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NORTH CAROLINA REGISTER

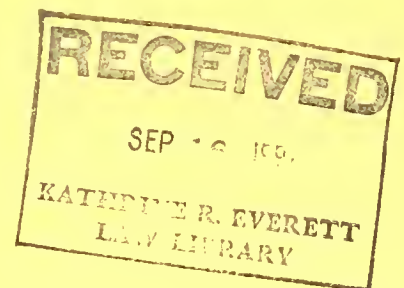
**VOLUME 12 • ISSUE 6 • Pages 443 - 504
September 15, 1997**

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Agriculture
Cosmetic Art Examiners, Board of
Cultural Resources
Environment, Health, and Natural Resources
Human Resources
Nursing, Board of
Optometry, Board of Examiners
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

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NORTH CAROLINA REGISTER



Volume 12, Issue 6
Pages 443 - 504

September 15, 1997

This issue contains documents officially filed
through August 22, 1997.

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NORTH CAROLINA REGISTER
Publication Schedule
 (August 1997 - May 1998)

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	NOTICE OF RULE-MAKING PROCEEDINGS		earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact		
			60 th day	earliest register issue for publication of text		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
12:03	08/01/97	07/11/97	09/30/97	10/01/97	08/18/97	09/02/97	09/22/97	05/11/98	09/30/97	10/20/97	05/11/98
12:04	08/15/97	07/25/97	10/14/97	10/15/97	09/02/97	09/15/97	09/22/97	05/11/98	10/14/97	10/20/97	05/11/98
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EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ol style="list-style-type: none"> (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>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>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>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p> <p>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.</p>

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

ABBREVIATED NOTICE OF TEMPORARY RULE-MAKING

DIVISION OF FACILITY SERVICES

This is an Abbreviated Notice to inform interested persons that the Division of Facility Services plans to adopt temporary rules to incorporate need determinations and policies from the 1998 State Medical Facilities Plan ("SMFP") once it is approved by the Governor. Prior to his review and approval of the Plan, the Governor will receive recommendations from the State Health Coordinating Council ("SHCC"). The SHCC will review petitions and public comments on the Draft 1998 SMFP and finalize its recommendations at its next scheduled meeting on Wednesday, September 24, 1997, 10:00 AM - 12:00 Noon, Jane S. McKimmon Center at the corner of Gorman Street and Western Boulevard, Raleigh, North Carolina.

Any questions should be directed to Jackie Sheppard, APA Coordinator, DHHS , Division of Facility Services, P.O. Box 29530, Raleigh, NC 27626.

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 7 - DEPARTMENT OF CULTURAL RESOURCES

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

Notice of Rule-making Proceedings is hereby given by the North Carolina Historical 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: 7 NCAC 4R - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 105-130.42(b)(2); G.S. 105-151.23(b)(2)

Statement of the Subject Matter: The rules shall govern the certification by the State Historic Preservation Officer of historic structures and the certification of the rehabilitation of historic structures. The certifications are required, under the above-cited statutory authority, in order for taxpayers to obtain an income tax credit for expenditures to rehabilitate nonincome-producing historic structures. The intent of the North Carolina Historical Commission is to adopt these rules as temporary rules effective January 1, 1998.

Reason for Proposed Action: The rule-making is necessary in order to implement the above-cited statutory authority pursuant to amendments contained in S.L. 1997-139. S.L. 1997-139 created a thirty percent tax credit for taxpayers who rehabilitate nonincome-producing historic structures.

Comment Procedures: Written comments regarding this rule-making should be sent to: David Brook, Administrator, State Historic Preservation Office, N.C. Department of Cultural Resources, 109 East Jones Street, Raleigh, NC 27601-2807.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

CHAPTER 26 - MEDICAL ASSISTANCE

Notice of Rule-making Proceedings is hereby given by the DHR - Division of Medical Assistance in accordance with

G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 10 NCAC 26D .0010; 26K .0006; 26M .0201 - .0203; proposed adoption of 10 NCAC 26M .0204 - MEMBER COMPOSITION, 10 NCAC 50A .0604; 50B .0202. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 108A-25(b); 108A-54; S.L. 1991, c. 689, s. 93(h); 42 C.F.R. 431.625; 42 C.F.R. 433.32; 42 C.F.R. 433, Subpart D; 42 C.F.R. 435.905; 42 C.F.R. 447.15; Soc. Sec. Act 1903(b)(1).

Statement of the Subject Matter:

10 NCAC 26D .0010 - Assures coordination of benefits for individuals who are entitled to both Title XVIII and Title XIX.
10 NCAC 26K .0006 - Lists conditions for which providers can bill Medicaid recipients.

10 NCAC 26M .0200 - Prescribe procedures for Health Maintenance Organizations (HMOs) to contract with the Division of Medical Assistance to provide and coordinate medical services for certain Medical eligibles.

10 NCAC 50A .0604 - Lists State and county financial responsibility for errors in Medicaid cases.

10 NCAC 50B .0202 - Explains the application process; the client's rights and responsibilities; the programs of public assistance; and the eligibility conditions.

Reason for Proposed Action:

10 NCAC 26D .0010; 26K .0006; 50A .0604; 50B .0202 - These rules are being challenged and appear to be inadequate for ensuring that the Medicaid program does not pay for medical expenses that could be paid by Medicare. Federal financial participation cannot be claimed for expenditures paid by Medicaid when Medicare is available as the primary payer. These changes will strengthen the authority of the Medicaid program to require a person to make a Medicare application as a condition for payment of a claim. State will be payer of last resort. Medicare will be primary payer.

10 NCAC 26M .0201 - .0204 - These proposed changes will more clearly describe the Department's HMO/risk contracting programs. Procedures for contracting with DMA and coverage issues, including recipient categories that are eligible for enrollment, geographic areas where programs may operate and services that are covered, are addressed in more detail.

Comment Procedures: *Written comments concerning this rule-making action must be submitted by December 1, 1997 to Portia Rochelle, Rule-making Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.*

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

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10B .0100 - .0400. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-270, 113-276, 113-291

Statement of the Subject Matter: 10B .0100 - General Regulations, 10B .0200 - Hunting, 10B .0300 - Trapping, 10B .0400 - Tagging Furs.

Reason for Proposed Action: Set seasons and bag limits; regulate trapping, tagging of furs, and sale of wildlife.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0101 - .0111. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-132, 113-138, 113-292

Statement of the Subject Matter: Jurisdiction Of Agencies: Classification Of Waters.

Reason for Proposed Action: To set out jurisdiction and regulation of inland and coastal waters and specific species therein.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0107. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-132, 113-138, 113-292

Statement of the Subject Matter: Special Regulations: Joint Waters.

Reason for Proposed Action: To designate areas of jurisdiction and regulation of species in joint waters.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0203. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-275, 113-304

Statement of the Subject Matter: Reciprocal License Agreements.

Reason for Proposed Action: *To amend/set regulations for reciprocal fishing license agreements.*

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0205. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-272, 113-292

Statement of the Subject Matter: *Public Mountain Trout Waters.*

Reason for Proposed Action: *To designate/classify public mountain trout waters.*

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0206. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-272, 113-292

Statement of the Subject Matter: *Trotlines And Set-Hooks.*

Reason for Proposed Action: *To regulate/restrict use of trotlines and set hooks.*

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0211. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-292

Statement of the Subject Matter: *Possession Of Certain Fishes.*

Reason for Proposed Action: *To regulate/restrict use of certain fish.*

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0212. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-264, 113-292

Statement of the Subject Matter: *Fish Hatcheries.*

Reason for Proposed Action: *To regulate/restrict activities at fish hatcheries.*

Comment Procedures: *The record will be open for receipt of written comments from September 15, 1997 - November 15, 1997. Such written comments must be delivered or mailed to*

the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0215. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-267

Statement of the Subject Matter: Replacement Costs Of Wildlife Resources - Fish.

