauga County
Wilkes County
Yadkin County

(2) North Carolina Department of Environment, Health, and Natural Resources:

- (A) Mooresville Regional Office
919 North Main Street
Mooresville, North Carolina
- (B) Winston-Salem Regional Office
8025 North Point Boulevard, Suite 100
Winston-Salem, North Carolina
- (C) Fayetteville Regional Office
Wachovia Building
Suite 714
Fayetteville, North Carolina
- (D) Asheville Regional Office
Interchange Building
59 Woodfin Place
Asheville, North Carolina ~~Carolina~~

(b) Unnamed Streams. Such streams entering Virginia are classified "C," and such streams entering South Carolina are classified ~~"C"~~ "C."

(c) The Yadkin-Pee Dee River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) February 12, 1979;
- (2) March 1, 1983;
- (3) August 1, 1985;
- (4) February 1, 1986;
- (5) October 1, 1988;
- (6) March 1, 1989;
- (7) January 1, 1990;
- (8) August 1, 1990;
- (9) January 1, 1992;
- (10) April 1, 1992;
- (11) August 3, 1992;
- (12) December 1, 1992;
- (13) April 1, 1993;
- (14) September 1, 1994;
- (15) August 1, ~~1995~~ 1995;

(16) August 1, 1998.

(d) The Schedule of Classifications and Water Quality Standard for the Yadkin-Pee Dee River Basin has been amended effective October 1, 1988 as follows:

- (1) Mitchell River [Index No. 12-62-(1)] from source to mouth of Christian Creek (North Fork Mitchell River) including all tributaries has been reclassified from Class B Tr to Class B Tr ORW.
- (2) Mitchell River [Index No. 12-62-(7)] from mouth of Christian Creek (North Fork Mitchell River) to Surry County SR 1315 including all tributaries has been classified from Class C Tr to C Tr ORW, except Christian Creek and Robertson Creek which will be reclassified from Class B Tr to Class B Tr ORW.
- (3) Mitchell River [Index No. 12-62-(12)] from Surry County SR 1315 to mouth of South Fork Mitchell River including all tributaries from Class C to Class C ORW.

(e) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin was amended effective March 1, 1989 as follows:

- (1) Elk Creek [Index Nos. 12-24-(1) and 12-24-(10)] and all tributary waters were reclassified from Class B-trout, Class C-trout and Class B to Class B-trout ORW, Class C-trout ORW and Class B ORW.

(f) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin was amended effective January 1, 1990 as follows: Barnes Creek (Index No. 13-2-18) was reclassified from Class C to Class C ORW.

(g) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin has been amended effective January 1, 1992 as follows:

- (1) Little River [Index Nos. 13-25-(10) and 13-25-(19)] from Suggs Creek to Densons Creek has been reclassified from Classes WS-III and C to Classes WS-III HQW and C HQW.
- (2) Densons Creek [Index No. 13-25-20-(1)] from its source to Troy's Water Supply Intake including all tributaries has been reclassified from Class WS-III to Class WS-III HQW.
- (3) Bridgers Creek (Index No. 13-25-24) from its source to the Little River has been reclassified from Class C to Class C HQW.

(h) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin was amended effective April 1, 1992 with the reclassification of the North Prong South Fork Mitchell River from Class C to Class C Trout.

(i) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were

reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(j) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin has been amended effective December 1, 1992 as follows:

- (1) Pike Creek (Index No. 12-46-1-2) was reclassified from Class C Tr to Class C Tr HQW;
- (2) Basin Creek (Index No. 12-46-2-2) was reclassified from Class C Tr to Class C Tr ORW;
- (3) Bullhead Creek (Index No. 12-46-4-2) was reclassified from Class C Tr to Class C Tr ORW;
- (4) Rich Mountain Creek (Index No. 12-46-4-2-2) was reclassified from Class Tr to Class C Tr ORW; and
- (5) Widows Creek (Index No. 12-46-4-4) was reclassified from Class C Tr HQW to Class C Tr ORW.

(k) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin has been amended effective September 1, 1994 as follows:

- (1) Lanes Creek [Index Nos. 13-17-40-(1) and 13-17-40-(10.5)] from its source to the Marshville water supply dam including tributaries was reclassified from Classes WS-II and WS-II CA to Class WS-V.
- (2) The South Yadkin River [Index Nos. 12-108-(9.7) and 12-108-(15.5)] from Iredell County SR 1892 to a point 0.7 mile upstream of the mouth of Hunting Creek including associated tributaries was reclassified from Classes WS-V, C and WS-IV to Classes WS-V, WS-IV, C and WS-IV CA.
- (3) The Yadkin River [Index Nos. 12-(53) and 12-(71)] from a point 0.3 mile upstream of the mouth of Elkin Creek (River) to the Town of King water supply intake including associated tributaries was reclassified from Classes C and WS-IV to Classes WS-IV and WS-IV CA.
- (4) The Yadkin River [Index Nos. 12-(80.5), 12-(81.5) and 12-(84.5)] from the Town of King water supply intake to the Davie County water supply intake reclassified from Classes C, B, WS-IV and WS-V to Classes WS-IV, WS-IV&B and WS-IV CA.

(l) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin has been amended effective August 1, 1995 as follows: Bear Creek [Index Nos. 12-108-18-(3), 12-108-18-(3.3)], Little Bear Creek (Index No. 12-108-18-2), and Blue Branch (Index No. 12-108-18-2-1) were reclassified from WS-II and WS-II CA (Critical Area) to C and WS-IV.

(m) The Schedule of Classifications and Water Quality Standards for the Yadkin Pee Dee River Basin was amended effective August 1, 1998 with the revision to the primary classification for portions of the Yadkin River [Index No. 12-(45)] from Class WS-IV to WS-V, Yadkin River [Index No. 12-(67.5)] from Class WS-IV to Class C, Yadkin River [Index

Nos. 12-(93.5) and 12-(98.5)] from Class WS-IV to Class V, South Yadkin River [Index No. 12-108-(12.5)] from Class IV to Class WS-V, and South Yadkin River [Index Nos. 12-108-(19.5) and 12-108-(22)] from Class IV to Class C.

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

.0311 CAPE FEAR RIVER BASIN

(a) ~~Places where the schedules may be inspected: The schedule may be inspected at the following places:~~

- (1) Clerk of Court:
Alamance County
Bladen County
Brunswick County
Caswell County
Chatham County
Columbus County
Cumberland County
Duplin County
Durham County
Forsyth County
Guilford County
Harnett County
Hoke County
Lee County
Montgomery County
Moore County
New Hanover County
Onslow County
Orange County
Pender County
Randolph County
Rockingham County
Sampson County
Wake County
Wayne County
- (2) North Carolina Department of Environment, Health, and Natural Resources:
 - (A) Winston-Salem Regional Office
8025 North Point Boulevard, Suite 100
Winston-Salem, North Carolina
 - (B) Fayetteville Regional Office
Wachovia Building
Suite 714
Fayetteville, North Carolina
 - (C) Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina
 - (D) Washington Regional Office
1424 Carolina Avenue
Washington, North Carolina
 - (E) Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, North Carolina ~~Carolina~~

(b) The Cape Fear River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;

- (2) December 13, 1979;
- (3) December 14, 1980;
- (4) August 9, 1981;
- (5) April 1, 1982;
- (6) December 1, 1983;
- (7) January 1, 1985;
- (8) August 1, 1985;
- (9) December 1, 1985;
- (10) February 1, 1986;
- (11) July 1, 1987;
- (12) October 1, 1987;
- (13) March 1, 1988;
- (14) June 1, 1988;
- (15) July 1, 1988;
- (16) January 1, 1990;
- (17) August 1, 1990;
- (18) August 3, 1992;
- (19) September 1, ~~1994~~ 1994;
- (20) August 1, 1998.

(c) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective June 1, 1988 as follows:

- (1) Cane Creek [Index No. 16-21-(1)] from source to a point 0.5 mile north of N.C. Hwy. 54 (Cane Reservoir Dam) including the Cane Creek Reservoir and all tributaries has been reclassified from Class WS-III to WS-I.
- (2) Morgan Creek [Index No. 16-41-1-(1)] to the University Lake dam including University Lake and all tributaries has been reclassified from Class WS-III to WS-I.

(d) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective July 1, 1988 by the reclassification of Crane Creek (Crains Creek) [Index No. 18-23-16-(1)] from source to mouth of Beaver Creek including all tributaries from C to WS-III.

(e) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective January 1, 1990 as follows:

- (1) Intracoastal Waterway (Index No. 18-87) from southern edge of White Oak River Basin to western end of Permuda Island (a line from Morris Landing to Atlantic Ocean), from the eastern mouth of Old Topsail Creek to the southwestern shore of Howe Creek and from the southwest mouth of Shinn Creek to channel marker No. 153 including all tributaries except the King Creek Restricted Area, Hardison Creek, Old Topsail Creek, Mill Creek, Futch Creek and Pages Creek were reclassified from Class SA to Class SA ORW.
- (2) Topsail Sound and Middle Sound ORW Area which includes all waters between the Barrier Islands and the Intracoastal Waterway located between a line running from the western most shore of Mason Inlet to the southwestern shore of Howe Creek and a line running from the western shore of New Topsail Inlet to the eastern mouth of Old Topsail Creek was

reclassified from Class SA to Class SA ORW.

- (3) Masonboro Sound ORW Area which includes all waters between the Barrier Islands and the mainland from a line running from the southwest mouth of Shinn Creek at the Intracoastal Waterway to the southern shore of Masonboro Inlet and a line running from the Intracoastal Waterway Channel marker No. 153 to the southside of the Carolina Beach Inlet was reclassified from Class SA to Class SA ORW.

(f) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective January 1, 1990 as follows: Big Alamance Creek [Index No. 16-19-(1)] from source to Lake Mackintosh Dam including all tributaries has been reclassified from Class WS-III NSW to Class WS-II NSW.

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

(h) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective June 1, 1994 as follows:

- (1) The Black River from its source to the Cape Fear River [Index Nos. 18-68-(0.5), 18-68-(3.5) and 18-65-(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.
- (2) The South River from Big Swamp to the Black River [Index Nos. 18-68-12-(0.5) and 18-68-12(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.
- (3) Six Runs Creek from Quewhiffle Swamp to the Black River [Index No. 18-68-2] was reclassified from Class C Sw to Class C Sw ORW.

(i) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective September 1, 1994 with the reclassification of the Deep River [Index No. 17-(36.5)] from the Town of Gulf-Goldston water supply intake to US highway 421 including associated tributaries from Class C to Classes C, WS-IV and WS-IV CA.

(j) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 1, 1998 with the revision to the primary classification for portions of the Deep River [Index No. 17-(28.5)] from Class IV to Class WS-V, Deep River [Index No. 17-(41.5)] from Class IV to Class C, and the Cape Fear River [Index 18-(10.5)] from Class IV to Class WS-V.

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

.0313 ROANOKE RIVER BASIN

(a) ~~Places where the schedules may be inspected: The schedule may be inspected at the following places:~~

- (1) Clerk of Court:
Bertie County
Caswell County
Forsyth County
Granville County
Guilford County
Halifax County
Martin County
Northampton County
Person County
Rockingham County
Stokes County
Surry County
Vance County
Warren County
Washington County
- (2) North Carolina Department of Environment, Health, and Natural Resources:
 - (A) Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina
 - (B) Washington Regional Office
1424 Carolina Avenue
Washington, North Carolina
 - (C) Winston-Salem Regional Office
8025 North Point Boulevard, Suite 100
Winston-Salem, North Carolina ~~Carolina~~.

(b) Unnamed Streams. Such streams entering Virginia are classified "C." Except that all backwaters of John H. Kerr Reservoir and the North Carolina portion of streams tributary thereto not otherwise named or described shall carry the classification "B," and all backwaters of Lake Gaston and the North Carolina portion of streams tributary thereto not otherwise named or described shall carry the classification "C and B" ~~B.~~

(c) The Roanoke River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) May 18, 1977;
- (2) July 9, 1978;
- (3) July 18, 1979;
- (4) July 13, 1980;
- (5) March 1, 1983;
- (6) August 1, 1985;
- (7) February 1, 1986;
- (8) July 1, 1991;
- (9) August 3, ~~1992~~ 1992;
- (10) August 1, 1998.

(d) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective July 1, 1991 with the reclassification of Hyco Lake (Index No. 22-58) from Class C to Class B.

(e) The Schedule of Classifications and Water Quality

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

(f) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective August 1, 1998 with the revision to the primary classification for portions of the Dan River [Index No. 22-(19.5)] and the Mayo River [Index No. 22-30-(1)] from Class WS-IV to Class WS-V.

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

.0316 TAR-PAMLICO RIVER BASIN

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

- (1) Clerk of Court:
Beaufort County
Dare County
Edgemcombe County
Franklin County
Granville County
Halifax County
Hyde County
Martin County
Nash County
Pamlico County
Person County
Pitt County
Vance County
Warren County
Washington County
Wilson County
- (2) North Carolina Department of Environment, Health, and Natural Resources:
 - (A) Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina
 - (B) Washington Regional Office
1424 Carolina Avenue
Washington, North Carolina.

(b) Unnamed Streams. All drainage canals not noted in the schedule are classified "C Sw," except the main drainage canals to Pamlico Sound and its bays which shall be classified "SC."

(c) The Tar-Pamlico River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) November 1, 1978;

- (3) June 8, 1980;
- (4) October 1, 1983;
- (5) June 1, 1984;
- (6) August 1, 1985;
- (7) February 1, 1986;
- (8) August 1, 1988;
- (9) January 1, 1990;
- (10) August 1, 1990;
- (11) August 3, 1992;
- (12) April 1, 1994;
- (13) January 1, 1996;
- (14) September 1, ~~1996~~ 1996;
- (15) August 1, 1998.

(d) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin has been amended effective August 1, 1988 as follows:

- (1) Tar River (Index No. 28-94) from a point 1.2 miles downstream of Broad Run to the upstream side of Tranter's Creek from Class C to Class B.

(e) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin has been amended effective January 1, 1990 by the reclassification of Pamlico River and Pamlico Sound [Index No. 29-(27)] which includes all waters within a line beginning at Juniper Bay Point and running due south to Lat. 35° 18' 00", long. 76° 13' 20", thence due west to lat. 35° 18' 00", long 76° 20' 00", thence northwest to Shell Point and including Shell Bay, Swanquarter and Juniper Bays and their tributaries, but excluding the Blowout, Hydeland Canal, Juniper Canal and Quarter Canal were reclassified from Class SA and SC to SA ORW and SC ORW.

(f) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin has been amended effective January 1, 1990 by adding the supplemental classification NSW (Nutrient Sensitive Waters) to all waters in the basin from source to a line across Pamlico River from Roos Point to Persimmon Tree Point.

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

(h) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin was amended effective April 1, 1994 with the reclassification of Blounts Creek from Herring Run to Blounts Bay [Index No. 29-9-1-(3)] from Class SC NSW to Class SB NSW.

(i) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin was amended effective January 1, 1996 with the reclassification of Tranter's Creek [Index Numbers 28-103- (4.5), 28-103- (13.5), 28-103- (14.5) and 28-103-(16.5)] from a point 1.5 miles upstream of Turkey Swamp to the City of Washington's former auxiliary water supply intake, including tributaries, from Class WS-IV Sw NSW and Class WS-IV CA Sw NSW to Class C Sw NSW.

(j) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin was amended effective September 1, 1996 with the addition of Huddles Cut (previously unnamed in the schedule) classified as SC NSW with an Index No. of 29-25.5.

(k) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin was amended effective August 1, 1998 with the revision to the primary classification for portions of the Tar River [Index Nos. 28-(1), 28-(15.5), 28-(74), 28-(84)] from Class WS-IV to WS-V.

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

.0317 PASQUOTANK RIVER BASIN

(a) ~~Places where the schedules may be inspected:~~ The schedule may be inspected at the following places:

- (1) Clerk of Court:
Camden County
Chowan County
Currituck County
Dare County
Gates County
Hyde County
Pasquotank County
Perquimans County
Tyrrell County
Washington County
- (2) North Carolina Department of Environment, Health, and Natural Resources
Washington Regional Office
1424 Carolina Avenue
Washington, North Carolina Carolina.

(b) Unnamed Streams. All drainage canals not noted in the schedule are classified "C".

(c) The Pasquotank River Basin Schedule of Classifications and Water Quality Standards was amended effective;

- (1) March 1, 1977;
- (2) May 18, 1977;
- (3) December 13, 1979;
- (4) January 1, 1985;
- (5) February 1, 1986;
- (6) January 1, 1990;
- (7) August 1, 1990;
- (8) August 3, ~~1992~~ 1992;
- (9) August 1, 1998.

(d) The Schedule of Classifications and Water Quality Standards for the Pasquotank River Basin was amended effective January 1, 1990 by the reclassification of Alligator River [Index Nos. 30-16-(1) and 30-16-(7)] from source to

U.S. Hwy. 64 and all tributaries except Swindells Canal, Florida Canal, New Lake, Fairfield Canal, Carters Canal, Dunbar Canal and Intracoastal Waterway (Pungo River - Alligator River Canal) were reclassified from C Sw and SC Sw to C Sw ORW and SC Sw ORW.

(e) The Schedule of Classifications and Water Quality Standards for the Pasquotank River Basin was amended effective August 1, 1990 as follows:

(1) Croatan Sound [Index No. 30-20-(1)] from a point of land on the southern side of mouth of Peter Mashoes Creek on Dare County mainland following a line eastward to Northwest Point on Roanoke Island and then from Northwest Point following a line west to Reeds Point on Dare County mainland was reclassified from Class SC to Class SB.

(2) Croatan Sound [Index No. 30-20-(1.5)] from Northwest Point on Roanoke Island following a line west to Reeds Point on Dare County mainland to William B. Umstead Memorial Bridge was reclassified from Class SC to Class SA.

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

(g) The Schedule of Classifications and Water Quality Standards for the Pasquotank River Basin was amended effective August 1, 1998 with the revision to the primary classification for a portion of the Pasquotank River [Index No. 30-3-(1.7)] from Class WS-IV to Class WS-V.

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

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend rule cited as 15A NCAC 10F .0355. Notice of Rule-making Proceedings was published in the Register on April 1, 1997.

Proposed Effective Date: July 1, 1998

A Public Hearing will be conducted at 10:00 a.m. on July 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 July 1, 1997 through August 1, 1997. Such written comments must be delivered or mailed to NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

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

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

.0355 PERQUIMANS COUNTY

(a) Regulated Areas. This Rule applies to the following waters:

- (1) Perquimans River: the canals of Holiday Island;
- (2) Perquimans River: within 50 yards of the Hertford City Boat Ramp;
- (3) Perquimans River: within 75 yards of the Perquimans River Bridge on U.S. 17 Business also known as the Hertford S-Shaped Bridge; Bridge;
- (4) Yeopim River: within 75 yards of the Albemarle Plantation Marina Piers.

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

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

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

TITLE 16 - DEPARTMENT OF PUBLIC EDUCATION

Editor's Note: The State Board of Education is exempt from certain provisions of Article 2A of the Administrative Procedures Act. For specific exemptions, see Chapter 716 of the 1995 (Reg. Sess., 1996) Session Laws of the NC General Assembly.

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to amend rules cited as 16 NCAC 6C .0307, .0310; 6D .0103, .0301, .0303; adopt 6D .0305 - .0306; 6G .0304 - .0309 and repeal 6G .0401 - .0404.

Proposed Effective Date: November 1, 1997

A Public Hearing will be conducted at:

- 16 NCAC 6C .0307 - 9:00 a.m.
- 16 NCAC 6C .0310 - 9:30 a.m.
- 16 NCAC 6D .0103 - 10:00 a.m.
- 16 NCAC 6D .0301 - 10:30 a.m.
- 16 NCAC 6D .0303 - 11:00 a.m.
- 16 NCAC 6D .0305 - 11:30 a.m.
- 16 NCAC 6D .0306 - 1:00 p.m.
- 16 NCAC 6G .0304 - 1:30 p.m.
- 16 NCAC 6G .0305 - 2:00 p.m.
- 16 NCAC 6G .0306 - 2:30 p.m.
- 16 NCAC 6G .0307 - 3:00 p.m.
- 16 NCAC 6G .0308 - 3:30 p.m.
- 16 NCAC 6G .0309 - 4:00 p.m.
- 16 NCAC 6G .0401 - .0404 - 4:30 p.m.

on July 16, 1997 at the Education Building, 301 N. Wilmington Street, Room 546, Raleigh, NC 27601-2825.

Reason for Proposed Action:

These Rules are directly related to the implementation of the School-Based Management and Accountability Act, Chapter 716 of the 1995 (Reg. Sess., 1996) Session Laws, and the State Board of Education is acting under the authority granted by that act.

16 NCAC 6C .0307 - The amendment eliminates state approval of locally developed courses for certificate renewal, so that local schools may more easily provide training to instructional staff.

16 NCAC 6C .0310 - The amendment increases standards for entry into the teaching profession to increase student performance.

16 NCAC 6D .0103 - The amendment increases standards graduation from high school by specifying the English courses required, designating a third science course, and adding computer proficiency.

16 NCAC 6D .0301, .0303 - These amendments provides for waiving state testing requirements for limited English proficient students so that schools may obtain a more accurate measure of student performance.

16 NCAC 6D .0305 - The rule provides requirements for the administration and use of state end-of-course tests so that schools will have a more effective way to measure student performance.

16 NCAC 6D .0306 - The rule provides requirements for the ethical administration and use of state tests and identifies consequences of unethical practices.

16 NCAC 6G .0304 - The rule provides the process for resolving disputes between local boards of education and individual schools that involve local school improvement plans.

16 NCAC 6G .0305 - The rule describes the factors considered and the process used by which the State Board of Education measures student performance for individual schools.

16 NCAC 6G .0306 - The rule describes the basis upon which the State Board of Education will determine if an individual school is low-performing.

16 NCAC 6G .0307 - The rule describes the functions and working relationships with local school personnel of assistance teams designated by the State Board of Education.

16 NCAC 6G .0308 - .0309 - These rules provide a process for employees who have been recommended for dismissal to challenge the proposed dismissal before a panel of the State Board of Education.

16 NCAC 6G .0401 - .0404 - The statutory authority for the rules was repealed by the General Assembly in 1996.

Comment Procedures: Any person wishing to present oral testimony relevant to the rules may register at the door before the hearing begins and present the hearing officer with a written copy of testimony. Written comments concerning these rules must be submitted by July 31, 1997 to: North Carolina State Board of Education, 301 N. Wilmington St., Raleigh, NC 27601-2825; Attn: Harry E. Wilson, APA Coordinator. Written comments may also be submitted to the hearing officer by FAX at (919) 715-1307.

Fiscal Note: 16 NCAC 6G .0304, .0307 - .0309 - These Rules affects the expenditure or distribution of State funds. These Rules do not affect the expenditures or revenues of local funds.

Fiscal Note: 16 NCAC 6C .0307, .0310; 6D .0103, .0301, .0303, .0305 - .0306; 6G .0305 - .0306, .0401 - .0404 - These Rules do not affect the expenditures or revenues of state or local government funds.

CHAPTER 6 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 6C - PERSONNEL

SECTION .0300 - CERTIFICATION

.0307 CERTIFICATE RENEWAL

(a) Certificates are valid for a period of five years from the effective date of issuance. Holders must renew their certificates within each five-year period. The Department applies renewal credit to the person's certificate field(s) and/or professional duties.

(b) The Department bases renewal or reinstatement of a certificate on 15 units of renewal credit. A unit of credit is equal to one quarter hour or two-thirds of a semester hour of IHE credit, or one school year of teaching experience. The Department will not record less than one credit on a certificate. For their own employees, LEAs can approve staff development activities that carry less than one unit of credit.

(c) Currently employed personnel shall maintain a professional growth plan in accordance with department

guidelines. These persons may obtain renewal credit for the following activities:

- (1) college or university credit activities;
- (2) teaching experience (one unit for every year);
- (3) local in-service courses or workshops which carry at least one unit of renewal credit and which meet the following criteria:
 - (A) ten clock hours of direct training by the instructor will equal one unit of renewal credit;
 - (B) content and instructional activities designed in a sequential manner to develop specified competencies of a specific population;
 - (C) led by qualified instructional personnel and directly supervised by the sponsoring school unit; and
 - (D) credit is granted on the basis of program completion and achievement of specified individual performance, which is determined by individual evaluation for specified competencies;
- (4) independent study of no more than five units of renewal credit per five-year renewal period which meets the following criteria:
 - (A) teachers and other certified personnel help to develop local independent study procedures which the superintendent keeps on file and periodically sends to each certified employee; and
 - (B) the employee and the superintendent or his or her designee plan the experience in advance, including identification of competencies to be acquired and an evaluation to determine

satisfactory achievement of those competencies;

- (5) activities approved by the Department.
- (d) Each LEA and approved governing boards of schools are responsible for assuring that all local courses and workshops and independent study activities which do not carry IHE credit meet the standards contained in this Rule.
- (e) Agencies which the Department authorizes to administer renewal requirements locally shall adopt a procedure to determine the appropriateness of credit in advance of the renewal activity. In determining appropriateness the agency must consider direct relationship to critical job responsibilities, suitability of the content level and properly established credit for the activity. Each agency must report on participation in and effectiveness of renewal activities as the Department requests.
- (f) Persons who hold a North Carolina certificate but who are not currently employed in the public schools or by approved boards may earn renewal credit in college or university credit activities, or local courses and workshops or activities approved by the Department if they are admitted on a space available basis. The Department will determine the appropriateness of the credits on the basis of the direct relationship to the certificate field, the suitability of the content level and properly established credits for the activity.

~~(g) The Department will approve in advance activities which are not established for certificate renewal by LEAs or which do not carry regular IHE credit, but which are offered for renewal credit.~~

Authority G.S. 115C-12(9)a.; N.C. Constitution, Article IX, Sec. 5.

.0310 STANDARD EXAMINATIONS

(a) The NTE are the standard examinations required for initial ~~certification~~ licensure. The Educational Testing Service is replacing many of the NTE tests with a new series of assessments called PRAXIS. ~~Persons may voluntarily take the PRAXIS tests before July 1, 1995, at state expense and use those scores for certification.~~ The PRAXIS tests are required for persons who take tests after July 1, 1995. Persons who are completing teacher education program requirements during the period of July 1, 1997 through June 30, 1998 in the areas of art (K-12), elementary education, French (K-12) and music (K-12) must take the PRAXIS tests. If the person does not achieve passing scores on the PRAXIS tests, the person may take the specialty area test listed in Subparagraph (3) of this Paragraph (a). The person must achieve the passing score indicated for the specialty area test listed in subdivision (3) to qualify for a license. Persons who took the NTE specialty area tests and completed an out-of-state teacher education program prior to July 1, 1996, and who met the minimum specialty area test score in effect for North Carolina when the person took the test, shall satisfy the requirements of this Rule.

- (1) For formal admission into an approved teacher education program, a person must ~~score at least 646 on the Communication Skills Test and 645 on the General Knowledge Test. These requirements apply to persons who have not passed these tests by January 1, 1990. These requirements do not apply to persons whose specialty area is school social work, school counseling or school psychology.~~ submit passing scores on the PRAXIS I tests. The PRAXIS I tests are given as pencil-and paper (PPST) or as computer-based (CBT). Passing scores for those tests are:
 - (A) Reading: 176 PPST; 323 CBT
 - (B) Writing: 173 PPST; 319 CBT
 - (C) Mathematics: 173 PPST; 318 CBT
- (2) All Applicants for initial ~~certification~~ licensure must score at least 649 on the Professional Knowledge Test.
- (3) Effective July 1, 1994, in addition to the Professional Knowledge Test, each applicant for initial ~~certification~~ licensure must meet minimum teaching area scores as follows:

Specialty Area

PROPOSED RULES

(A)	Agriculture	530
(B)	Art Education	590
(C)	Audiolog	540
(D)	Biology	570
(E)	Biology and General Science	580
(F)	(D)Business Education	490
(G)	Chemistry	550
(H)	Chemistry, Physics and General Science	530
(I)	(E)Early Childhood Education	530
(J)	(F)Earth/Space Science	540
(K)	(G)Education in the Elementary School	580
(L)	(H)Education of the Mentally Retarded	590
(M)	(I)Educational Leadership: Administration and Supervision	520
(N)	English Language and Literature	460
(O)	English Language and Literature (Middle Grades Language Arts)	540
(P)	(J)French	540
(Q)	(K)German	640
(R)	(L)Health Education	540
(S)	(M)Home Economics Education	540
(T)	(O)Introduction to the Teaching of Reading	610
(V)	(P)Library Media Specialist	690
(W)	(Q)Marketing Education	540
(X)	Mathematics	530
(Y)	(R)Mathematics (Middle Grades Mathematics)	550
(Z)	(S)Music Education	570
(AA)	Physical Education	510
(BB)	(T)Physics	570
(CC)	(U)Reading Specialist	570
(DD)	(V)School Guidance and Counseling	620
(EE)	(W)School Psychologist	540
(FF)	Social Studies	500
(GG)	Social Studies (Middle Grades Social Studies)	520
(HH)	Spanish	510
(I)	(X)Special Education (Cross Categorical)	560
(J)	(Y)Speech Communication	550
(KK)	(Z)Speech-Language Pathology	680
(LL)	(AA)Teaching Emotionally Disturbed Students	520
(MM)	(BB)Teaching English as a Second Language	650
(NN)	(CC)Teaching Hearing Impaired Students	610
(OO)	(DD)Teaching Learning Disabled Students	550
(PP)	(EE)Teaching Visually Handicapped Students	

(4) If no teaching area score is possible under Paragraph (a)(3) of this Rule, the Professional Knowledge score satisfies the NTE requirement.