Reason for Proposed Action: To define, describe and set replacement costs for species of fish.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0302. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-273, 113-292, 113-302

Statement of the Subject Matter: Manner Of Taking Inland Game Fishes.

Reason for Proposed Action: To Set Out Permitted Methods Of Taking Inland Game Fishes.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0304. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-135, 113-292

Statement of the Subject Matter: Taking And Possession Of Inland Game Fishes.

Reason for Proposed Action: To regulate/restrict taking of inland game fishes.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0305. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-292, 113-304, 113-305

Statement of the Subject Matter: Open Seasons: Creel And Size Limits.

Reason for Proposed Action: To set creel and size limits for designated fishes.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0401. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-272, 113-292

Statement of the Subject Matter: *Manner Of Taking Nongame Fishes: Purchase And Sale.*

Reason for Proposed Action: *To regulate/restrict the taking and sale of nongame fishes.*

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0402. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-135, 113-272, 113-292

Statement of the Subject Matter: *Taking Bait Fishes And Fish Bait.*

Reason for Proposed Action: *To regulate/restrict taking of bait fishes and fish bait.*

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0404. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-272, 113-276, 113-292

Statement of the Subject Matter: *Special Device Fishing.*

Reason for Proposed Action: *To regulate/restrict the use of special fishing devices.*

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10C .0407. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-272, 113-276, 113-292

Statement of the Subject Matter: *Permitted Special Devices And Open Seasons.*

Reason for Proposed Action: *To set seasons for use of special fishing devices.*

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

Notice of Rule-making Proceedings is hereby given by the North Carolina Wildlife Commission in accordance with

G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10D .0001 - .0400. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-306

Statement of the Subject Matter: Game Lands Regulations

Reason for Proposed Action: Amend rules to set seasons and regulate manner of hunting and fishing on game lands.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10D .0004. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-264, 113-272, 113-292, 113-305

Statement of the Subject Matter: Fishing On Game Lands.

Reason for Proposed Action: To regulate/restrict fishing on game lands.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10E .0001. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-264, 113-305

Statement of the Subject Matter: Definition Of Fishing And Boating Access Areas.

Reason for Proposed Action: To define fishing, boating and access areas.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10E .0002. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-264, 150B-2(8)(a)

Statement of the Subject Matter: Regulations Posted.

Reason for Proposed Action: To amend rules regarding posting of regulations at fishing and boating access areas.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10E .0003. Other rules may be proposed in the

course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-264

Statement of the Subject Matter: Signs and Markers.

Reason for Proposed Action: To amend rules regarding posting and markers regulating use of fishing and boating access areas.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10E .0004. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-264, 75A-14

Statement of the Subject Matter: Use Of Areas Regulated.

Reason for Proposed Action: Regulate/restrict use of fishing and boating access areas.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10F .0100 ET SEQ. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 75A-3, 75A-5, 75A-7,

75A-19, CFR 174.17

Statement of the Subject Matter: Motorboat Registration.

Reason for Proposed Action: To amend rules to comply with new vessel registration procedures.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10F .0318. 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: Local Water Safety Regulations: Warren County.

Reason for Proposed Action: To restrict boat speeds in congested area.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10F .0345. 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: Local Water Safety Regulations: Wake and Chatham Counties.

Reason for Proposed Action: *To restrict boat speeds in congested area.*

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

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

Citation to Existing Rules Affected by this Rule-Making: *15A NCAC 10F .0347. 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: *Local Water Safety Regulations: Craven County.*

Reason for Proposed Action: *To restrict boat access and establish swimming area.*

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

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

Citation to Existing Rules Affected by this Rule-Making: *15A NCAC 10G .0400 ET SEQ. Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 113-134, 113-273, 113-276, 113-291, 113-305*

Statement of the Subject Matter: *Wildlife Service Agents.*

Reason for Proposed Action: *To amend rules to comply with new vessel service agent procedures and requirements.*

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

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

Citation to Existing Rules Affected by this Rule-Making: *15A NCAC 10H .0100. Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 113-134, 113-273*

Statement of the Subject Matter: *Controlled Hunting Preserves For Domestically Raised Game Birds.*

Reason for Proposed Action: *To regulate operation and licensing of controlled hunting preserves for domestically raised game birds.*

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

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

Citation to Existing Rules Affected by this Rule-Making: *15A NCAC 10H .0300. Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 113-134, 113-292*

Statement of the Subject Matter: *Holding Wildlife In Captivity.*

Reason for Proposed Action: *To regulate standards and conditions for holding wildlife in captivity.*

Comment Procedures: *The record will be open for receipt of written comments from September 15, 1997 - November 15,*

1997. Such written comments must be delivered or mailed to the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10H .0800. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-227; 50 CFR 21.28, 21.29

Statement of the Subject Matter: Falconry.

Reason for Proposed Action: To regulate requirements, facilities and conditions required.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10H .0900. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 106-549.94, 113-273; 50 CFR Part 21

Statement of the Subject Matter: Game Bird Propagators.

Reason for Proposed Action: To regulate requirements, facilities and conditions for propagation of game birds.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10H .1000. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 273

Statement of the Subject Matter: Taxidermy.

Reason for Proposed Action: To regulate requirements, facilities and conditions for taxidermy.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10H .1100. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 273

Statement of the Subject Matter: Furbearer Propagation.

Reason for Proposed Action: To regulate requirements, facilities and conditions for furbearer propagation.

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

Notice of Rule-making Proceedings is hereby given by the North Carolina Wildlife Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the

Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10H .1200. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 273

Statement of the Subject Matter: Controlled Fox Hunting Preserves

Reason for Proposed Action: To regulate requirements, facilities and conditions for controlled fox hunting preserves.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10I .0001 - .0005. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 291, 292, 333

Statement of the Subject Matter: Endangered and Threatened Species.

Reason for Proposed Action: To regulate and list species that are endangered, threatened, and of special concern.

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

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

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 10J .0001 - .0004. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134, 113-306

Statement of the Subject Matter: Wildlife Conservation Area Regulations.

Reason for Proposed Action: To regulate use of Wildlife Conservation Areas.

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

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 14 - BOARD OF COSMETIC ART EXAMINERS

Notice of Rule-making Proceedings is hereby given by the North Carolina State Board of Cosmetic Art Examiners 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 14G .0101, .0103, .0107, .0113; 14H .0113, .0119; 14I .0104, .0105, .0107, .0109; 14J .0401; 14J .0102, .0103 - .0105, .0202, .0204 - .0206, .0303, .0306, .0307, .0401 - .0404, .0501; 14K .0101, .0103; 14L .0101, .0105, .0108, .0214; 14N .0105, .0107, .0108, .0113. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 88-23

Statement of the Subject Matter: Rules for teaching cosmetology in an approved beauty school.

Reason for Proposed Action: The Board intends to amend its rules to bring practices up to date.

Comment Procedures: Written comments concerning this rule-making action must be submitted to Dee Williams, Rule-Making Coordinator, N.C. State Board of Cosmetic Art Examiners, 1110 Navaho Dr., Suite 500, Raleigh, NC 27609.

CHAPTER 42 - BOARD OF EXAMINERS IN OPTOMETRY

Notice of Rule-making Proceedings is hereby given by the North Carolina Board of Examiners in Optometry 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 42. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 90-121.2; 90-127.4

Statement of the Subject Matter: The Board of Examiners in Optometry proposes to adopt rules governing peer review

agreements with the North Carolina State Optometric Society. The rules will set general parameters for such agreements, consistent with the provisions of G.S. 90-127.4, as enacted by the North Carolina General Assembly in S.L. 1997-75.

Reason for Proposed Action: To provide for the establishment of a peer review program to assist the Board of Examiners in Optometry in upholding and improving the quality of optometric care provided to the people of North Carolina.

Comment Procedures: Persons interested may direct written comments to the North Carolina Board of Examiners in Optometry, 109 N. Graham Street, Wallace, NC 28466.

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 2 - DEPARTMENT OF AGRICULTURE

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Structural Pest Control Committee intends to amend rules cited as 2 NCAC 34 .0503, .0602, .0604 - .0605. Notice of Rule-making Proceedings was published in the Register on February 3, 1997.