(5) Based on the special nature of the preparation for ~~certification~~, a license, School Social Workers are excluded from NTE regulations and School Psychologists are required to take only the Area examination for school psychologists.

~~(b) Instead of the NTE scores an applicant, except a North Carolina approved program graduate at the Class A level, may be certified on the basis of the Graduate Record Examinations with minimum scores of 380 on the Verbal Ability, 410 on the Quantitative Ability, and 380 on the Analytical Ability examinations.~~

~~(c)(b)~~ PRAXIS scores consist of two or more modules for each test area, the scores of which are added to yield a total score. The total required score for an area is based on the total of the validated study scores for each module within the test. However, the SBE uses a compensatory score model, by which a person may score two standard errors of measure (SEM) below the validated score on individual modules. In this case, the person must score higher than the validated score on another module to achieve the total required score.

	Compensatory Score (-2 SEM)	Validated Score	Total Required Score
(1) Art (K-12)			

PROPOSED RULES

	(A) <u>Art Making</u>	150	165	
	(B) <u>Content, Traditions, Criticism</u>	130	155	
	(C) <u>Content</u>	144	159	479
(+)	(2)Biology (9-12)			
	(A) Content knowledge, part 1	154	167	
	(B) Content essays	139	154	
	(C) Pedagogy	135	154	475
(+)	(3)Chemistry (9-12)			
	(A) Chemistry: Content knowledge	150	167	
	(B) Physical science: pedagogy	139	154	
	(C) Chemistry: Content essays	135	155	476
(4)	<u>Elementary Education</u>			
	(A) <u>Curriculum Instruction & Assessment</u>	153	176	
	(B) <u>Content Area</u>	127	143	310
(+)	(5)English Language, Literature and Composition (9-12)			
	(A) Content knowledge	154	165	
	(B) Essays	135	155	
	(C) Pedagogy	170	165	485
(6)	<u>French (K-12)</u>			
	(A) <u>Productive Language Skills</u>	159	173	
	(B) <u>Content Knowledge</u>	137	149	322
(+)	(7)Language Arts (4-8)			
	(A) Content knowledge	152	164	
	(B) Pedagogy	135	155	319
(5)	(8)Mathematics (9-12)			
	(A) Content knowledge	133	153	
	(B) Pedagogy	135	155	308
(9)	<u>Music (K-12)</u>			
	(A) <u>Analysis</u>	131	150	
	(B) <u>Concepts/Processes</u>	135	150	
	(C) <u>Content</u>	136	148	448
(+)	(10)Physical Education (K-12)			
	(A) Content knowledge	155	167	
	(B) Movement forms, analysis and design	144	157	
	(C) Pedagogy	None	NA	324
(7)	(11)Science (6-8)			
	(A) General science: content essays	130	155	
	(B) Physical science: pedagogy	139	156	311
(8)	(12)Science (9-12)			
	(A) General science: content essays	130	155	
	(B) Physical science: pedagogy	139	156	311
(9)	(13)Social Sciences (6-8)			
	(A) Content knowledge	158	169	
	(B) Analytical essays	135	150	319
(+)	(14)Social Studies (9-12)			
	(A) Content knowledge	158	169	
	(B) Interpretation of materials	167	180	
	(C) Analytical essays	145	160	509
(+)	(15)Spanish (K-12)			
	(A) Content knowledge	148	159	
	(B) Productive Language Skills	156	171	330

Authority G.S. 115C-12(9)a.; N.C. Constitution, Article IX, Sec. 5.

SUBCHAPTER 6D - INSTRUCTION

SECTION .0100 - CURRICULUM

.0103 GRADUATION REQUIREMENTS

(a) In order to graduate and receive a high school diploma, public school students must meet the requirements of paragraph (b) and attain passing scores on competency tests adopted by the SBE and administered by the LEA. Students who satisfy all state and local graduation requirements but who fail the competency tests will receive a certificate of attendance and transcript and shall be allowed by the LEA to participate in graduation exercises.

- (1) LEAs score the competency tests separately according to passing scores or criterion levels approved by the SBE.
- (2) LEAs may change the form or content of the competency tests where necessary to allow special education students to participate, but these students must achieve a level of performance on each test equal to the passing scores or criteria levels.
- (3) Special education students may apply in writing to be exempted from taking the competency tests. Before it approves the request, the LEA must assure that the parents, or the child if aged 18 or older, understand that each student must pass the competency tests to receive a high school diploma.
- (4) Any student who has failed to pass the competency tests by the end of the last school month of the year in which the student's class graduates may receive additional remedial instruction and continue to take the competency tests during regularly scheduled testing until the student reaches maximum school age.

(b) In addition to the requirements of Paragraph (a), students must successfully complete 20 course units in grades 9-12 as specified below:

- (1) Effective with the class entering ninth grade for the ~~1992-93~~ 1997-98 school year, the 20 course units must include:
 - (A) four units in ~~English~~; English, which must be English I, II, III, and IV;
 - (B) three units in mathematics, one of which must be Algebra I;
 - (C) three units in social studies, one of which must be in government and economics, one in United States history and one in world studies;
 - (D) three units in science, one of which must be ~~biology and biology~~; one a physical science; science, and one earth/environmental science;
 - (E) one unit in physical education and health; and
 - (F) six units designated by the LEA, which may be undesignated electives or courses designated from the standard course of study.
- (2) LEAs may count successful completion of course work in the ninth grade at a school system which does not award course units in the ninth grade toward the requirements of this Rule.
- (3) LEAs may count successful completion of course work in grades 9-12 at a summer school session toward the requirements of this Rule.

- (4) LEAs may count successful completion of course work in grades 9-12 at an off-campus institution toward the requirements of this Rule. No high school may approve enrollment in post-secondary institutions during the regular school year in excess of five percent of its enrollment in grades 10-12 except as allowed by the SBE. 23 NCAC 2C .0301 governs enrollment in community college institutions.

(c) Effective with the class of 2001, all students must demonstrate specific computer proficiencies as a prerequisite for high school graduation. This assessment shall begin with all eighth graders during the 1996-97 school year.

~~(c)(d)~~ Effective with the class entering ninth grade for the 1992-93 school year, special needs students as defined by G.S. 115C-109, excluding academically ~~gifted~~, ~~speech-language impaired~~, ~~orthopedically impaired~~, ~~other health impaired~~, ~~gifted~~ and pregnant, who do not meet the requirements for a high school diploma will receive a graduation certificate and shall be allowed to participate in graduation exercises if they meet the following criteria:

- (1) successful completion of 20 course units by general subject area (4 English, 3 math, 3 science, 3 social studies, 1 health and physical education, and 6 local electives) under paragraph (b). These students are not required to pass the specifically designated courses such as Algebra I, Biology or United States history,
- (2) completion of all IEP requirements.

Authority G.S. 115C-12(9)c.; 115C-81(a); 115C-180; N.C. Constitution, Article IX, Sec. 5.

SECTION .0300 - TESTING PROGRAMS

.0301 TESTING REQUIREMENTS AND OPPORTUNITIES

(a) All public school students enrolled in the grades for which the ~~state board SBE~~ adopts a test shall participate in the testing program, including every child with disabilities unless excluded from testing in the ~~HEP~~; IEP or because of designation as a limited English proficient student.

(b) All public students enrolled in the 10th, 11th and 12th grade shall have at least one opportunity each school year to take the competency tests. LEAs shall administer the tests so that any student who does not pass the tests shall have an opportunity to receive remediation.

- (1) The department shall establish a passing score for each test. A student who attains a passing score on a test does not need to retake the test.
- (2) The LEA shall develop plans to provide remedial services to students who fail any of the tests, or who are identified as having a high risk of failing. The LEA shall design the plan to meet the needs of individual students.

~~(c) LEAs may change the form or content of tests adopted by the SBE if necessary to allow special education students to participate in the testing program.~~

(d) (c) LEAs may exempt special education students from required testing programs upon written request of the parent or eligible student.

Authority G.S. 115C-12(9)c..

.0303 ACCOUNTABILITY COORDINATOR

(a) The local superintendent ~~designates a~~ shall designate one or more persons to serve as testing coordinator and accountability coordinator to assist in the local ~~administration~~ administration, reporting, and interpretation of tests, tests and other accountability measures.

(b) Coordinators must attend training sessions provided by the department on the subject of proper test ~~administration~~ administration, scanning and scoring answer sheets and required processing of test materials. They must then conduct similar sessions within the LEA to provide this instruction to ~~local~~ school-based test administrators and proctors. Coordinators shall arrange for the scanning, scoring, and reporting of results from tests adopted by the SBE.

Authority G.S. 115C-12(9)c..

.0305 END-OF-COURSE TESTS

(a) The LEA shall include each student's end-of-course test results in the student's permanent records and high school transcript.

(b) The LEA shall give each end-of-course test within a 110-minute period within the final ten days of school.

(c) LEAs shall use EOC test results as a part of the student's final grade. LEAs shall adopt policies regarding the use of EOC test results in assigning final grades.

Authority G.S. 115C-12(9)c.; 115C-81(b)(4).

.0306 TESTING CODE OF ETHICS

(a) This Rule shall apply to all public school employees who are involved in the state testing program.

(b) The superintendent or superintendent's designee shall develop local policies and procedures to ensure maximum test security in coordination with the policies and procedures developed by the test publisher. The principal shall ensure test security within the school building.

(1) The principal shall store test materials in a secure, locked area. The principal shall allow test materials to be distributed immediately prior to the test administration. Before each test administration, the building level test coordinator shall accurately count and distribute test materials. Immediately after each test administration, the building level test coordinator shall collect, count, and return all test materials to the secure, locked storage area.

(2) Access to test materials by school personnel means handling the materials but does not include reviewing tests or analyzing test items. The superintendent or superintendent's designee shall designate the personnel who are authorized to have access to test

materials.

- (3) Persons who have access to secure test materials shall not use those materials for personal gain.
- (4) No person may copy, reproduce, or paraphrase in any manner or for any reason the test materials without the express written consent of the test publisher.
- (5) The superintendent or superintendent's designee shall instruct personnel who are responsible for the testing program in testing administration procedures. This instruction shall include test administrations that require procedural modifications and shall emphasize the need to follow the directions outlined by the test publisher.
- (6) Any person who learns of any breach of security, loss of materials, failure to account for materials, or any other deviation from required security procedures shall immediately report that information to the principal, building level test coordinator, school system test coordinator, and state level test coordinator.

(c) Preparation for testing.

- (1) The superintendent shall ensure that school system test coordinators:
 - (A) secure necessary materials;
 - (B) plan and implement training for building level test coordinators, test administrators, and proctors;
 - (C) ensure that each building level test coordinator and test administrator is trained in the implementation of procedural modifications used during test administrations; and
 - (D) in conjunction with program administrators, ensure that the need for test modifications is documented and that modifications are limited to the specific need.
- (2) The principal shall ensure that building level test coordinators:
 - (A) maintain test material security and accountability of test materials;
 - (B) identify and train personnel, proctors, and backup personnel for test administrations; and
 - (C) encourage a positive atmosphere for testing.
- (3) Test administrators shall be school personnel who have professional training in education and the state testing program.
- (4) Teachers shall provide instruction that meets or exceeds the standard course of study to meet the needs of the specific students in the class. Teachers may help students improve test-taking skills by:
 - (A) helping students become familiar with test formats using curricular content;
 - (B) teaching students test-taking strategies and providing practice sessions;
 - (C) helping students learn ways of preparing to take tests; and
 - (D) using resource materials such as test questions

from test item banks, testlets and linking documents in instruction and test preparation.

(d) Test administration.

(1) The superintendent or superintendent's designee shall:

- (A) assure that each school establishes procedures to ensure that all test administrators comply with test publisher guidelines;
- (B) inform the local board of education of any breach of this code of ethics; and
- (C) inform building level administrators of their responsibilities.

(2) The principal shall:

- (A) assure that school personnel know the content of state and local testing policies;
- (B) implement the school system's testing policies and procedures and establish any needed school policies and procedures to assure that all eligible students are tested fairly;
- (C) assign trained proctors to test administrations; and
- (D) report all testing irregularities to the school system test coordinator.

(3) Test administrators and proctors shall:

- (A) administer tests according to the directions in the administration manual and any subsequent updates developed by the test publisher;
- (B) administer tests to all eligible students;
- (C) report all testing irregularities to the school system test coordinator; and
- (D) provide a positive test-taking climate.

(4) Proctors shall serve as additional monitors to help the test administrator assure that testing occurs fairly.

(e) Scoring. The school system test coordinator shall:

- (1) ensure that each test is scored according to the procedures and guidelines defined for the test by the test publisher;
- (2) maintain quality control during the entire scoring process, which consists of handling and editing documents, scanning answer documents, and producing electronic files and reports. Quality control shall address at a minimum accuracy and scoring consistency;
- (3) maintain security of tests and data files at all times, including:
 - (A) protecting the confidentiality of students at all times when publicizing test results; and
 - (B) maintaining test security of answer keys and item-specific scoring rubrics.

(f) Analysis and reporting. Educators shall use test scores appropriately. This means that the educator recognizes that a test score is only one piece of information and must be interpreted together with other scores and indicators. Test data help educators understand educational patterns and practices. The superintendent shall ensure that school personnel analyze and report test data ethically and within the limitations described in this Paragraph.

(1) Educators shall release test scores to students, parents, legal guardians, teachers, and the media with interpretive materials as needed.

(2) Staff development relating to testing must enable personnel to respond knowledgeably to questions related to testing, including the tests, scores, scoring procedures, and other interpretive materials.

(3) Items and associated materials on a secure test shall not be in the public domain. Only items that are within the public domain may be used for item analysis.

(4) Educators shall maintain the confidentiality of individual students. Publicizing test scores that contain the names of individual students is unethical.

(5) Data analysis of test scores for decision-making purposes shall be based upon:

- (A) disaggregation of data based upon student demographics and other collected variables;
- (B) examination of grading practices in relation to test scores; and
- (C) examination of growth trends and goal summary reports for state-mandated tests.

(g) Unethical testing practices include, but are not limited to, the following practices:

- (1) encouraging students to be absent the day of testing;
- (2) encouraging students not to do their best because of the purpose of the test;
- (3) using secure test items or modified secure test items for instruction;
- (4) changing student responses at any time;
- (5) interpreting, explaining, or paraphrasing the test directions or the test items;
- (6) reclassifying students solely for the purpose of avoiding state testing;
- (7) not testing all eligible students;
- (8) failing to provide needed modifications during testing, if available;
- (9) modifying scoring programs including answer keys, equating files, and lookup tables;
- (10) modifying student records solely for the purpose of raising test scores;
- (11) using a single test score to make individual decisions; and
- (12) misleading the public concerning the results and interpretations of test data.

Authority G.S. 115C-12(9)c.; 115C-81(b)(4).

SUBCHAPTER 6G - EDUCATION AGENCY RELATIONS

SECTION .0300 - SCHOOL-BASED MANAGEMENT AND ACCOUNTABILITY PROGRAM

.0304 DISPUTE RESOLUTION PROCESS

In the event a local board of education does not accept a school's improvement plan within 60 days after the school

initially submitted the plan to the board, the local board or the school may request the SBE to mediate the disagreement.

- (1) Either the principal of the school or the local board of education may submit a request for mediation to the Department, office of instructional and accountability services.
- (2) The request shall summarize the dispute issues. Both the principal of the school and the chair of the local board of education shall sign the request.
- (3) The office of instructional and accountability services shall review the request and shall inform the principal of the school and the chair of the local board of education of the time and place for the mediation.
- (4) The office of instructional and accountability services shall assign a mediator from persons who have been selected as assistance team members pursuant to G.S. 115C-105.31.
- (5) The mediator shall assist the parties to identify options for solving the disagreement.
- (6) If the mediator determines that the parties can reach an agreement, the mediator shall suggest language and shall write the agreement. Each party involved shall agree on each part.
- (7) Each party shall sign the agreement. The agreement shall become a part of the school's improvement plan. The school shall then submit the improvement plan to the local board of education for its approval.

Authority G.S. 115C-12(9)c4.

.0305 ANNUAL PERFORMANCE STANDARDS, GRADES K-8

(a) For purposes of this Section, the following definitions shall apply to kindergarten through eighth grade:

- (1) "Accountability measures" are SBE-adopted tests designed to gauge student performance and achievement.
- (2) "b₀" means the state average rate of growth used in the regression formula for the respective grades and subjects. The values for b₀ shall be based initially on data from spring 1993 and spring 1994 test scores.
- (3) "b₁" means the value used to estimate true proficiency in the regression formula. The values for b₁ shall be based initially on data from spring 1993 and spring 1994 test scores.
- (4) "b₂" means the value used to estimate regression to the mean in the regression formula. The values for b₂ shall be based initially on data from spring 1993 and spring 1994 test scores.
- (5) "Composite score" means a summary of student performance in a school in reading, writing, and mathematics.
- (6) "Eligible students" means the total number of students in membership minus the number of students exempted from testing.
- (7) "Expected growth" means the amount of growth in

student performance that is projected through use of the regression formula.

- (8) "Exemplary growth" means the amount of growth in student performance that is projected through use of the regression formula that includes the state average rate of growth adjusted by an additional ten percent (10%).
- (9) "Growth standards" are the benchmarks set annually by the SBE to measure a school's progress by use of the regression formula and the composite score.
- (10) "IRM" is the index for regression to the mean used in the regression formula. The SBE shall compute the IRM for reading by subtracting the North Carolina average reading scale score from the local school average reading scale score. The SBE shall compute the IRM for mathematics by subtracting the North Carolina average mathematics scale score from the local school average mathematics scale score. The SBE shall base the state average initially on data from the 1994-95 school year.
- (11) "ITP" is the index for true proficiency used in the regression formula. The SBE shall compute the ITP by adding the North Carolina average scale scores in reading and mathematics and subtracting that sum from the addition of the local school average scale scores in reading and mathematics. The SBE shall base the state average initially on data from the 1994-95 school year.
- (12) "Performance standards" are the percent of students in a school who are at or above grade level. In determining the number of students who are performing at or above grade level at a school, the SBE shall:

- (A) determine the number and percentage of students who are at Level III or IV in each content area (reading, mathematics and writing) across grades; and
- (B) total the numerators for the various content areas, total the denominators for the various content areas, and calculate the total percentage (composite) performance standard.

- (13) "Standard deviation" is a statistic that indicates how much a set of scores vary. The values used in determining the composite score shall be based initially on data from the 1993-94 school year.

(b) In carrying out its duty under G.S. 115C-105.28 to establish annual performance goals for each school, the SBE shall use both growth standards and performance standards. The SBE shall calculate the expected growth rate for an individual school by using the regression formula "Expected Growth = b₀ + (b₁ x ITP) + (b₂ x IRM)."

(c) Schools shall be accountable for student performance and achievement. To be included in accountability measures for the growth standard, a student in grade three through grade eight must:

- (1) have a pre-test score and a post-test score in reading and mathematics. Students in grades four or seven

with writing scores shall also be included.

(2) have been in membership more than one-half of the instructional period (91 of 180 days for regular schedules or 46 of 90 days for semester or block schedules).

(3) students shall be included in the performance standard if they have reading, mathematics, or writing scores without reference to pretest scores or length of membership.

(d) The SBE shall include in the accountability system on the same basis as all other public schools each alternative school with an identification number assigned by the Department. Test scores for students who attend programs or classes in a facility that does not have a separate school number shall be reported to and included in the students' home schools.

(e) Each school shall test at least 98 percent of its eligible students. If a school fails to test at least 98 percent of its eligible students for two consecutive school years, the SBE may designate the school as low-performing and may target the school for assistance and intervention. Each school shall make public the percent of eligible students that the school tests.

(f) All students who are following the revised standard course of study and who are not eligible for exemption as set out in Paragraph (g) of this Rule shall take the SBE-adopted tests. Every student, including those students who are exempted from testing, shall complete or have completed an answer document (except in writing). Both the school and the LEA shall maintain records on the exemptions of students from testing. The Department may audit these records.

(g) Individual students may be exempted from SBE-adopted tests as follows:

(1) Limited English proficient students may be exempted for up to two years beginning with the time of enrollment if the student's English language proficiency has been assessed as novice/low to intermediate/low in listening, reading, and writing. A student whose English language proficiency has been assessed as intermediate/high or advanced may be exempted from tests in which the student writes responses for up to two years. LEAs shall use other assessment methods for exempted students to demonstrate that these students are progressing in English and other subject areas.

(2) Students with disabilities may be exempted on an individual basis if the exemption is stated in the student's IEP and if the student is not following the revised standard course of study. If a student with disabilities is exempted from testing in one subject but is included in testing for the remaining subjects, that student shall be included in the school's 98 percent tested requirement. The parent or guardian, or the student if over age 18, shall sign a written consent for test exemption that certifies that the parent, guardian, or student understands that the exemption for the eighth grade tests may cause the student not to be eligible to receive a high school diploma.

(h) LEAs shall administer alternative assessments to students who are exempted from testing to demonstrate mastery of course or specific curriculum content.

(i) The SBE shall calculate a school's expected growth composite in student performance using the following process:

(1) Calculate the indices for writing (separately) for the three most current years as follows:

(A) Multiply the percent of students at level IV by 3.

(B) Multiply the percent of students at level III by 2.

(C) Determine the percent of students at level II.

(D) Add the three numbers together and divide by three.

(E) Determine the difference in scores that is greatest by subtracting the index two years ago from the most recent index and then subtracting the index for the prior school year from the most recent index. Multiply the resulting difference by one half.

(2) Review expected and exemplary growth standards for reading and mathematics at each grade level included in the state testing program.

(3) Determine the actual growth in reading and mathematics at each grade level included in the state testing program, using data on groups of matched students.

(4) Subtract the expected growth from the actual growth in reading and mathematics at each grade level included in the state testing program. In writing, one tenth (.1) must be subtracted from the greater of the two writing differences.

(5) Divide the differences for reading, writing, and mathematics by the standard deviations of the respective differences in growth at each grade level to determine the standardized growth score.

(6) Add the expected standardized growth scores for reading and mathematics at each grade level from grade 3 to 8, and for writing at grades 4 and 7. If the resulting number is zero or above, the school has met the expected growth standard.

(7) To determine the composite score for exemplary standards:

(A) Subtract the exemplary growth from the actual growth standard in reading and mathematics at each grade level included in the state testing program. In writing, one tenth (.1) must be subtracted from the greater of the two writing differences.

(B) Divide the difference in growth for reading, writing, and mathematics by the standard deviations of the respective differences in growth at each grade level to determine the standardized growth score.

(C) Add the exemplary standardized growth scores for reading and mathematics at each grade level from grade 3 to 8, and for writing at

grades 4 and 7. If the resulting number is zero or above, the school has met the exemplary growth standard.

(j) If school officials believe that the school's growth standards were unreasonable due to specific, compelling reasons, the school may appeal its growth standards to the SBE. The SBE shall appoint an appeals committee composed of principals, teachers, central office staff, superintendents, and local school board members to review written appeals from schools. The school officials must clearly document the circumstances that made the goals unrealistic and must submit its appeal to the SBE within 30 days of receipt of notice from the Department of the school's performance. The appeals committee shall review all appeals and shall make recommendations to the SBE. The SBE shall make the final decision on the reasonableness of the growth goals.

Authority G.S. 115C-12(9)c4.

.0306 IDENTIFICATION OF LOW-PERFORMING SCHOOLS

The SBE shall use growth standards and performance standards from end-of-grade test scores in reading, writing, and mathematics to determine whether a school is low-performing.

Authority G.S. 115C-12(9)c4.

.0307 ASSISTANCE TEAMS

(a) When performing its duties under G.S. 115C-105.31, each assistance team appointed by the SBE shall act in an advisory capacity to local school personnel, local school boards, and the SBE.

(b) Local boards of education and local school employees shall cooperate with assistance teams in the performance of their duties.

(c) Members of the assistance teams shall be subject to all confidentiality requirements that apply to local school employees.

(d) In the event of a disagreement between the assistance team and the school improvement team, the assistance team may request help from the central office and the local board of education.

(e) In carrying out its duty to evaluate employees, members of the assistance team shall:

- (1) use the uniform performance standards and criteria developed by the SBE pursuant to G.S. 115C-326;
- (2) possess in-depth knowledge of the performance evaluation process before conducting a performance evaluation;
- (3) use the appropriate form of the uniform performance standards and criteria for the category of personnel being evaluated, such as teachers, support personnel, and administrators;
- (4) share its evaluation and recommendations with each employee and the employee's supervisor; and
- (5) notify the SBE of the evaluations for an employee who receives two consecutive evaluations by the

assistance team that include findings and recommendations regarding the employee's inadequate performance.

(f) An assistance team that is assigned by the SBE to a low-performing school may at any time recommend to the SBE that a teacher, assistant principal, director, or supervisor be dismissed or demoted for one or more of the grounds established in G.S. 115C-325(e)(1).

(g) In reviewing evaluations of a local school employee, the SBE may deem the evaluations of the assistance team to supersede previous evaluations of the employee.

Authority G.S. 115C-12(9)c4.

.0308 DUE PROCESS PROTECTIONS

(a) At any hearing conducted by a panel of the SBE pursuant to the provisions of G.S. 115C-325(q)(1) or (q)(2), the panel shall sit as an impartial tribunal to receive evidence and to decide on the basis of that evidence whether the principal, assistant principal, teacher, supervisor, or director, hereafter referred to as "the employee," shall be dismissed. The assistance team assigned to the school where the employee was assigned shall present its case against the employee.

(b) Both the employee and the assistance team shall have the right:

- (1) to be represented by counsel at the hearing;
- (2) to subpoena witnesses and documents;
- (3) to examine and cross-examine witnesses under oath; and
- (4) to present relevant evidence using witnesses and documents.

(c) The panel of the SBE which conducts the hearing shall:

- (1) give written notice to the parties of the time and place of the hearing;
- (2) make a complete record of the evidence received during the hearing; and
- (3) issue subpoenas for witnesses and documents on behalf of any party to the proceedings.

(d) Except in the case of a principal who has been suspended pursuant to the provisions of G.S. 115C-325(q)(1), the assistance team shall have the burden of proof at the hearing. A principal who has been suspended pursuant to the provisions of G.S. 115C-325(q)(1) shall have the burden of proof.

(e) Either the employee or the assistance team may within 10 days of notification of the panel's decision give notice of appeal to the full SBE. The appeal shall be on the record with no arguments by counsel except in the form of written briefs. The SBE may limit the length of written briefs. The SBE shall consider the appeal at its next regularly-scheduled meeting that is at least 20 days following receipt of notice of the appeal and shall render a decision within 30 days unless the SBE determines that good cause exists to extend the period or the parties agree to extend the period. The panel which sat and decided the case shall not be excluded from participation at the full SBE hearing. Appeal from the SBE decision shall be in accordance with G.S. 150B.

(f) If the SBE appoints an interim superintendent, revokes

the superintendent's license, or dismisses the superintendent pursuant to G.S. 115C-105.32(c), the superintendent shall not have the right to a hearing under this Rule but shall have the right to file a contested case petition pursuant to the provisions of G.S. 150B. The SBE shall make written findings to support any of these actions taken pursuant to the provisions of G.S. 115C-105.32(c).

(g) If the SBE revokes or refuses to renew a teacher's license pursuant to G.S. 115C-296(d), the procedures set forth in 16 NCAC 6C .0312 shall apply.

Authority G.S. 115C-12(9)c4.