Proposed Effective Date: July 1, 1998

Instructions on How to Demand a Public Hearing (*must be requested in writing within 15 days of notice*): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than October 1, 1997, to Carl E. Falco, Secretary, North Carolina Structural Pest Control Committee, PO Box 27647, Raleigh, NC 27611.

Reason for Proposed Action: To provide for regulation of termite bait products used by pest control licensees.

Comment Procedures: Comments may be submitted in writing no later than October 15, 1997, to Carl E. Falco, Secretary, North Carolina Structural Pest Control Committee, PO Box 27647, Raleigh, NC 27611.

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

CHAPTER 34 - STRUCTURAL PEST CONTROL DIVISION

SECTION .0500 - WOOD-DESTROYING INSECTS

.0503 SUBTERRANEAN TERMITE CONTROL: BUILDINGS AFTER CONSTRUCTED

(a) Basement or Crawl-Space Construction:

- (1) Access openings shall be provided to permit inspection of all basement and crawl-space areas of a building and all open porches.
- (2) Clean up and remove all wood debris and cellulose material, such as wood, paper, cloth, etc., contacting soil in all crawl-space areas. This excludes shavings or other cellulose material too small to be raked with the tines of an ordinary garden rake. Remove all visible stumps from all crawl-space areas. Remove all visible form boards in contact with soil.
- (3) Remove all earth which is within 12 inches of the bottom edges of floor joists or within eight inches of

the bottom edges of subsills or supporting girders, but not below footings of foundation walls. If foundation footings are less than 12 inches below the bottom edges of joists or subsills or supporting girders, a bank of soil 12 inches to 18 inches wide shall be left adjacent to footings for the purpose of support. Clearance shall be adequate to provide passage of a man to all crawl-space areas of a building.

- (4) All visible termite tubes or tunnels on pillars, pilasters, foundation walls, chimneys, step buttresses, sills, pipes, and other structures below the sill line shall be removed.
- (5) Eliminate all wooden parts between the building and soil, both outside and inside, except those which appear to be pressure treated:
 - (A) No wood of any access opening shall be in contact with the soil.
 - (B) Where wood parts such as door frames, partition walls, posts, stair carriages or other wood parts can be reasonably ascertained to be making direct soil contact through concrete or where there is evidence of termite activity or damage they shall be cut off above the ground or floor level, and the wood removed from the concrete; and the hole shall be filled with concrete or covered with a metal plate, after the point of contact has been treated with a termiticide.
 - (C) Where wood parts such as vertical wood supports or other wood parts under a building or steps outside a building are not resting on solid masonry or concrete bases extending at least two inches above the soil surface or are in direct soil contact and such supports or steps are not removed, the supports and steps shall be cut off and set on a solid masonry or concrete footing extending at least two inches above the ground after the point of contact has been treated with a termiticide.
 - (D) When wood skirting and lattice work are suspended, there shall be at least a two-inch clearance between the top of the soil and the bottom edges of the wood skirting or lattice work. If the two-inch clearance is not acceptable to the property owner, it may be closed with solid masonry or concrete but a minimum clearance of one-fourth of one inch shall be provided between the masonry and wood.

- (E) Where wood fence posts are making contact with the soil and any part of a building and such posts are not removed, a minimum clearance of one-fourth of one inch shall be provided between the posts and the building part; a continuous, non-corrosive, sheet metal barrier, extending two inches beyond each side of the post(s), may be substituted for the clearance. If the fence has wood railings, alteration(s) of the fence post against the building will not suffice.
- (F) Where houses or decks are built on pressure treated wood pilings, pillars or all-weather wood foundations, such pilings, pillars and wood foundation members, including wood step supports, shall not be subject to Rule .0503(a)(5)(A), (B) or (C).
- (6) Drill and treat all voids in multiple masonry foundation and bearing walls and all voids created by their placement. Porch foundation walls shall be drilled to a distance of three feet from the main foundation wall and the point of contact with any wooden members.
 - (A) The distance between drill holes shall not exceed 16 lineal inches and holes shall be no more than 16 inches above the footing or immediately above the lowest soil level whichever is closest to the footing.
 - (B) The drilling of voids in four inch thick hollow structural block shall not be required under this Rule.
 - (C) Test drill the main foundation wall behind any porch or slab area to determine if the porch or slab is supported by a wall whose placement creates a void between itself and the main foundation wall. If test reveals that a void exist, drill and treat all voids therein as specified in this Rule.
- (7) Drill and treat all voids in all multiple masonry pillars, pilasters, chimneys, and step buttresses, and any void created by their placement:
 - (A) The distance between drill holes shall not exceed 16 lineal inches and shall be no more than 16 inches above the footing or immediately above the lowest soil level, whichever is closest to the footing.
 - (B) Drilling shall not be required if solid concrete masonry footings of pillars, pilasters, chimneys or step buttresses extend eight inches or more above top of soil surface.
 - (C) The drilling of voids in four inch thick hollow structural block shall not be required under this Rule.
- (8) Where concrete slabs over dirt-filled areas are at the level of, above the level of, or in contact with, wood foundation members treat dirt-filled areas as follows:
 - (A) Drill vertically three-eighths of one inch or larger holes in the slab, no more than eight inches from the building foundation, at no more than 16 inch intervals and treat soil below slab; or
 - (B) Drill horizontally three-eighths of one inch or larger holes in the foundation wall of the concrete slab, no more than eight inches from the building foundation, every 16 vertical inches starting immediately below the bottom of the slab and rod treat all soil adjacent to building foundation from the bottom of the slab to the lowest outside grade.
- (9) Treat soil adjacent to, but not more than eight inches from, all pillars, pilasters, chimneys, pressure treated wood supports and step buttresses; inside of foundation walls; outside of foundation walls; the outside of foundation walls of concrete slabs over dirt-filled areas and the entire perimeter of a slab foundation wall. Where outside concrete slabs adjacent to the foundation prevent trenching of soil, drill three-eighths of one inch or larger holes, not more than 16 inches apart and within 8 inches of the foundation wall, through slabs or through adjoining foundation wall, and treat soil below slabs. The soil immediately around pipes and other utility conduits making contact with the structure, shall be treated.
- (10) Where stucco on wood or similar type materials extend to or below grade, trench soil to a depth below and under the edge of the stucco or similar type materials and treat soil. After the soil has been treated, a masonry barrier wall may be erected to hold back the soil from making direct contact with the stucco or similar type materials. Where outside slabs on grade adjacent to foundation prevent trenching of soil, drill three-eighths of one inch or larger holes through slabs within eight inches of the foundation wall, or through adjoining foundation wall, not more than 16 inches apart and treat soil below slabs.
- (11) Rule .0503(b) of this Section shall be followed if applicable to basement or crawl-space construction.
- (b) Slab-on-Ground Construction:
 - (1) Treat soil with a termiticide in, under, and around, all traps and openings in the slab.
 - (2) Drill vertically three-eighths inch or larger holes, at all visible or known expansion and construction joints, cracks, and crevices in slab and around all utility conduits in the slab at no more than 16 inch intervals and treat soil below slab. Where wooden structural members are in contact with concrete or masonry floors which have joints or cracks beneath the wooden structural members, including wall plates in utility or storage rooms adjoining the main building, the concrete or masonry shall be drilled and treated in order to achieve treatment of the soil beneath them. As an exception, expansion and construction joints at the perimeter of the exterior

wall may be treated by drilling through the foundation wall at no more than 16-inch intervals directly below the bottom of the slab.

(3) Rule .0503(a) of this Section shall also be followed.
(c) Reapplication of Pesticide(s) to a Structure Previously Treated for Subterranean Termite Control:

(1) A reapplication of termiticide shall be required if soil test by the Division reveals that the soil is deficient in the termiticide which was applied to the soil.

(2) Any re-application of pesticides under Rule .0503 shall be in accordance with the label of the pesticide used.