.0309 SUSPENSION OF POWERS AND DUTIES OF SCHOOL BOARDS

Before the SBE suspends any of the powers and duties of a local board of education pursuant to the provisions of G.S. 115C-39(b) and G.S. 115C-105.32(d), the SBE shall provide written notice to the local board of the reasons for which it is considering suspending those powers and duties. If the local board fails to remedy the reasons presented to it by the SBE within 60 days after receiving written notice, the SBE shall enter an order that incorporates the reasons for suspending the powers and duties, the efforts that the local board has made to remedy those reasons, and the period of time during which those powers and duties shall be suspended.

Authority G.S. 115C-12(9)c4.

SECTION .0400 - LOW PERFORMING SCHOOL UNITS

.0401 DEFINITIONS

(a) A "low performing school unit" is one that:

- (1) does not meet 75 percent of the SBE accreditation standards at Level 1;
- (2) ranks in the lower 23rd percentile in student achievement on the most recent Report Card issued by the SBE under the authority of G.S. 115C-12(9)c1.; and
- (3) has a dropout rate that is at least one standard deviation above the average dropout rate for all school units in the state.

(b) A "school unit on warning status" is one that meets any two of the conditions described in Paragraph (a) of this Rule.

Authority G.S. 115C-64.5.

.0402 IMPROVEMENT PLANS

(a) The SBE will determine which school units meet the criteria for identification as a low performing school unit or school unit on warning status by its February meeting of each year or as soon thereafter as is practicable. For the 1991-1992 school year only, the SBE will determine which units meet the criteria within two months after these Rules become effective. The SBE will also notify identified units immediately after the designation is made.

(b) The Department of Public Instruction will notify units of services available to assist them immediately after those units are notified of their designation as low performing school units or school units on warning status by the SBE. School units on warning status will receive technical assistance from the Department only after assistance has been provided to low performing school units. These services will be coordinated through the technical assistance center that serves the area where the school unit is located. The Department will provide additional funds to low performing school units pursuant to G.S. 115C-64.2(b) from such discretionary funds as are available to the Department for this purpose.

(c) Each identified low performing school unit must submit an improvement plan to the Department within 60 days following identification, for transmittal to the SBE. The SBE will review plans and act upon requests for waivers under G.S. 115C-64.2(a) at its next regularly scheduled meeting following submission of the plan. Low performing school units may submit additional requests for waivers to the SBE at any time that such waivers are needed. Each low performing school unit will begin implementing its improvement plan immediately after submission of the plan to the SBE.

(d) After the SBE has reviewed the improvement plan and has acted upon waiver requests, the Department will prepare and release the report for each identified unit as required by G.S. 115C-64.3(b).

Authority G.S. 115C-64.5.

.0403 CARETAKER ADMINISTRATORS AND BOARDS

(a) At its January meeting of each year or as soon thereafter as is practicable, the SBE will review student performance data and student dropout rates for each low performing school units for the two complete academic years that follow the unit's submission of an improvement plan under Rule .0402(c) of this Section. If the SBE finds that the unit has not made progress so as to have the low performing designation removed under Rule .0404 of this Section, the Board will appoint a caretaker administrator, a caretaker board, or both.

(b) The SBE will appoint caretaker administrators and board members from a registry maintained by the SBE. Education-related organizations, SBE members and interested citizens may nominate persons for inclusion on the registry.

(c) Caretaker administrators and caretaker board members serve under contract with the SBE. A contract will enumerate the powers and duties necessary and appropriate for a caretaker to assume his responsibilities and will include any benefits available to the caretaker, such as retirement, leave and compensation. A caretaker administrator or board member will be appointed for an initial term of two years and may be reappointed for additional one-year terms at the discretion of the SBE. All caretaker administrators and board members will serve at the pleasure of the SBE.

(d) If the SBE appoints a caretaker board, the incumbent board members will retain their offices and elections shall continue to be held according to law, but the only duty of the

~~incumbent board is to advise and assist the caretaker board:~~

Authority G.S. 115C-64.5.

**.0404 TERMINATION OF LOW PERFORMING
SCHOOL UNIT STATUS AND
CARETAKERS**

~~Identification as a low performing school unit will be removed and the operation of the unit will be returned to the local school board and administrators only if the SBE finds that the unit has met at least two of the following three criteria:~~

- ~~(1) the unit becomes eligible for state accreditation under Section .0200 of this Subchapter;~~
- ~~(2) the unit reaches the state average range in overall achievement under the Report Card; or~~
- ~~(3) the unit's student dropout rate has decreased to less than one standard deviation above the average dropout rate for all school units in the state.~~

Authority G.S. 115C-64.5.

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

**TITLE 10 - DEPARTMENT OF HUMAN
RESOURCES**

Rule-making Agency: *Secretary of Human Resources*

Rule Citation: *10 NCAC 14V .7006*

Effective Date: *July 8, 1997*

Findings Reviewed and Approved by: *Julian Mann*

Authority for the rule-making: *G.S. 122C-3; 122C-12; 122C-194*

Reason for Proposed Action: *To comply with requirements regarding criteria for eligibility contained in the Court Order, Willie M. v. Hunt, case reference 3:79 CV294-MU.*

Comment Procedures: *Written comments concerning this Rule should be submitted to Charlotte F. Hall, Rulemaking Coordinator, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, 325 N. Salisbury Street, Raleigh, NC 27603-5906. Comment period will remain through September 2, 1997. Fiscal impact information is available upon request.*

CHAPTER 14 - MENTAL HEALTH: GENERAL

**SUBCHAPTER 14V - RULES FOR MENTAL HEALTH,
DEVELOPMENTAL DISABILITIES, AND
SUBSTANCE ABUSE FACILITIES AND SERVICES**

**SECTION .7000 - SERVICES FOR ELIGIBLE
ASSAULTIVE AND VIOLENT CHILDREN AND
ADOLESCENTS**

**.7006 VIOLENT OR ASSAULTIVE BEHAVIOR
DEFINED**

(a) To meet the criterion of violent or assaultive behavior, there shall be evidence in the minor's recent history (within the 12 months prior to the application or request for re-review of eligibility) or current functioning of one or more of the following:

- (1) physically attacks, with or without weapons against other persons or animals, or physical attacks resulting in property damage;
- (2) physically self-injurious behavior or serious suicidal attempts;
- (3) threatened attacks with a deadly weapon;
- (4) firesetting; or
- (5) predatory sexual behaviors.

(b) In addition, the behaviors shall meet ~~two~~ one or more of

the following tests:

- (1) the attack shall be sufficiently severe that substantial harm to persons did result or could result without intervention;
- (2) the behavior shall have occurred with sufficient frequency to be considered a pattern of response (more than three times over a period of six months);
- (3) the behavior is extreme or out of proportion to the provocation, if any, or is not an age-appropriate reaction;
- (4) the behavior was sufficiently disruptive to lead to extrusion from or refusal for admittance to school, job, recreational setting, or treatment program;
- (5) the behavior resulted in severe measures of control, e.g., seclusion, restraints, or chemical controls; or
- (6) the behavior resulted in incarceration or institutionalization with the restrictive environment then "controlling" the behavior.

History Note: *Authority G.S. 122C-3; 122C-112; 122C-194; Eff. February 1, 1997;*

Transferred and Recodified from 10 NCAC 18W .0206 Eff. February 7, 1997;

Temporary Amendment Eff. July 8, 1997.

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

Rule-making Agency: *EHNR - Commission for Health Services*

Rule Citation: *15A NCAC 19C .0801 - .0803*

Effective Date: *July 7, 1997*

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

Authority for the rule-making: *G.S. 150B-21.1(a)(3); E.O. 108, James B. Hunt, Jr., 1997*

Reason for Proposed Action: *Governor Hunt signed Executive Order Number 108 entitled, "North Carolina Interim Lead Abatement Certification Program." This order requires the Department of Environment, Health, and Natural Resources to temporarily certify individuals to perform specified lead abatement activities.*

Comment Procedures: *Comments, statements, and other information may be submitted in writing within 60 days after the publication date in the North Carolina Register. Copies of the proposed rules may be obtained by contacting the Health*

Hazards Control Branch at (919) 733-0820. Written comments may be submitted to Mr. Pat Curran, Division of Epidemiology, Occupational & Environmental Epidemiology Section, PO Box 29601, Raleigh, NC 27626.

CHAPTER 19 - HEALTH: EPIDEMIOLOGY

SUBCHAPTER 19C - OCCUPATIONAL HEALTH

SECTION .0800 - INTERIM LEAD ABATEMENT CERTIFICATION

.0801 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Certified Project Designer" means an individual who is directly responsible for planning all phases of a lead abatement project from abatement site preparation through final clearance.
- (2) "Certified Inspector" means an individual who conducts inspections and samples for the presence and level of lead in paint, dust, and soil.
- (3) "Certified Risk Assessor" means an individual who investigates and samples for the presence of lead in paint, dust, and soil for the purpose of determining the nature, severity, and location of lead-based paint hazards; a certified risk assessor also samples for the purpose of abatement clearance testing.
- (4) "Certified Supervisor" means an individual who supervises and conducts lead abatement. This person may also develop plans and designs for abatement projects involving fewer than 10 housing units.
- (5) "Certified Lead Worker" means an individual who performs lead abatement activities under the direct supervision of a certified supervisor.
- (6) "Interim Certification" means the status of an individual who has been given temporary certification by the Program to perform specified abatement activities.

History Note: Authority 150B-21.1(a)(3); E.O. 108, James B. Hunt, Jr., 1997;

Temporary Adoption Eff. July 7, 1997.

.0802 CERTIFICATION OF INDIVIDUALS

(a) Persons who perform specified lead-based paint activities funded by monies granted from the federal government shall become certified by the Program in one or more of the following appropriate certification categories:

- (1) Certified Lead Worker;
- (2) Certified Supervisor;
- (3) Certified Inspector;
- (4) Certified Project Designer; or
- (5) Certified Risk Assessor.

(b) An applicant for certification shall have successfully completed applicable training courses accredited by another state, whose accreditation program has been approved by the United States Department of Housing and Urban Development

(HUD) for purposes of HUD's Lead-Based Paint Hazard Control Grant Program. However, an applicant who successfully completed an initial training course taught between October 1, 1990, and May 31, 1997, that was not accredited by a state whose accreditation program was approved by HUD at the time the course was taught, shall have, by the date of their application, successfully completed a refresher training course accredited by a state whose accreditation program has been approved by HUD.

(c) In addition to the requirements in Paragraph (b) of this Rule, an applicant, other than those for the certified worker category, shall meet the following:

- (1) a certified inspector shall have a high school diploma or equivalent;
- (2) a certified risk assessor shall have:
 - (A) Bachelor's degree and one year of experience in a related field (e.g. lead, asbestos, environmental remediation work, or construction), or an Associates degree and two years experience in a related field (e.g. lead, asbestos, environmental remediation work, or construction); or
 - (B) Certification as an industrial hygienist, professional engineer, registered architect or certification in a related engineering/health/environmental field (e.g. safety professional, environmental scientist); or
 - (C) A high school diploma or equivalent and at least three years of experience in a related field (e.g. lead, asbestos, environmental remediation work, or construction) or in the building trades;
- (3) a certified supervisor shall have:
 - (A) A high school diploma or equivalent; and one year experience as a certified lead abatement worker; or
 - (B) At least two years experience in a related field (e.g. lead, asbestos, environmental remediation work, or construction) or in the building trades;
- (4) a certified project designer shall have:
 - (A) A bachelor's degree in engineering, architecture, or related profession, and one year of experience in building construction and design or a related field; or
 - (B) A high school diploma or equivalent, and four years experience in building construction and design or a related field.

(d) To obtain certification, the applicant shall submit to the Program:

- (1) a completed application on a form provided by the Program;
- (2) confirmation from a training agency that the applicant has completed an initial or refresher course accredited by a state whose accreditation program has been approved by HUD; the confirmation shall be in

the form of an original certificate of completion bearing the training agency's official seal or an original letter from the training agency, on agency letterhead, confirming successful completion of the course;

(3) when education is a requirement, a copy of the diploma or transcript; and

(4) when work experience is a requirement, work history documenting lead or other related experience.

(e) All interim certifications shall expire at the end of the Interim Lead Abatement Certification Program.

(f) All certified persons shall be assigned a certification number by the Program.

(g) In accordance with G.S. 130A-23, the Program may revoke certification for any violation of G.S. 130A, Article 19, or the rules of this Section, or upon finding that its issuance was based upon incorrect or inadequate information that materially affected the decision to issue certification. A person whose certification is revoked because of fraudulent misrepresentations or because of violations of Rule .0803 of this Section shall not reapply for certification before six months after the revocation and shall repeat the initial training course and other requirements set out in Paragraphs (b), (c), and (d) of this Rule.

History Note: Authority 150B-21.1(a)(3); E.O. 108, James B. Hunt, Jr., 1997;

Temporary Adoption Eff. July 7, 1997.

.0803 STANDARDS FOR CONDUCTING LEAD-BASED PAINT ACTIVITIES

All specified lead-based paint activities funded by monies granted from the federal government shall be conducted in accordance with 40 CFR Part 745 Subpart L Subsection .227, which, is hereby incorporated by reference, including any subsequent amendments and editions. These documents are available for inspection at the Department of Environment, Health, and Natural Resources, Occupational and Environmental Epidemiology Section, 2728 Capital Boulevard, Raleigh, NC 27604. Copies may be obtained free of charge by writing the Occupational and Environmental Epidemiology Section, PO Box 29601, Raleigh, NC 27626-0601.

History Note: Authority 150B-21.1(a)(3); E.O. 108, James B. Hunt, Jr., 1997;

Temporary Adoption Eff. July 7, 1997.

Rule-making Agency: DEHNR - Commission for Health Services

Rule Citation: 15A NCAC 24A .0202

Effective Date: July 1, 1997

Findings Reviewed and Approved by: Beecher R. Gray

Authority for the rule-making: G.S. 130A-4.2; 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205

Reason for Proposed Action: The purpose of this rulemaking is to increase the income eligibility for inpatient care under the Sickle Cell Program to the same scale used for outpatient care. This action will establish a consistent standard for determining eligibility for all levels of program funded care and will make inpatient care available to more low income clients.

Comment Procedures: Comments may be submitted in writing within 60 days after the date of publication of this issue of the North Carolina Register to Richard Moore, Purchase of Medical Care Services, Office of the Controller, DEHNR, PO Box 29602, Raleigh, NC 27626.