(d) A licensee may enter into a written agreement for the control or prevention of subterranean termites in a building after it has been constructed without having to abide by Rules .0503(a) and (b) of this Section provided that:

(1) The licensee has written proof, satisfactory to the committee, that he or his authorized agent, treated the entire building for subterranean termites at the time of its construction as required in Rule .0505 of this Section (or comparable regulations by the committee at the time of treatment).

(2) A written agreement is issued in compliance with Rule .0605 of Section .0600.

(e) Paragraphs (a) and (b) of this Rule shall not apply to subterranean termite treatment performed using termite bait(s) provided the bait is labeled for protection of the entire structure and the licensee provides a warranty for the control of subterranean termites on the entire structure.

Authority G.S. 106-65.29.

SECTION .0600 - WOOD-DESTROYING ORGANISMS AGREEMENTS

.0602 WOOD-DESTROYING INSECT AND OTHER ORGANISM REPORTS

(a) Any written statement as to the presence or absence of wood-destroying insects or their damage in buildings or structures for sale shall be on the WDIR 100. An incomplete or inaccurate Wood-Destroying Insect Information Report shall not be acceptable and the issuance of such a report is grounds for disciplinary action by the Committee. No Wood-Destroying Insect Information Report or Wood-Destroying Organism Report shall be issued before an inspection of the building or structure is made. Each Wood-Destroying Insect Information Report issued by a licensee shall be kept in the files of said licensee and made available for inspection upon request of the Division.

(b) If during the inspection of a structure, a licensee or his authorized agent finds live subterranean termites or visible evidence of past or present infestation of subterranean termites (such as tubes, damage, cast wings, infested wood scraps or other cellulose materials, etc.) in the structure and there is no visible evidence that said structure has been treated for subterranean termites, the licensee shall treat said structure for subterranean termites prior to the issuance of a

Wood-Destroying Insect Information Report on the structure which states that the structure is free from subterranean termites.

(c) If a treatment is performed in conjunction with a WDIR, a copy of the contract and warranty, if any, shall be attached to and become part of the WDIR.

(e) (d) A licensee, certified applicator or registered technician shall not remove or destroy, or cause the removal or destruction of, any wood-destroying organism evidence discovered in, on, under or in or on debris under a structure inspected pursuant to this Rule except as required by Paragraph (b) of this Rule.

Authority G.S. 106-65.29.

.0604 WOOD-DESTROYING ORGANISMS RECORDS

(a) A duplicate of each written agreement and waiver (if applicable), for the control or prevention of any wood-destroying organism shall be kept by the licensee for a minimum of two years beyond the expiration date of the written agreement. The duplicate of each written agreement shall contain, in addition to the information specified under Rule .0605(a) or Rule .0605(d) of this Section, the following:

- (1) EPA approved brand name of pesticide used; and
- (2) Information required by EPA.

(b) A duplicate of each wood-destroying insect or wood-destroying organism report shall be kept by the licensee for a minimum of two years beyond the date of issuance.

(c) Non-commercial certified applicators shall maintain the following records for two years beyond the last date of treatment:

- (1) EPA approved brand name of all pesticides used;
- (2) Target pest;
- (3) Site of application;
- (4) Date of application; and
- (5) Information required by EPA.

(d) If the pesticide used to control any wood-destroying organism requires or recommends monitoring or inspecting for the pest to be controlled, the licensee, certified applicator or their employees shall make and maintain records of all such monitoring or inspection activities. Such records shall be made available for inspection as provided for in 2 NCAC 34 .0328.

Authority G.S. 106-65.29.

.0605 CONTRACTUAL AGREEMENTS FOR WOOD-DESTROYING ORGANISMS

(a) All agreements for the control or prevention of wood-destroying organisms in existing structures shall be in writing and shall clearly set forth and include the following:

- (1) Date property was inspected and full name of the inspector;
- (2) Exact location of property inspected or treated;
- (3) Complete name and address of the property owner or his authorized agent;
- (4) Complete name and address of the licensee;
- (5) License number and phase(s) of the licensee and full

name of company licensee represents;

- (6) Signature of licensee or his authorized agent;
- (7) For existing structures, the written agreement shall include a foundation diagram or, if required or recommended by the label of the pesticide used, a site plan of the structure(s) or portions of such structure(s) inspected. The diagram or site plan shall clearly indicate and make full disclosure ~~of the location of individual water sources, any visual evidence of wood-destroying organism infestation, whether it be active or inactive, and visibly damaged timbers; of:~~
 - (A) The location of individual water sources;
 - (B) Any visible evidence of wood-destroying organism infestation;
 - (C) Whether the infestation is active or inactive;
 - (D) The location of any visibly damaged timbers;
 - (E) Portions of the structure treated or not treated; and
 - (F) The minimum number and proposed location(s) of bait or monitoring device placements, if applicable;
- (8) The date upon which the written agreement is entered into and the period of time covered by the written agreement;
- (9) The written agreement must clearly indicate, by complete not abbreviated common name(s), the wood-destroying organism(s) to be controlled or prevented, and covered under the written agreement;
- (10) Whether or not reinspections are to be made and, if so, approximate time interval between, and renewal fees for same;
- (11) Conditions under which retreatments will be made;
- (12) Total price to be charged for treatment service, and for repairs or excavations, where such are to be performed;
- (13) The written agreement, waiver (if applicable) and Wood-Destroying Insect Report or Wood-Destroying Organism Report, shall not show or include the address and telephone number of any licensee's representative or employee other than the address and telephone number of those specified in Subparagraphs (a)(3), (4), and (5) of this Rule;
- (14) Any licensee or business entity advertising to be bonded shall advise each customer, in writing, in the proposal, whether or not the contract or written agreement will be covered by a bond of any type;
- (15) If the performance of the work is guaranteed by a bond, the agreement shall set forth those performance guarantees in wording identical to that in the bond itself;
- (16) Rule .0501(a) of this Chapter shall also be followed.
 - (b) A structure or structures covered by a contract for wood-destroying organism(s) treatment shall not knowingly be placed under an additional contract for the same treatment while the first contract is still in effect.
 - (c) When periodic reinspections or retreatments are specified

in written agreements for the control or prevention of wood-destroying organisms, the licensee shall issue to the property owner or his authorized agent, after each reinspection or retreatment, a signed report of each reinspection or retreatment showing the condition of the property with respect to the presence or absence of wood-destroying organisms. A record of such reinspections and retreatments shall be kept in the file of the licensee. Such reports shall be subject to inspection by the enforcement agency or committee.

(d) All agreements for the control or prevention of wood-destroying organisms in buildings under construction shall be in writing and shall clearly set forth and include the following:

- (1) Date of final treatment and period of time covered by the written agreement;
- (2) Exact location of the treated property;
- (3) Complete name and address of the property owner or his authorized agent;
- (4) Complete name and address of the licensee;
- (5) License number and phase(s) of the licensee and full name of company licensee represents;
- (6) Signature of licensee or his authorized agent;
- (7) The written agreement must clearly indicate, by complete not abbreviated common name(s), the wood-destroying organism(s) to be controlled or prevented, and covered under the written agreement;
- (8) Whether or not reinspections are to be made and if so, approximate time interval between, and renewal fees, if any, for same;
- (9) Conditions under which retreatments will be made;
- (10) Total price to be charged for treatment service;
- (11) Any licensee or business entity advertising to be bonded shall advise each customer, in writing, in the proposal, whether or not the contract or written agreement will be covered by a bond of any type;
- (12) If the performance of the work is guaranteed by a bond, the agreement shall set forth those performance guarantees in wording identical to that in the bond itself;
- (13) Rule .0604(a) of this Section shall also be followed.

(e) If the licensee provides preventive treatment(s) for subterranean termites to a structure(s) for someone such as a builder or construction company who is constructing the building(s) for someone else or with the purpose of offering the building(s) for sale, the licensee may enter into a single master agreement with the builder to provide the preventive treatment(s) for subterranean termites. This single master agreement shall include the following:

- (1) Complete name and address of the builder, or his authorized agent;
- (2) That information required in Subparagraphs (d)(4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) of this Rule.

(f) When a structure is treated under an agreement with a builder, the licensee shall:

- (1) Following completion of the treatment, and upon notification by the builder or buyer, issue a written

agreement to the initial buyer. The written agreement issued to the buyer shall include the following:

- (A) Complete name and address of the builder, or his authorized agent as it appears on the builder's agreement;
- (B) That information required in Subparagraphs (d)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (11) of this Rule. The builder shall be issued a copy of any written agreement issued the buyer.
- (2) Maintain a record of each treatment performed on each structure to include the following information:
 - (A) Exact location of the structure treated;
 - (B) Date each treatment was performed;
 - (C) The portion(s) of the structure treated.

Authority G.S. 106-65.29.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Medical Care Commission intends to repeal rules cited as 10 NCAC 3M .0105 and .0205. Notice of Rule-making Proceedings was published in the Register on March 3, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 9:00 a.m. on December 12, 1997 at the Well-Spring Retirement Community, Inc., Auditorium, 4100 Well Spring Drive, Greensboro, NC 27410.

Reason for Proposed Action: G.S. 131E-157 authorizes the Medical Care Commission to establish rules for equipment requirements for ambulance vehicles. These amendments are necessary to update the equipment requirements for ALS vehicles to reflect concurrent changes made in ALS certification levels by the North Carolina Medical Board in 21 NCAC 32H.

Comment Procedures: Persons who wish to make written or verbal comment regarding these proposed amendments should contact Mr. Ed Seagroves, Disaster & Special Projects Coordinator, NC Office of Emergency Medical Services, P.O. Box 29530, Raleigh, NC 27626-0530, Tele: (919) 733-2285, Fax: (919) 733-7021. Verbal and written comments will be received through the date of the public hearing. Persons are encouraged to submit written comments by September 2, 1997 to allow adequate time for review and consideration by the Commission.

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

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3M - MINIMUM STANDARDS FOR MOBILE INTENSIVE CARE UNITS

SECTION .0100 - DEFINITIONS

.0105 MOBILE INTENSIVE CARE UNIT II

~~"Mobile Intensive Care Unit II" means a category I ambulance staffed at a minimum by at least one emergency medical technician-advanced intermediate as defined in 21 NCAC 32H .0102(2) and one certified ambulance attendant and equipped in accordance with the standards established by the Medical Care Commission for providing remote intensive care or cardiac care to sick and injured persons at the scene of a medical emergency and during transport to a health care facility.~~

Authority G.S. 131E-157(a); 131E-158; 131E-158(b); 131E-159(b).

SECTION .0200 - EQUIPMENT

.0205 MOBILE INTENSIVE CARE UNIT II

~~(a) In addition to equipment required in Rule .0201 of this Section, an ambulance identified as a Mobile Intensive Care Unit II may, upon approval of the medical director, carry equipment and supplies to perform medical acts authorized by 21 NCAC 32H .0406. The amount of equipment or supplies carried on each MICU II shall be concurrent with the medical protocols approved by the Office of Emergency Medical Services in effect for the advanced Life Support program with this the MICU II is affiliated.~~

~~(b) A vehicle identified as a Mobile Intensive Care Unit II may, upon the approval of the medical director carry the intravenous solution(s) and medications(s) authorized by 21 NCAC 32H .0406. The amounts and concentrations shall be concurrent with the medical protocols approved by the Office of Emergency Medical Services in effect for the Advanced Life Support program with which the MICU II is affiliated. A copy of the current medical protocols may be obtained from the sponsor hospital of the advanced life support program. One copy of 21 NCAC 32H may be obtained at no cost from the Office of Emergency Medical Services, 701 Barbour Drive, P.O. Box 29530, Raleigh, NC 27626-0530.~~

Authority G.S. 131E-157(a).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Secretary of Human Resources intends to adopt rules cited as 10 NCAC 14V .7101, .7102, .7103, .7104, .7105. Notice of Rule-making Proceedings was published in the Register on June 16, 1997.

Proposed Effective Date: August 1, 1998

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

Reason for Proposed Action: G.S. 122C-112(a)(15) requires the Secretary of Human Resources to adopt rules to implement the investigation of circumstances leading to the death of any prospective or confirmed Thomas S. class member not residing in a State facility listed in G.S. 122C-181.

Comment Procedures: Please submit written comments to Charlotte F. Hall, Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS), 325 N. Salisbury Street, Albemarle Building, Suite 523, Raleigh, NC 27603-5906, Fax 919-715-4651. Comments will be accepted through October 15, 1997.

Fiscal Note: These Rules do affect the expenditures of state funds. These Rules do not affect the expenditures 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 14 - MENTAL HEALTH: GENERAL

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

SECTION .7100 - THOMAS S. DEATH REPORTING AND REVIEW

.7101 SCOPE

(a) The rules in this Section set forth requirements for reporting and reviewing deaths of prospective and confirmed Thomas S. class members residing in non-state operated facilities.

(b) These Rules shall apply to area mental health, developmental disability and substance abuse authorities and their contract agencies.

(c) These requirements shall not apply to prospective and confirmed Thomas S. class members residing in their own home or in the home of their family.

Authority G.S. 108A, Article 6; 122C-112(a)(15); 130A-383; 130A-389; 130A-398.

.7102 DEFINITIONS

In addition to the definitions contained in G.S. 122C-3 and Rule .0103 of this Subchapter, the following definitions shall also apply:

- (1) "Home Area Program" means the responsible Area Program where the prospective or confirmed class

member is legally entitled to services.

- (2) "Master List" means a formal communication process maintained by DMH/DD/SAS for identifying Thomas S. prospective and confirmed class members for planning, evaluation and service provision.
- (3) "Pioneer Unit Cost Reimbursement (PUCR) system" means a purchase of service model of funding where the Division of MH/DD/SAS reimburses Area Programs based on the volume of services reported to the Division.
- (4) "Prospective and confirmed class members" means those individuals designated on the Thomas S. Master List and assigned to an Area Program.
- (5) "Thomas S. Court Order" means the November 21, 1988 ruling of Judge James McMillan of the United States District Court for the Western District of North Carolina stating that the Secretary of the North Carolina Department of Human Resources had violated the constitutional rights of a class of individuals who were, or had been, confined to North Carolina's psychiatric hospitals. This may also refer to subsequent supplemental orders issued by the District Court.
- (6) "UCR-TS- Unit Cost Reimbursement - Thomas S. System" means the Division's computerized system of reimbursing Area Programs based on the volume of Thomas S. services reported to the Division.

Authority G.S. 108A, Article 6; 122C-112(a)(15); 130A-383; 130A-389; 130A-398.

.7103 REPORTING REQUIREMENTS

(a) The known death of any Thomas S. prospective or confirmed class member not residing in a state facility shall be immediately reported to the Area Director or designee (usually the local Thomas S. Coordinator) of the class member's home catchment area, unless responsibility has been delegated to another Area Program through a contractual agreement. The date the area authority is notified of the death shall be documented.

(b) A telephone report shall be made to the Thomas S. Services Section, Client Services Branch, by the Area Director or designee, on the first working day after being notified of a Thomas S. prospective or confirmed class member's death. This report shall be followed up by written notification to the Thomas S. Services Section, and include the date the area program was notified of the death. Upon notification of the death, any designated staff of the Thomas S. Services Section has the authority to go unannounced to the site of the death or to the client's residence prior to death.

(c) The medical examiner of the county in which the body is found shall be with regard to deaths under circumstances described in G.S. 130A-383.

(d) Within 72 hours of being notified of a death, the Area Director or designee shall ensure that the chairman of the local committee responsible for review of the deaths is notified.

(e) In the case of a death which may be the result of abuse,

neglect, or exploitation, and where there is reason to believe that other disabled adults at the site may be abused, neglected or exploited and in need of protective services, the procedures outlined in G.S. 108A, Article 6 shall be followed.