CHAPTER 24 - GENERAL PROCEDURES FOR PUBLIC HEALTH PROGRAMS

SUBCHAPTER 24A - PAYMENT PROGRAMS

SECTION .0200 - ELIGIBILITY DETERMINATIONS

.0202 DETERMINATION OF FINANCIAL ELIGIBILITY

(a) A patient must meet the financial eligibility requirements of this Subchapter to be eligible for benefits provided by the payment programs. Financial eligibility shall be determined through application of income scales. The definition of annual net income in Rule .0203 of this Subchapter and the definitions of family in Rule .0204 of this Subchapter shall be used in applying the income scales, except as provided in Paragraphs (f) (e) and (g) (f) of this Rule.

(b) ~~A person shall be financially eligible for inpatient services under the Sickle Cell Program if the net family income is at or below the following scale: Family Size 1: \$4,200; Family Size 2: \$5,300; Family Size 3: \$6,400; Family Size 4: \$7,500; Family Size 5 and over: add \$500 per family member.~~

(c) ~~(b)~~ A person shall be financially eligible for outpatient services under the Sickle Cell Program if the net family income is at or below the federal poverty level in effect on July 1 of each fiscal year.

(d) ~~(c)~~ A person shall be financially eligible for the HIV Medications Program if the net family income is at or below 125 percent of the federal poverty level in effect on July 1 of each fiscal year.

(e) ~~(d)~~ A person shall be financially eligible for the Kidney Program if the net family income is at or below the following scale: Family Size 1: \$6,400; Family Size 2: \$8,000; Family Size 3: \$9,600; Family Size 4: \$11,000; Family Size 5: \$12,000; Family Size 6 and over: add \$800 per family member.

(f) ~~(e)~~ A person shall be financially eligible for the Cancer Program if gross family income is at or below 115 percent of the federal poverty level in effect on July 1 of each year.

(g) ~~(f)~~ A child shall be financially eligible for Children's Special Health Services if the child is approved for Medicaid when applying or reapplying for program coverage, except for

children eligible under Paragraph ~~(h)~~ (g) and ~~(i)~~ (h) of this Rule.

~~(h)~~ (g) A child approved for Children's Special Health Services post adoption coverage pursuant to 15A NCAC 21F .0800, shall be eligible for services under Children's Special Health Services if the child's net income is at or below the federal poverty level in effect on July 1 of each year.

~~(i)~~ (h) Non-Medicaid eligible children covered by CSHS prior to January 1, 1996 who reapply for program coverage during 1996 shall be granted one additional year of eligibility if their net family income is at or below the federal poverty level approved for program use at the time that they apply.

~~(j)~~ (i) A person shall be financially eligible for services under the Adult Cystic Fibrosis Program if the net family income is at or below the federal poverty level in effect on July 1 of each year.

~~(k)~~ (j) The financial eligibility requirements of this Subchapter shall not apply to:

- (1) Migrant Health Program;
- (2) School Health Fund financial eligibility determinations performed by a local health department which has chosen to use the financial eligibility standards of the Department of Public Instruction's free lunch program;
- (3) Prenatal outpatient services sponsored through local health department delivery funds, 15A NCAC 21C .0200; or through Perinatal Program high risk maternity clinic reimbursement funds, 15A NCAC 21C .0300;
- (4) Diagnostic assessments for infants up to 12 months of age with sickle cell syndrome.

~~(k)~~ (k) Except as provided in Paragraphs ~~(l)~~ and ~~(m)~~ of this Rule, once an individual is determined financially eligible for payment program benefits, the individual shall remain financially eligible for a period of one year after the date of application for financial eligibility unless there is a change in the individual's family size pursuant to Rule .0204 of this Subchapter or his family's financial resources or expenses during that period. If there is a change, financial eligibility for

payment program benefits must be redetermined. Financial eligibility must be redetermined at least once a year.

~~(m)~~ (l) For purposes of the Kidney Program and HIV Medications Program, once an individual is determined to be financially eligible, if the application for financial eligibility was received by the Department in the fourth quarter of the fiscal year, the individual shall remain financially eligible for benefits until the end of the next fiscal year unless there is a change in the individual's family size pursuant to Rule .0204 of this Subchapter or his family's financial resources or expenses during that period.

~~(n)~~ (m) Children eligible for Children's Special Health Services Program benefits under Paragraph ~~(g)~~ (f) of this Rule are financially eligible for a service if they were Medicaid eligible on the date the requested service was initiated.

~~(o)~~ (n) If the most current financial eligibility form on file with the Department shows that the patient was financially eligible on the date an Authorization Request for payment for drugs was received, the Authorization Request may be approved so long as the Authorization Request is received less than 30 days prior to the expiration of financial eligibility and the authorized service does not extend more than 30 days after the expiration of financial eligibility.

History Note: Filed as A Temporary Amendment Eff. August 9, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority G.S. 130A-4.2; 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205;

Eff. July 1, 1981;

Amended Eff. July 1, 1986; April 1, 1984; July 1, 1983; October 1, 1982;

Transferred and Recodified from 10 NCAC 4C .0202 Eff. April 4, 1990;

Amended Eff. January 1, 1996; July 1, 1995; April 1, 1995; October 1, 1994;

Temporary Amendment Eff. March 1, 1997;

Temporary Amendment Eff. April 1, 1997;

Temporary Amendment Eff. July 1, 1997.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, July 17, 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, July 14, 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: JULY 17, 1997

LOG OF FILINGS

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

AGENCY/DIVISION	RULE NAME	RULE	ACTION
DHR/DIVISION OF MEDICAL ASSISTANCE			
	Initial Interview	10 NCAC 50B .0202	Amend
	Income	10 NCAC 50B .0404	Amend
	Change in Situation	10 NCAC 50B .0409	Amend
JUSTICE/SBI/DIVISION OF CRIMINAL INFORMATION			
	Definitions	12 NCAC 4E .0104	Amend
	DCI Terminal Operator	12 NCAC 4E .0401	Amend
	Period of Suspension	12 NCAC 4E .0404	Adopt
	Minimum Standards	12 NCAC 4E .0405	Adopt
DEHNR/ENVIRONMENTAL MANAGEMENT COMMISSION			
	Conditions for Issuing	15A NCAC 2H .0225	Adopt
DEHNR/COMMISSION FOR HEALTH SERVICES			
	General	15A NCAC 13A .0101	Amend
TRANSPORTATION/DIVISION OF HIGHWAYS			
	Use of Right of Way Consultants	19A NCAC 2B .0164	Amend
	General Regulations	19A NCAC 2D .0415	Amend
NC HOUSING FINANCE AGENCY			
	Purpose	24 NCAC 1P .0101	Adopt
	Eligibility	24 NCAC 1P .0102	Adopt

RULES REVIEW COMMISSION

Types of Assistance	24 NCAC 1P .0103	Adopt
Application Procedures	24 NCAC 1P .0201	Adopt
Selection Procedure	24 NCAC 1P .0202	Adopt
Disbursement of Funds	24 NCAC 1P .0203	Adopt

RULES REVIEW OBJECTIONS**ADMINISTRATION****State Construction**

<i>1 NCAC 30G .0102 - Policy</i>	<i>RRC Objection</i>	<i>03/20/97</i>
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<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>
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<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>05/15/97</i>

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<i>2 NCAC 43F .0003 - Standards for Receptacles: Labeling; Etc. (Recodified to .0103)</i>	<i>RRC Objection</i>	<i>05/15/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>06/19/97</i>
<i>2 NCAC 43H .0007 - Special Requirements (Recodified to .0107)</i>	<i>RRC Objection</i>	<i>05/15/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>06/19/97</i>

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<i>10 NCAC 3R .3033 - Open Heart Surgery Services Need Determinations (Rev. Cat. H)</i>	<i>RRC Objection</i>	<i>01/16/97</i>
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<i>12 NCAC 9B .0102 - Background Investigation</i>	<i>RRC Objection</i>	<i>04/17/97</i>
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This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton
Sammie Chess Jr.
Beecher R. Gray

Meg Scott Phipps
Robert Roosevelt Reilly Jr.
Dolores O. Smith

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
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Alcoholic Beverage Control Comm. v. Paradise Landing, Inc.	97 ABC 0031	Gray	06/13/97	
DEPARTMENT OF CORRECTION				
David M. Boone v. Correction, Div. of Prison Admin. Remedy Procedure	97 DOC 0534	Morrison	06/16/97	
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES				
John Ronald Taylor v. Environment, Health, & Natural Resources	97 EHR 0275	Reilly	06/09/97	
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Kizzie Cooper v. DHR, Facility Svcs, Health Care Personnel Registry Sec.	97 DHR 0459	Phipps	06/09/97	
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David Lee Chamblee Jr. v. Department of Human Resources	96 CRA 1281	Morrison	06/16/97	
Charlie T. Smith v. Department of Human Resources	97 CRA 0280	Reilly	06/16/97	
Sarah Chambers v. Department of Human Resources	97 CSE 0278	Morrison	06/16/97	
Curtis Leon Mock v. Department of Human Resources	97 CSE 0490	Mann	06/17/97	
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Imran Ramnarine v. Department of Justice, Company Police Program	97 DOJ 2071	Becton	06/11/97	
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Charles Thomas Ohnmacht, Jr. v. Criml. Justice Ed./Training Stds. Comm.	96 DOJ 0353	Phipps	06/13/97	
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<i>Private Protective Services Board</i>				
Private Protective Services Board v. Phillip L. Hanson	96 DOJ 0795	Smith	06/05/97	
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Meridith Kirkpatrick, by her parent, Susan Kirkpatrick and Meridith Kirkpatrick, Individually v. Lenoir County Board of Education	96 EDC 0979	Overby	06/02/97	
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Morton Floyd v. New Hanover Department of Correction	97 OSP 0152	Gray	06/13/97	
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Diane Riggsbee-Raynor v. UNC at Chapel Hill	96 OSP 0326	Chess	06/04/97	12:01 NCR 39

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

**IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 OSP 0326**

DIANE RIGGSBEE-RAYNOR,
Petitioner,

v.

UNC-CH,
Respondent.

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RECOMMENDED DECISION

This matter came on for hearing before the Honorable Sammie Chess, Jr., Administrative Law Judge, Office of Administrative Hearings, on October 1, 2, 3, and 30, 1996 in Raleigh, NC.

APPEARANCES

FOR THE PETITIONER: Alan McSurley, Esq.
Mark Dorosin, Esq.
157 ½ E. Franklin St.
Chapel Hill, N.C. 27514

FOR THE RESPONDENT Anne Brown, Esq.
Tom Ziko, Esq.
NC Department of Justice
PO Box 629
Raleigh, N.C. 27602

ISSUES

- A. Did Respondent have just cause to dismiss Petitioner?
- B. Did Respondent discriminate against Petitioner because of her race when it dismissed Petitioner?
- C. Does Respondent's disciplinary policy regarding "misconduct" or its enforcement of that policy, which appears racially neutral, have a disparate impact on African-American employees?

Based on competent evidence admitted at the hearing, the undersigned Administrative Law Judge makes the following:

FINDINGS OF FACTS

- 1. Petitioner was employed at UNC-CH since September 1987. She was promoted from Paygrade 61 to 63 and transferred to an Administrative Assistant I, Position 34577, in the Plastic Surgery Division of the School of Medicine on September 12, 1994.
- 2. On September 16, 1994, Respondent's Department of Human Resources processed a "Commitment for Personnel Action" which stated that Petitioner had been "promoted to another department" and that she was placed in a "Supervisory Position."
- 3. The position into which Petitioner was promoted had been filled by a series of temporaries for some time. One such temporary, Kate O'Mara, had worked 98.3 hours over the two week period ending on September 4, 1994, and 54 hours for the one week period ending September 11, 1994.
- 4. When Petitioner came to work, she reported to the Division Director, Dr. Thomas Lawrence, who told her he expected her to work long hours.

5. Dr. Lawrence did not tell Petitioner she was exempt or non-exempt under the Wage and Hour Act. He told her that when she worked over eight hours on one day, or worked over 40 hours on one week, she should keep track of her time, and that she could take a comparable amount of time off later to make up for it.
6. Petitioner and another Division administrator, Michelle Sydnor, filled out their time cards every other Friday. One of them would take both time cards to Dr. Lawrence or, when he was not available, to Dr. A.G. Bevin, who had been the Division Director for many years, for their approval. Ms. Sydnor was exempt from the Wage and Hour Act.
7. All of the employees in the Division of Plastic Surgery during the time material to this case were white except Petitioner, who is African American.
8. During the first five months of Petitioner's new job, two division employees left for maternity leave.
9. The School of Medicine had recently instituted a centralized computerized billing system. Dr. Lawrence and Dr. Bevin had strongly opposed this new system. Petitioner was assigned to implement the new system.
10. Petitioner worked more than 40 hours practically every week for several months after she started her new job.
11. Dr. Lawrence knew that Petitioner would have to work overtime to get the new system operational.
12. Dr. Lawrence knew that Petitioner worked over 8 hours a day and over 40 hours per week, and that she turned in time sheets every two weeks which showed 40 hours a week. He and Dr. Bevin routinely signed off on her time sheets.
13. Dr. Lawrence approved Petitioner's taking time off, as straight time (hour for hour), for the extra hours she had worked.
14. The department was short of money to pay for overtime.
15. Petitioner asked Ms. Lynn Tapp, who worked as an administrator in the School of Medicine, what Petitioner should do about the amount of extra hours she was working. Ms. Tapp told her there would be no relief, and that Petitioner should keep track of the extra hours.
16. Based on Ms. Tapp's instructions, Petitioner kept track of the hours she was working on small note papers each week, and eventually transferred them to a spread sheet in her computer. Ms. Sydnor was aware of Petitioner's notes.
17. Ms. Tapp, Dr. Bevin, Dr. Lawrence, and Ms. Sydnor were aware that Petitioner was working in excess of forty hours practically every week.
18. Petitioner believed she was acting properly because of Dr. Lawrence's knowledge of her working overtime, his approval of her time cards, and his decision to give her straight time off to make up for the extra time worked.
19. The University, until January 1995, had a policy called "Budget Time Off" which provided that non-exempt employees who worked over 40 hours a week could take comparable time off within the same pay period.
20. "Budget Time Off" policy was eliminated in January, 1995. A new "compensatory time off" policy was instituted, providing that one and one-half times the amount time worked beyond 40 hours in a work week was owed the employee in compensatory time off.
21. Petitioner's department was short of money but Petitioner was expected to implement the new computerized billing system although it meant working overtime.
22. Dr. Lawrence moved to Massachusetts in July, 1995, and was replaced by Dr. Gerald Sloan.
23. On August 3, 1995, Petitioner requested of Dr. Sloan that she wished to take 16 hours of "no leave time" on September 7th and 8th, to attend the State Employees Association of North Carolina annual convention, and that she wished to take 40 hours of "no leave time" on the week of October 16 through October 20 for a week long vacation with her husband.