(f) In deaths not under the jurisdiction of the medical examiner, the next-of-kin or other individual authorized according to G.S. 130A-398, shall be notified by the Area Director or designee that an autopsy may be requested as designated in G.S. 130A-389.

(g) In the case of a death that occurs as a result of an accident, suicide, or other questionable circumstances the police shall be notified immediately.

Authority G.S. 108A, Article 6; 122C-112(a)(15); 130A-383; 130A-389; 130A-398.

.7104 DEATH REVIEW REQUIREMENTS

The death of any prospective or confirmed class member not residing in a state facility shall be reviewed by a local committee designated by the Area Director.

(1) The committee designated to review deaths shall include a physician. There must be a provision for substitution if existing committee members were involved in the case at issue.

(2) The committee shall review relevant aspects of the individual's care in order to identify any acts, policies, or practices which may have contributed to the death. The committee shall have access to all medical records, hospital records and records maintained by the State, any county, or any local agency necessary to carry out the purposes of this subsection, including police investigations data, medical examiner investigative data, health records, mental health records and social services records, as designated in G.S. 122C-112(a)(15).

(3) The committee shall investigate and analyze any circumstances surrounding the death that it considers to be unusual, as specified in G.S. 122C-112(a)(15).

(4) A report from the area authority shall be issued following each review and sent to the Thomas S. Services Section, Division of MH/DD/SAS within 90 days of the death of a confirmed class member, and within 90 days of the area program being notified of the death of a prospective class member. This report shall include the following:

- (a) name and unique ID;
- (b) date and place of death;
- (c) residential and vocational providers and addresses;
- (d) age and diagnoses;
- (e) circumstances surrounding the death;
- (f) pertinent medical information/history, including the cause of death;
- (g) brief description of staff responses to medical needs around the time of death;
- (h) involvement, if applicable, by law enforcement or other agencies;

(i) summary of unusual circumstances leading to the death;

(j) actions taken and recommendations;

(k) signature of person preparing the report and date;

(l) Area Program medical director review and comments, if the report was not prepared by the medical director; and

(m) a copy of the death certificate.

The report shall address any local policies or practices that have been or will be revised as a result of the review; and state policies or practices that should be re-examined as a result of the review. The report shall not contain confidential peer review information produced solely under the proceedings of a quality assurance committee established under G.S. 122C-191.

(5) In order to facilitate adequate follow-up and review in Area Programs, both the Division's Pioneer UCR and Thomas S. unit cost reimbursement systems shall recognize earnings for Peer QA Review, case management or other relevant services following the death of a Thomas S. class member.

Authority G.S. 108A, Article 6; 122C-112(a)(15); 130A-383; 130A-389; 130A-398.

.7105 THOMAS S. MORTALITY REVIEW COMMITTEE

(a) A Thomas S. Mortality Review Committee shall operate at the state level and shall be appointed by the Thomas S. Services Section Chief.

(b) The committee shall at a minimum include a physician and a representative of the Thomas S. Services Section.

(c) Responsibilities of the committee shall include, but not be limited to:

- (1) insuring that reports by local committees include all required information, and that they evaluate health care and other protection issues relative to the deaths of class members and make recommendations where appropriate;
- (2) recommending an independent investigation of any death it reviews if the Committee deems it necessary;
- (3) assure follow-up by the Thomas S. Services Section if the death review report by the local committee is not timely or complete;
- (4) identify systemic issues and make recommendations addressing those issues to the Thomas S. Services Section Chief and Division Director as needed; and
- (5) routinely publish/distribute medical advisories and/or information as appropriate to assure needed follow up.

(d) The Thomas S. Mortality Review Committee shall have access to all medical records, UCR-TS reports, Thomas S. Longitudinal Study data, hospital records and records maintained by the State, any county or any local agency necessary to carry out the purposes of this subsection, including

police investigations data, medical examiner investigative data, health records, mental health records and social services records as specified in G.S. 122C-112(a)(15).

(e) When corrective action is deemed necessary by the Division Director, the Division Director shall request a corrective action plan from the area authority.

(f) The Chairman of the Thomas S. Mortality Review Committee shall review implementation of recommendations made by the committee and corrective action plans established by the Division Director.

(g) The Committee Chairman shall make an annual status report to the Committee and to the Thomas S. Services Section Chief on implementation and corrective actions taken.

(h) The Thomas S. Services Section will collect and analyze mortality and other statistics to determine trends and quality of life issues related to the deaths of Thomas S. class members.

(i) The deliberations of local review committees and the Thomas S. Mortality Review Committee shall be confidential. Reports of the Thomas S. Mortality Review Committee, however, are subject to the North Carolina Public Records Act and shall be available upon request with due regard to privacy and confidentiality of involved persons.

Authority G.S. 108A, Article 6; 122C-112(a)(15); 130A-383; 130A-389; 130A-398.

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

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNR - Environmental Management Commission intends to amend rule cited as 15A NCAC 2B .0202; and adopt rules cited as 15A NCAC 2B .0232 - .0236, .0238 - .0240. Notice of Rule-making Proceedings was published in the Register on April 15, 1996.

Proposed Effective Date: August 1, 1998

Public Hearings will both be conducted at 7:00 p.m. on October 7, 1997 at the following locations. You may sign up to speak beginning at 6:30 p.m.

Raleigh - State Highway Building Auditorium, 11 South Wilmington Street

New Bern - Craven County Courthouse, 302 Broad Street

Reason for Proposed Action: This Notice of Text and Hearing announces two public hearings to be held on the proposed revised Nutrient Sensitive Waters Management Strategy for the Neuse River Basin. The revised strategy and public hearings will be noticed in the North Carolina Register on September 15, 1997. Public hearings are scheduled for October 1997 in Raleigh and New Bern.

Public hearings on the original Neuse River Nutrient Sensitive Waters Management Strategy were held in November 1996. After the November 1996 public hearings, the members of the

Environmental Management Commission (EMC) that served as Hearing Officers worked with DWQ staff to revise the strategy to address the numerous verbal and written comments that were received. The rules were revised to allow regulated parties more flexibility and to give the state greater assurance that the rules' goals would be met.

In 1988, the EMC classified the entire Neuse River Basin as Nutrient Sensitive Waters (NSW). They adopted this classification due to nutrient-related water quality problems in the freshwater sections between Kinston and New Bern. At that time, the EMC adopted a Nutrient Management Strategy to improve water quality in the river. This initial NSW strategy addressed phosphorus reductions through point source controls and nitrogen from the voluntary implementation of agricultural best management practices (BMPs). The strategy was successful and phosphorus loading has declined due to these point source controls and the phosphate detergent ban.

Even with the management measures adopted in the initial NSW strategy, water quality problems in the lower Neuse River continue, especially below New Bern. For example, during July, September, and October 1995, widespread fish kills occurred in the Neuse River, mainly from New Bern to Minnesott Beach. Millions of fish were killed. The water was lacking oxygen near the surface and algal blooms were common. Because of these continued water quality problems, the EMC intends to revise the NSW strategy and to focus on nitrogen loading to the estuary.

The current Nutrient Sensitive Waters Management Strategy for the Neuse River includes the following rules:

- Definitions (15A NCAC 2B .0202),
- Basin Nutrient Reduction Goal (15A NCAC 2B .0232),
- Maintenance of Existing Riparian Areas (15A NCAC 2B .0233),
- Wastewater Discharge Requirements (15A NCAC 2B .0234),
- Basinwide Stormwater Requirements (15A NCAC 2B .0235),
- Agricultural Nitrogen Loading Reduction (15A NCAC 2B .0234),
- Agricultural Nitrogen Reduction Strategy (15A NCAC 2B .0235),
- Nutrient Management (15A NCAC 2B .0235), and
- Nutrient Offset Payments (15A NCAC 2B .0236).

Comment Procedures: The purpose of the announcement is to encourage those interested in this proposal to provide comments. You may submit comments, statements, data and other information in writing prior to, during or after the hearing but no later than November 14, 1997. You may also present verbal comments at the hearing. The Hearing Officer may limit the length of time that you speak so that all those who wish to speak may have an opportunity to do so. We encourage you to submit written comments. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission (EMC) whether in favor of or opposed to any and all provisions

of the proposal being noticed. If opposed to any or all provisions of the proposal we encourage you to offer appropriate alternative proposals. Written comments may be submitted to:

Greg Thorpe
DEHNR/Division of Water Quality
PO Box 29535
Raleigh, NC 27626-0535

Questions concerning proposed requirements for point source dischargers may be directed to Coleen Sullins at (919) 733-5083, ext. 550 and questions concerning proposed nonpoint source requirements to Greg Thorpe at (919) 733-5083, ext. 557. In the case of inclement weather, please call (919) 733-5083, ext. 557 for a recording on whether the hearings will be held as scheduled.

Fiscal Note: These Rules do affect the expenditures or revenues of state or local government funds. These Rules do 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 .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICABLE TO SURFACE WATERS AND WETLANDS OF NORTH CAROLINA

.0202 DEFINITIONS

The definition of any word or phrase used in this Section shall be the same as given in Article 21, Chapter 143 of the General Statutes of North Carolina. The following words and phrases, which are not defined in this article, shall be interpreted as follows:

- (1) Acute toxicity to aquatic life means lethality or other harmful effects sustained by either resident aquatic populations or indicator species used as test organisms in a controlled toxicity test due to a short-term exposure (relative to the life cycle of the organism) to a specific chemical or mixture of chemicals (as in an effluent). Short-term exposure for acute tests is generally 96 hours or less. Acute toxicity shall be determined using the following procedures:
 - (a) for specific chemical constituents or compounds, acceptable levels shall be equivalent to a concentration of one-half or less of the Final Acute Value (FAV) as determined according to "Guidelines for Deriving Numerical Water Quality Criteria for the Protection of Aquatic Life and its Uses" published by the Environmental Protection Agency and referenced in the Federal Register (50 FR 30784, July 29, 1985) which is hereby

incorporated by reference including any subsequent amendments.

- (b) for specific chemical constituents or compounds for which values described under Subparagraph (1)(a) of this Rule can not be determined, acceptable levels shall be equivalent to a concentration of one-third or less of the lowest available LC50 value.
 - (c) for effluents, acceptable levels are defined as no statistically measurable lethality (99 percent confidence level using Students t test) during a specified exposure period. Concentrations of exposure shall be determined on a case-by-case basis.
 - (d) in instances where detailed dose response data indicate that levels of acute toxicity are significantly different from those defined in this Rule, the Director may determine on a case-by-case basis an alternate acceptable level through statistical analyses of the dose response curve.
- (2) Acute to Chronic Ratio (ACR) means the ratio of acute toxicity expressed as an LC50 for a specific toxicant or an effluent to the chronic value for the same toxicant or effluent.
 - (3) Agricultural uses include the use of waters for stock watering, irrigation, and other farm purposes.
 - (4) Applicator means any person, firm, corporation, wholesaler, retailer, distributor, any local, state, or federal governmental agency, or any other person who applies fertilizer to the land of a consumer or client or to land they own or to land which they lease or otherwise hold rights.
 - (5) ~~(4)~~ Approved treatment, as applied to water supplies, means treatment accepted as satisfactory by the Division of Environmental Health or Division of Water Quality.
 - (6) ~~(5)~~ Average (except bacterial) means arithmetical average and includes the analytical results of all samples taken during the specified period; all sampling shall be done as to obtain the most representative sample under prevailing conditions:
 - (a) Daily Average for dissolved oxygen, shall be of at least four samples;
 - (b) Weekly Average means the average of all daily composite samples obtained during the calendar week. If only one grab sample is taken each day, the weekly average is the average of all daily grab samples. A minimum of three daily grab samples is needed to calculate a weekly average.
 - (c) Monthly Average means the average of all daily composites (or grab samples if only one per day) obtained during the calendar month.
- The definitions in this Paragraph do not affect the monitoring requirements for NPDES permits but rather shall be used by the Division along with other

methodologies in determining violations of water quality standards. Arithmetical averages as defined by this Section, and not confidence limits nor other statistical descriptions, shall be used in all calculations of limitations which require the use of averages pursuant to this Section and 40 CFR 122.41(l)(4)(iii).

- (7) ~~(6)~~ Best Management Practice (BMP) means a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
- (8) ~~(7)~~ Best usage of waters as specified for each class means those uses as determined by the Environmental Management Commission in accordance with the provisions of G.S. 143-214.1.
- (9) ~~(8)~~ Bioaccumulation factor (BAF) is a unitless value that describes the degree to which substances are taken up or accumulated into tissues of aquatic organisms from water directly and from food or other ingested materials containing the accumulated substances, and is usually measured as a ratio of a substance's concentration in tissue versus its concentration in water in situations where exposure to the substance is occurring from both water and the food chain.
- (10) ~~(9)~~ Bioconcentration factor (BCF) is a unitless value that describes the degree to which substances are absorbed or concentrated into tissues of aquatic organisms from water directly and is usually measured as a ratio of substance's concentration in tissue versus its concentration in water in situations where exposure to the substance is occurring from water only.
- (11) ~~(10)~~ Biological integrity means the ability of an aquatic ecosystem to support and maintain a balanced and indigenous community of organisms having species composition, diversity, population densities and functional organization similar to that of reference conditions.
- (12) ~~(11)~~ Buffer means a natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer shall be measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
- (13) ~~(12)~~ Built-upon area means that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)
- (14) ~~(13)~~ Chronic toxicity to aquatic life means any harmful effect sustained by either resident aquatic

populations or indicator species used as test organisms in a controlled toxicity test due to long-term exposure (relative to the life cycle of the organism) or exposure during a substantial portion of the duration of a sensitive period of the life cycle to a specific chemical substance or mixture of chemicals (as in an effluent). In absence of extended periods of exposure, early life stage or reproductive toxicity tests may be used to define chronic impacts.

- (15) ~~(14)~~ Chronic value for aquatic life means the geometric mean of two concentrations identified in a controlled toxicity test as the No Observable Effect Concentration (NOEC) and the Lowest Observable Effect Concentration (LOEC).
- (16) ~~(15)~~ Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of Sections .0100, .0200 and .0300 of this Subchapter, planned unit developments and mixed use development shall be considered as cluster development.
- (17) Commercial applicator means any person, firm, corporation, wholesaler, retailer, distributor or any other person who for hire or compensation applies fertilizer to the land of a consumer or client.
- (18) ~~(16)~~ Concentrations are the mass of a substance per volume of water and for the purposes of this Section shall be expressed as milligrams per liter (mg/l), micrograms per liter (ug/l), or nanograms per liter (ng/l).
- (19) ~~(17)~~ Contiguous refers to those wetlands landward of the mean high water line or normal water level and within 575 feet of classified surface waters which appear as solid blue lines on the most recently published versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps.
- (20) ~~(18)~~ Critical area means the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either ½ mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or ½ mile upstream from and draining to the intake (or other appropriate downstream location associated with the water supply) located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Since WS-I watersheds are essentially undeveloped, establishment of a critical area is not required. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the

critical area if these landmarks are immediately adjacent to the appropriate outer boundary of ½ mile. The Commission may adopt a different critical area size during the reclassification process.