24. She informed Dr. Sloan that because of the many extra hours she had worked, these 40 hours were part of the comparable time owed to her.
25. Dr. Sloan had signed off on Petitioner's time sheets, and knew she had been working over 40 hours a week.
26. Dr. Sloan asked Petitioner whether her time sheets reflected the actual hours she worked.
27. She readily told him that her hours were often understated and that she worked many more hours than reported on her time sheet.
28. She told him that she had been directed to do so by Dr. Lawrence.
29. Petitioner explained to Dr. Sloan that Dr. Lawrence understood that amount of work she was being asked to do could not be completed in a 40 hour week.
30. She explained that Dr. Lawrence appreciated her willingness to do the additional work necessary, and that he had allowed her to take straight time off for the extra time she had worked.
31. Dr. Lawrence turned Petitioner's leave request over to Ms. Tapp, who worked in the School of Medicine.
32. Ms. Tapp asked Petitioner if she had any records to show how much extra time she had worked.
33. Petitioner immediately produced the spread sheet she had kept pursuant to Ms. Tapp's instruction to keep records of her extra time.
34. On August 31, 1995, Respondent authorized two days paid time off to each SEANC delegate attending the SEANC conference.
35. Petitioner went to the conference September 7 & 8, 1995.
36. Late in the afternoon of September 11, 1995, Respondent directed Petitioner to come to a "pre-disciplinary conference" the next morning at 8:30 a.m. because she "altered her work schedule" between "10/1/94 and 8/6/95" without advance approval of management;" and she had "falsified (your) time records by failing to accurately record all the hours you had worked."
37. Petitioner was given no time to prepare her response.
38. Petitioner called Dr. Lawrence at the Department of Surgery at the University of Massachusetts on September 12, 1995.
39. Dr. Lawrence faxed a letter to Ken Litowsky on September 13, 1995 at 8:21 A.M. Dr. Lawrence explained that he was "fully aware" that Petitioner was "frequently working late. . . . In addition to learning a new job, she was required to take on additional responsibilities as a result of a rearrangement in the billing system utilized for the Hand Management Center. She willfully stayed late in order to meet the needs of her position. She was aware of the precarious financial state of the division and therefore was taking time off on other occasions instead of putting overtime on her time sheet."
40. Petitioner told Dr. Bevin what she had been charged with and he sent a letter on September 12, 1995, in which he acknowledged that he signed several time sheets for Petitioner, and that he knew that Petitioner's job, particularly in the first period, "required much more than forty hours per week to accomplish." Dr. Bevin said he failed to see a basis for indicating that Petitioner "falsified" records, since "failure to do something, or even negligence, is quite different that falsification."
41. Petitioner was discharged on September 18, 1995.
42. The previous three numbered reasons for the recommendation for Petitioner's discipline were changed in the discharge letter.
43. The letter, signed by Ms. Tapp, stated the "pivotal issues" for discharging Petitioner were "the manner in which you handled documenting your time worked and your time not worked" and your "judgment as a manager, supervisor and employee

of the Department of Surgery."

44. Petitioner said; unequivocally, that Ms. Lynn Tapp, Administrative Manager of the Department of Surgery, told her to keep a record of her overtime.

45. Ms. Tapp says she does not recall ever telling Petitioner to keep a record of her overtime.

46. Not recalling ever telling someone something is different from an unequivocal statement that she "did not" tell Petitioner to work overtime and keep a record of her overtime.

47. Ms. Tapp says that she did not make any suggestions and Petitioner continued to work overtime.

48. Ms. Tapp says she did not disapprove of Petitioner working overtime, nor did she talk with Petitioner about how to handle the compensatory time or other, although she had a regular meeting with Petitioner on a monthly basis.

49. The Court observed the demeanor of Ms. Tapp on cross examination regarding whether she told Petitioner to keep a record of Petitioner's overtime.

50. The Court found Ms. Tapp to be evasive in responding to questions about "telling Petitioner to write down overtime worked."

51. The Court finds Petitioner to be the more credible in her testimony.

52. Petitioner was forthright in her testimony on direct and cross examination.

53. The Court finds that Petitioner worked overtime to "meet the operational needs of the Division."

54. The Court finds that Petitioner's supervisor knew and approved of her working overtime to get the new system implemented.

55. Respondent's supervising employees asserted lack of approval at this stage is disingenuous.

56. Although Respondent's supervisory employees signed off on Petitioner's time sheets, not one faced any disciplinary charge or even an assertion of "misconduct."

57. Although Mr. Litowsky went to great length to assist the 10 white employee in the Dental Department in retaining their positions, he made no such effort to assist or accommodate Petitioner who had the same or similar problems.

58. Mr. Litowsky helped in conducting Petitioner's "pre-disciplinary" conference.

59. Mr. Litowsky was later brought in to investigate possible abuses of Respondent's overtime policies at the UNC Dental School.

60. Ten employees at the Dental School had possibly worked extra hours and failed to report them.

61. The ten employees were white.

62. Mr. Litowsky investigated the Dental School by conducting interviews with the ten employees.

63. One employee, a manager like Petitioner who was not exempt from the Wage and Hour laws, kept a record of the hours she worked, and had several hours which she had not reported and Mr. Litowsky told a white Dental School employee the "number of hours" she failed to report on her time sheet were "not enough to get anyone in trouble."

64. Mr. Litowsky helped a second Dentistry employee recreate her records and to create a data sheet showing where she was owed overtime. He told the Director of Business and Finance at the School of Dentistry that, since this employee had taken time off on an hour-for-hour basis (just as Petitioner had done), Respondent owed this employee only the "1/2 portion" of the overtime, because she had already taken the "time portion."

65. Not one of the 10 white employees investigated by Mr. Litowsky was disciplined for not reporting their hours accurately on their time sheets.

66. To the contrary, Mr. Litowsky was very helpful and respectful throughout the process in helping them avoid the rules.

67. The Dental School investigation occurred from November, 1995 through April, 1996.

68. Petitioner appealed her dismissal at the agency, and she was denied the right to counsel because Respondent's Grievance Procedure bars attorney representation at that level.

69. Respondent and management consulted with Mr. Drake Maynard, a law school graduate, in the discharge and grievance procedure.

70. The Grievance Panel recommended that Petitioner be reinstated at the University.

71. The Chancellor rejected this recommendation, and he upheld the School of Medicine's discharge.

72. The School of Medicine nor Respondent University has ever dismissed an employee for filling out time sheets the way Petitioner did.

73. The Human Resources Department had no policy or procedure in place to ensure that disciplinary policies were being enforced in a standardized, consistent manner within the University.

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

CONCLUSIONS OF LAW

1. Petitioner was a permanent state employee subject to the State Personnel Act at the time of her dismissal. Because she alleged Respondent lacked just cause for her dismissal, the Office of Administrative Hearings has jurisdiction to hear her appeal and issue a Recommended Decision to the State Personnel Commission. 126-35, 126-37, 126-39, 150B 23, and 150B-36.

2. "The word 'falsify' may be used to convey two distinct meanings, either that of being intentionally or knowingly untrue, made with intent to defraud, or mistakenly and accidentally untrue." Washer v. Bank of American Nat. Trust & Savings Ass'n, 21 Cal.2d 822, 136 P. 2d 297,301.

3. Respondent amended its policies in January, 1995, adding the modifying adverb "knowingly" to its own policies regarding accurate reporting of time records. Respondent thus adopted expressly the definition of "with intent to defraud."

4. Petitioner did nothing with the intent to defraud Respondent. She kept records of the hours she worked, she asked for 40 hours of comparable time off because Respondent owed her at least this much, and she provided records of the extra time she worked. Petitioner did nothing to conceal the fact that she was working overtime. It was a fact well known by other employees and her supervisors.

5. Petitioner was held to a different standard than Respondent's white employees.

6. Respondent acted arbitrarily and capriciously when it did not follow its rules or the procedural requirements of G.S. 126-35, when it failed to list the specific reasons for dismissing Petitioner.

RECOMMENDED DECISION

Petitioner be reinstated to her former position, or a comparable one in accordance with 25 N.C.A.C. 1B .0428 and that she receive back pay in accordance with 25 N.C.A.C. 1B .0421 and all other benefits of continuous employment from September 12, 1995 until such time as she is reinstated. In addition, Petitioner is awarded reasonable attorney fees in an amount to be determined by the Commission after the submission of a Petition for Attorney fees accompanied by an affidavit and itemized accounting of the fees and other costs incurred.

ORDER

IT IS HEREBY ORDERED that the agency serve a copy of the final decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

1. 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 argument to those in the agency who will make the final decision. N.C. Gen. Stat. 150B-36(a) .

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

3. The agency making the final decision in this contested case is the State Personnel Commission.

This the 4th day of June, 1997.

Sammie Chess, Jr.
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
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27	NC State Bar	Osteopathic Examination & Reg. (Repealed)	44
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		Real Estate Appraisal Board	57
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Note: Title 21 contains the chapters of the various occupational licensing boards.

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(July 1997 - June 1998)

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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.

ADMINISTRATIVE HEARINGS

Rules Division

26 NCAC 02C 11:19 NCR 1413

ADMINISTRATION

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				11:30 NCR 2314	
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	*			11:30 NCR 2314	
1 NCAC 30G .0105	11:04 NCR 194	11:19 NCR 1414	S/L	Approve	05/15/97	*			11:26 NCR 2004	

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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 52A .0004	11:27 NCR 2053			Approve	01/16/97				11:22 NCR 1717	
2 NCAC 52A .0005	11:27 NCR 2053			Ext. Review	12/19/96	*				
2 NCAC 52A .0006	11:27 NCR 2053			Approve	01/16/97					
2 NCAC 52A .0007	11:27 NCR 2053			Ext. Review	12/19/96	*				
2 NCAC 52A .0008	11:27 NCR 2053			Approve	01/16/97					
2 NCAC 52A .0009	11:27 NCR 2053									

2 NCAC 52B .0212	11:14 NCR 1107	11:22 NCR 1709	*	Approve	05/15/97				11:30 NCR 2314	
2 NCAC 52B .0303	11:14 NCR 1107	11:22 NCR 1709	*	Approve	05/15/97				11:30 NCR 2314	
2 NCAC 52C .0701	11:14 NCR 1107	11:22 NCR 1709	*	Approve	05/15/97				11:30 NCR 2314	

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(July 1997 - June 1998)

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					Action	Date				
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 43I .0101	11:14 NCR 1107		11:22 NCR 1706	*	Approve	06/19/97	*		11:30 NCR 2314	
2 NCAC 43I .0007	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97				
2 NCAC 43L .0202	11:14 NCR 1107		11:22 NCR 1706	*	Object	05/15/97	*			
2 NCAC 43L .0401	11:14 NCR 1107		11:22 NCR 1706	*	Approve	06/19/97			11:30 NCR 2314	
2 NCAC 43L .0402	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 43L .0403	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 43L .0405	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97	*		11:30 NCR 2314	
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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	
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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								
AUCTIONEERS LICENSING BOARD										
21 NCAC 04B .0202	11:18 NCR 1368		11:28 NCR 2129	*						
COMMERCE										
4 NCAC 01E	11:09 NCR 569									
4 NCAC 01F	11:09 NCR 569									
4 NCAC 01I	11:09 NCR 569									
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01J	11:09 NCR 569									

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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		11:14 NCR 1113	*						
4 NCAC 19L .0901	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0906	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0907	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1002	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1004	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1009	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1011	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1301	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1302	11:09 NCR 569		11:14 NCR 1113	*						

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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	*						
State Ports Authority										
4 NCAC 13A.0101	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13A.0102	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13A.0105	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13A.0202	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13A.0203	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13A.0204	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13B.0001	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13B.0002	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13B.0003	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13B.0004	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13B.0005	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13C.0001	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13D.0101	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E.0101	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E.0102	10-24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				

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4 NCAC 13E .0103	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0201	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0202	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0301	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0302	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0401	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0402	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0403	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0404	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0405	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0501	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0502	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0601	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0602	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0603	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0701	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0702	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0801	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0803	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0901	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0902	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13F .0301	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13F .0302	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				

COMMUNITY COLLEGES

23 NCAC 01A .0001	11:18 NCR 1369	11:25 NCR 1919
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 .0305	11:18 NCR 1369	11:25 NCR 1919
23 NCAC 02C .0604	11:18 NCR 1369	11:25 NCR 1919

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23 NCAC 02C .0701	11:18 NCR 1369									
23 NCAC 02D .0103	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0201	11:18 NCR 1369	11:25 NCR 1919								
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 .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 Approve	01/16/97 02/20/97	*		11:24 NCR 1832	
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								

CRIME CONTROL & PUBLIC SAFETY

Governor's Crime Commission

14A NCAC 07 .0313 11:24 NCR 1818

CULTURAL RESOURCES

USS North Carolina Battleship Commission

7 NCAC 05 .0203 11:19 NCR 1436

DENTAL EXAMINERS

21 NCAC 16B .0303 11:20 NCR 1538
 21 NCAC 16I .0001 11:20 NCR 1538
 21 NCAC 16I .0002 11:20 NCR 1538

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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	*						
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 NCAC 01K	10:19 NCR 2506									
15A NCAC 01M .0101		11:19 NCR 1439								
15A NCAC 01M .0102		11:19 NCR 1439								
15A NCAC 01M .0201		11:19 NCR 1439								
15A NCAC 01M .0202		11:19 NCR 1439								
15A NCAC 01M .0301		11:19 NCR 1439								
15A NCAC 01M .0302		11:19 NCR 1439								
15A NCAC 01M .0303		11:19 NCR 1439								
15A NCAC 01M .0304		11:19 NCR 1439								
15A NCAC 01M .0305		11:19 NCR 1439								
15A NCAC 01M .0306		11:19 NCR 1439								
Coastal Resources Commission										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0106	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0201	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0202	11:22 NCR 1704		11:27 NCR 2058	*						

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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	11:15 NCR 1200	11:15 NCR 1226	11:27 NCR 2069	S						
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	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 07H .1104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1202	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1204	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1205	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1304	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1404	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1504	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1600	11:15 NCR 1200			*						
15A NCAC 07H .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	*						
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 07K .0203	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07M .0301	10:16B NCR 1921		11:11 NCR 907	*						

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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	*			
					Approve	02/20/97	*		11:24 NCR 1832	
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		11:30 NCR 2303	*						
15A NCAC 02B .0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0224	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0230	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824	L/S/E						
			11:14 NCR 1136							
15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824	L						
			11:14 NCR 1136							
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L						
			11:14 NCR 1136							

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15A NCAC 02B .0234	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0235	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0236	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0303	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0304	11:24 NCR 1818		12:01 NCR 6	*						
15A NCAC 02B .0304	11:26 NCR 1976		12:01 NCR 6	S						
15A NCAC 02B .0304	11:26 NCR 1984		12:01 NCR 6	S						
15A NCAC 02B .0305	11:20 NCR 1534									
15A NCAC 02B .0306	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0306	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0307	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0307	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0308	11:20 NCR 1534		11:28 NCR 2121	*						
15A NCAC 02B .0308	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0308	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0309	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0309	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0311	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0311	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0313	11:24 NCR 1818									
15A NCAC 02B .0313	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0313	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0315	11:24 NCR 1818									
15A NCAC 02B .0316	11:20 NCR 1534									
15A NCAC 02B .0316	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0316	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0317	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0317	11:26 NCR 1984		12:01 NCR 6	*						

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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	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									
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	11:19 NCR 1408									
15A NCAC 02D .0909	11:19 NCR 1408									
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 .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									

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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	11:15 NCR 1200									
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 .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 .1500	11:19 NCR 1408		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
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									
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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	11:19 NCR 1408									
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 .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								
15A NCAC 02R .0502		11:27 NCR 2075								
15A NCAC 02R .0503		11:27 NCR 2075								
15A NCAC 02R .0504		11:27 NCR 2075								
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	

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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	*						
15A NCAC 13B.1800	11:08 NCR 442									
15A NCAC 13B.1800	11:26 NCR 1976									
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A.0134	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A.0168	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	
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.0183	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.0187	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A.0301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A.0421	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A.0614	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A.0618	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A.0621	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A.0901	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A.1301	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A.1319	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A.1937	11:19 NCR 1408	11:20 NCR 1561	11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A.1938	11:19 NCR 1408	11:20 NCR 1561	11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
			11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	

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15A NCAC 18A.1958	11:19 NCR 1408	11:20 NCR 1561								
15A NCAC 18A.1961	11:19 NCR 1408	11:20 NCR 1561								
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 19C.0801		12:01 NCR 31								
15A NCAC 19C.0802		12:01 NCR 31								
15A NCAC 19C.0803		12:01 NCR 31								
15A NCAC 211.0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 211.0101		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 24A.0202		12:01 NCR 31								
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 031.0117	11:26 NCR 1976	11:26 NCR 2000								
15A NCAC 031.0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 031.0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03M.0204		11:14 NCR 1153	11:18 NCR 1371	*	Approve	04/17/97			11:29 NCR 2211	

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15A NCAC 03M .0503		11:18 NCR 1383	11:26 NCR 1988	*						
15A NCAC 03M .0506		11:18 NCR 1383	11:26 NCR 1988	*						
15A NCAC 03M .0507		11:11 NCR 938	11:26 NCR 1988	*						
15A NCAC 03M .0514		11:18 NCR 1383	11:26 NCR 1088	*						
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						
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	*						

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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 .0208	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10C .0107	11:02 NCR 76									
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 10F .0300	11:01 NCR 13									
15A NCAC 10F .0302	11:05 NCR 272		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
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 .0311	12:01 NCR 5									
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 .0333	12:01 NCR 5									
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 .0355	11:25 NCR 1905		12:01 NCR 18	*						
15A NCAC 10F .0360	12:01 NCR 5									
15A NCAC 10F .0367	11:16 NCR 1269									
15A NCAC 10G	11:01 NCR 13									
15A NCAC 10G .0100	11:02 NCR 76									

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12:01 NCR 4

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21 NCAC 12 .0202	11:24 NCR 1828
21 NCAC 12 .0204	11:28 NCR 2117
21 NCAC 12 .0503	11:28 NCR 2117

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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
 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

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24 NCAC 01P .0101 11:14 NCR 1154 11:28 NCR 2132 S
 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
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10 NCAC 01B 11:23 NCR 1779

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10 NCAC 22 10:23 NCR 2956

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10 NCAC 03U .0302 11:24 NCR 1817

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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									
10 NCAC 03U .0604	11:24 NCR 1817		11:09 NCR 571	*	Approve	03/20/97			11:26 NCR 2004	
10 NCAC 03U .0700	11:08 NCR 449									
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 .0714	11:24 NCR 1817									
10 NCAC 03U .0802	11:24 NCR 1817									
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									
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10 NCAC 03	10:18 NCR 2399									12:01 NCR 2
10 NCAC 03R .3000	11:23 NCR 1780									
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10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Object Approve	11/21/96 03/20/97	*			
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE			*			
10 NCAC 03R .3030	10:21 NCR 2699		11:08 NCR 452	S/L/SE	Object Approve	10/17/96 11/21/96 03/20/97	*		11:26 NCR 2004	
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE			*			11:11 NCR 888
10 NCAC 03R .3033		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object Return to agency	01/16/97 03/20/97	*			
10 NCAC 03R .3034	10:21 NCR 2699		11:08 NCR 452	S/L/SE	Object Return to agency	01/16/97 03/20/97	*			
10 NCAC 03R .3035	10:21 NCR 2699		11:08 NCR 452	S/L/SE	Object Return to agency	01/16/97 03/20/97	*			
10 NCAC 03R .3036	10:21 NCR 2699		11:08 NCR 452	S/L/SE	Object Return to agency	01/16/97 03/20/97	*			
10 NCAC 03R .3037	10:21 NCR 2699		11:08 NCR 452	S/L/SE	Object Return to agency	01/16/97 03/20/97	*			
10 NCAC 03R .3038	10:21 NCR 2699		11:08 NCR 452	S/L/SE	Object Return to agency	01/16/97 03/20/97	*			
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE			*			
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE			*			
10 NCAC 03R .3051		11:21 NCR 1655								
10 NCAC 03R .3052	11:21 NCR 1655									
10 NCAC 03R .3053	11:21 NCR 1655									
10 NCAC 03R .3053	11:22 NCR 1713									
10 NCAC 03R .3054	11:21 NCR 1655									
10 NCAC 03R .3055	11:21 NCR 1655									
10 NCAC 03R .3056	11:21 NCR 1655									
10 NCAC 03R .3057	11:21 NCR 1655									
10 NCAC 03R .3058	11:21 NCR 1655									
10 NCAC 03R .3059	11:21 NCR 1655									
10 NCAC 03R .3060	11:21 NCR 1655									
10 NCAC 03R .3061	11:21 NCR 1655									

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10 NCAC 03R .3062		11:21 NCR 1655								
10 NCAC 03R .3063		11:21 NCR 1655								
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								
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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										
10 NCAC 26B .0113	10:16 NCR 1721		11:28 NCR 2118	S/L						

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					Action	Date				
10 NCAC 26B .0123		11:19 NCR 1436	11:24 NCR 1824	*	Approve	06/19/97	*			
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	*		11:30 NCR 2314	
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	10:21 NCR 2686									
10 NCAC 26H .0506		11:19 NCR 1438	11:29 NCR 2205	S/L/SE						
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	*						
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									
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	*						

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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									
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .3402	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97			11:30 NCR 2314	
			11:24 NCR 1822	*	Approve	05/15/97	*			
10 NCAC 14V .3803	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97	*		11:30 NCR 2314	
			11:24 NCR 1822	*	Approve	05/15/97				
10 NCAC 14V .5602	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97			11:30 NCR 2314	
			11:24 NCR 1822	*	Approve	05/15/97				
10 NCAC 14V .7006		12:01 NCR 31								
10 NCAC 14V .7101	11:30 NCR 2300									

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					Action	Date				
10 NCAC 14V .7102	11:30 NCR 2300		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 14V .7103	11:30 NCR 2300		11:24 NCR 1822	*	Approve	05/15/97			11:30 NCR 2314	
10 NCAC 14V .7104	11:30 NCR 2300		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 14V .7105	11:30 NCR 2300		11:24 NCR 1822	*	Approve	05/15/97			11:30 NCR 2314	
10 NCAC 15A .0128	11:08 NCR 449		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 15A .0129	11:08 NCR 449		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0201	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0202	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
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	*			
10 NCAC 18W .0206	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
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	Approve	01/16/97	*			
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
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	Approve	01/16/97	*			
10 NCAC 18W .0216	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0218	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 45H .0200	11:08 NCR 449		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 45H .0203	11:08 NCR 449		11:14 NCR 1124	S	Approve	01/16/97	*			
		11:29 NCR 2208	11:29 NCR 2208	*						

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					Action	Date				
Social Services Commission										
10 NCAC 35E .0101		11:16 NCR 1288	11:30 NCR 2301	*						
10 NCAC 35E .0105		11:16 NCR 1288	11:30 NCR 2301	*						
10 NCAC 35E .0106		11:16 NCR 1288	11:30 NCR 2301	*						
10 NCAC 35E .0308		11:16 NCR 1288	11:30 NCR 2301	*						
10 NCAC 411 .0100	10:17 NCR 2228									
10 NCAC 411 .0102	10:17 NCR 2228			*						
10 NCAC 42J .0001		11:16 NCR 1288	11:30 NCR 2301	*						
10 NCAC 42J .0004		11:16 NCR 1288	11:30 NCR 2301	*						
10 NCAC 42J .0005		11:16 NCR 1288	11:30 NCR 2301	*						
INSURANCE										
N.C. Home Inspector Licensure Board										
11 NCAC 08 .1001		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				11:27 NCR 2049
			11:25 NCR 1906	*		Approve	06/19/97			Temp Filed over obj
11 NCAC 08 .1002		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1003		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1004		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1005		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1006		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1007		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1008		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1009		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1010		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1011		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1101		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1102		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj
			11:25 NCR 1906	*		Approve	06/19/97			
11 NCAC 08 .1103		11:15 NCR 1212	11:19 NCR 1416	*		Agency Withdrew 03/97				Temp Filed over obj

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11 NCAC 08 .1104		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1105		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97		*			
11 NCAC 08 .1106		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1107		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1108		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1109		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1110		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1111		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1112		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1113		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1114		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1115		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1116		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1201		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1202		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1203		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1204		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1205		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1206		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1207		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1208		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdrawn 03/97					
11 NCAC 08 .1209		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
			11:19 NCR 1416	*	Agency withdraw 03/97					

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11 NCAC 10 .0602		11:15 NCR 1223	11:25 NCR 1906	*	Approve	06/19/97			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	
JUSTICE										
Alarm Systems Licensing Board										
12 NCAC 11	11:30 NCR 2300									
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	*		11:30 NCR 2314	
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	
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									

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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			11:30 NCR 2314	
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	*						
12 NCAC 04E .0405	11:17 NCR 1336		11:22 NCR 1710	*						
LABOR										
Boiler & Pressure Vessel										
13 NCAC 13 .0213		11:25 NCR 1918								
Occupational Safety and Health										
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	11:24 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									

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					Action	Date				
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									
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	11:26 NCR 1986									
21 NCAC 32O	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 Approve	03/20/97 04/17/97	*		11:29 NCR 2211	
21 NCAC 36 .0601	12:01 NCR 5									
21 NCAC 36 .0602	12:01 NCR 5									
21 NCAC 36 .0603	12:01 NCR 5									
21 NCAC 36 .0604	12:01 NCR 5									
21 NCAC 36 .0605	12:01 NCR 5									
21 NCAC 36 .0606	12:01 NCR 5									
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	*						

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					Action	Date				

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	*						

PUBLIC EDUCATION

16 NCAC 06C .0307			12:01 NCR 18	*						
16 NCAC 06C .0310			12:01 NCR 18	*						
16 NCAC 06D .0103			12:01 NCR 18	*						
16 NCAC 06D .0301			12:01 NCR 18	*						
16 NCAC 06D .0303			12:01 NCR 18	*						
16 NCAC 06D .0305			12:01 NCR 18	*						
16 NCAC 06D .0306			12:01 NCR 18	*						
16 NCAC 06G .0304			12:01 NCR 18	S						
16 NCAC 06G .0305			12:01 NCR 18	*						
16 NCAC 06G .0306			12:01 NCR 18	*						
16 NCAC 06G .0307			12:01 NCR 18	S						
16 NCAC 06G .0308			12:01 NCR 18	S						
16 NCAC 06G .0309			12:01 NCR 18	S						
16 NCAC 06G .0401			12:01 NCR 18	*						
16 NCAC 06G .0402			12:01 NCR 18	*						
16 NCAC 06G .0403			12:01 NCR 18	*						
16 NCAC 06G .0404			12:01 NCR 18	*						

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REAL ESTATE COMMISSION

21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96	*			
					Approve	01/16/97			11:22 NCR 1717	
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96	*			
					Approve	01/16/97			11:22 NCR 1717	
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96	*			
					Approve	01/16/97			11:22 NCR 1717	

REVENUE

17 NCAC 01C .0506			11:10 NCR 838	*	Approve	01/16/97	*			11:22 NCR 1717
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SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

21 NCAC 64 .0303	11:23 NCR 1780									
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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	*						
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	*						

TRANSPORTATION

Highways, Division of

19A NCAC 02B .0164	11:20 NCR 1537			*						
19A NCAC 02B .0242	11:26 NCR 1986		11:26 NCR 1991	*						

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					Action	Date				
19A NCAC 02B .0303	11:26 NCR 1986									
19A NCAC 02D .0415	11:20 NCR 1537		11:26 NCR 2004	*						
Motor Vehicles, Division of										
19A NCAC 031 .0100	11:19 NCR 1413									
19A NCAC 031 .0200	11:19 NCR 1413									
19A NCAC 031 .0300	11:19 NCR 1413									
19A NCAC 031 .0400	11:19 NCR 1413									
19A NCAC 031 .0500	11:19 NCR 1413									
19A NCAC 031 .0600	11:19 NCR 1413									
19A NCAC 031 .0700	11:19 NCR 1413									
19A NCAC 031 .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	*		11:26 NCR 2004	
19A NCAC 03J .0308	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*		11:26 NCR 2004	
19A NCAC 03J .0601	11:11 NCR 882		11:17 NCR 1340	*	Object	03/20/97	*		11:24 NCR 1832	

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Solid Waste Management	215 15 311	\$50.00

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