- (21) Cropland means agricultural land that is not covered by a certified animal waste management plan and is used for growing corn, grains, oilseed crops, cotton, forages, tobacco, beans, or other vegetables or fruits.
- (22) ~~(19)~~ Designated Nonpoint Source Agency means those agencies specified by the Governor in the North Carolina Nonpoint Source Management Program, as approved by the Environmental Protection Agency.
- (23) ~~(20)~~ Development means any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
- (24) ~~(21)~~ Director means the Director of the Division of Water Quality.
- (25) ~~(22)~~ Discharge is the addition of any man-induced waste effluent either directly or indirectly to state surface waters.
- (26) ~~(23)~~ Division means the Division of Water Quality or its successors.
- (27) ~~(24)~~ Domestic wastewater discharge means the discharge of sewage, non-process industrial wastewater, other domestic wastewater or any combination of these items. Domestic wastewater includes, but is not limited to, liquid waste generated by domestic water using fixtures and appliances, from any residence, place of business, or place of public assembly even if it contains no sewage. Examples of domestic wastewater include once-through non-contact cooling water, seafood packing facility discharges and wastewater from restaurants.
- (28) ~~(25)~~ Effluent channel means a discernable confined and discrete conveyance which is used for transporting treated wastewater to a receiving stream or other body of water as provided in Rule .0215 of this Section.
- (29) ~~(26)~~ Existing development, for projects that do not require a state permit, shall be defined as those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the local government water supply ordinance, or such earlier time that an affected local government's ordinances shall specify, based on at least one of the following criteria:
 - (a) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
 - (b) having an outstanding valid building permit in compliance with G.S. 153A-344.1 or G.S.

160A-385.1, or

- (c) having an approved site specific or phased development plan in compliance with G.S. 153A-344.1 or G.S. 160A-385.1.

For projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, existing development shall be defined as those projects that are built or those projects for which a state permit was issued prior to August 3, 1992.

- (30) ~~(27)~~ Existing uses mean uses actually attained in the water body, in a significant and not incidental manner, on or after November 28, 1975, whether or not they are included in the water quality standards, which either have been actually available to the public or are uses deemed attainable by the Environmental Management Commission. At a minimum, uses shall be deemed attainable if they can be achieved by the imposition of effluent limits and cost-effective and reasonable best management practices (BMPs) for nonpoint source control.
- (31) ~~(28)~~ Family subdivision means a division of a tract of land:
 - (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or
 - (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.
- (32) Fertilizer means any substance containing nitrogen or phosphorus which is used primarily for its plant food content.
- (33) ~~(29)~~ Fishing means the taking of fish by sport or commercial methods as well as the consumption of fish or shellfish or the propagation of fish and such other aquatic life as is necessary to provide a suitable environment for fish.
- (34) ~~(30)~~ Freshwater means all waters that under natural conditions would have a chloride ion content of 500 mg/l or less.
- (35) ~~(31)~~ Industrial discharge means the discharge of industrial process treated wastewater or wastewater other than sewage. Stormwater shall not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater. Industrial discharge includes:
 - (a) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
 - (b) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants; or

- (c) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.
- (36) ~~(32)~~ LC50 means that concentration of a toxic substance which is lethal (or immobilizing, if appropriate) to 50 percent of the organisms tested during a specified exposure period. The LC50 concentration for toxic materials shall be determined for sensitive species as defined by Subparagraph (43) of this Rule under aquatic conditions characteristic of the receiving waters.
- (37) ~~(33)~~ Local government means a city or county in singular or plural as defined in G.S. 160A-1(2) and G.S. 158A-10.
- (38) ~~(34)~~ Lower piedmont and coastal plain waters mean those waters of the Catawba River Basin below Lookout Shoals Dam; the Yadkin River Basin below the junction of the Forsyth, Yadkin, and Davie County lines; and all of the waters of Cape Fear, Lumber, Roanoke, Neuse, Tar-Pamlico, Chowan, Pasquotank, and White Oak River Basins; except tidal salt waters which are assigned S classifications.
- (39) ~~(35)~~ MF is an abbreviation for the membrane filter procedure for bacteriological analysis.
- (40) ~~(36)~~ Major variance means a variance from the minimum statewide watershed protection rules that results in the relaxation, by a factor greater than five percent of any buffer, density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than 10 percent, of any management requirement under the low density option.
- (41) ~~(37)~~ Minor variance means a variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation by a factor up to 10 percent, of any management requirement under the low density option.
- (42) ~~(38)~~ Mixing zone means a region of the receiving water in the vicinity of a discharge within which dispersion and dilution of constituents in the discharge occurs and such zones shall be subject to conditions established in accordance with 15A NCAC 2B .0204(b).
- (43) ~~(39)~~ Mountain and upper piedmont waters mean all of the waters of the Hiwassee; Little Tennessee, including the Savannah River drainage area; French Broad; Broad; New; and Watauga River Basins; and those portions of the Catawba River Basin above Lookout Shoals Dam and the Yadkin River Basin above the junction of the Forsyth, Yadkin, and Davie County lines.
- (44) ~~(40)~~ Nonconforming lot of record means a lot described by a plat or a deed that was recorded prior to the effective date of local watershed regulations (or their amendments) that does not meet the minimum lot-size or other development requirements of Rule .0211 of this Subchapter.
- (45) ~~(41)~~ Nonpoint source pollution means pollution which enters waters mainly as a result of precipitation and subsequent runoff from lands which have been disturbed by man's activities and includes all sources of water pollution which are not required to have a permit in accordance with G.S. 143-215.1(c).
- (46) ~~(42)~~ Non-process discharge means industrial effluent not directly resulting from the manufacturing process. An example would be non-contact cooling water from a compressor.
- (47) ~~(43)~~ Nutrient sensitive waters mean those waters which are so designated in the classification schedule in order to limit the discharge of nutrients (usually nitrogen and phosphorus). They are designated by "NSW" following the water classification.
- (48) ~~(44)~~ Offensive condition means any condition or conditions resulting from the presence of sewage, industrial wastes or other wastes within the waters of the state or along the shorelines thereof which shall either directly or indirectly cause foul or noxious odors, unsightly conditions, or breeding of abnormally large quantities of mosquitoes or other insect pests, or shall damage private or public water supplies or other structures, result in the development of gases which destroy or damage surrounding property, herbage or grasses, or which may cause the impairment of taste, such as from fish flesh tainting, or affect the health of any person residing or working in the area.
- (49) ~~(45)~~ Primary Nursery Areas (PNAs) are tidal saltwaters which provide essential habitat for the early development of commercially important fish and shellfish and are so designated by the Marine Fisheries Commission.
- (50) ~~(46)~~ Primary recreation includes 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.
- (51) ~~(47)~~ Protected area means the area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as within five miles of the normal pool elevation of the reservoir and draining to water supply reservoirs (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first); or 10 miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Local

governments may extend the protected area. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of five or 10 miles. In some cases the protected area shall encompass the entire watershed. The Commission may adopt a different protected area size during the reclassification process.

- (52) (48) Residential development means buildings for residence such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, and gazebos.
- (53) (49) Residuals means any solid or demisolid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.
- (54) Riparian area means an area of trees, usually accompanied by shrubs and other vegetation, that is adjacent to a body of water which is managed to reduce the impact of upland sources of pollution by trapping, filtering, and converting nutrients, sediments, and other chemicals; maintain the integrity of stream channels, shorelines, and flood storage processes; and to supply food, cover, and thermal protection for fish and other aquatic life.
- (55) (50) Secondary recreation includes wading, boating, other uses not involving human body contact with water, and activities involving human body contact with water where such activities take place on an infrequent, unorganized, or incidental basis.
- (56) (51) Sensitive species for aquatic toxicity testing is any species utilized in procedures accepted by the Commission or its designee in accordance with Rule .0103 of this Subchapter, or the following genera:
- (a) Daphnia;
 - (b) Ceriodaphnia;
 - (c) Salmo;
 - (d) Pimephales;
 - (e) Mysisopsis;
 - (f) Champia;
 - (g) Cyprinodon;
 - (h) Arbacia;
 - (i) Penaeus;
 - (j) Menidia;
 - (k) Notropis;
 - (l) Salvelinus;
 - (m) Oncorhynchus;
 - (n) Selenastrum;
 - (o) Chironomus;
 - (p) Hyalella;
 - (q) Lumbriculus.
- (57) (52) Shellfish culture includes the use of waters for the propagation, storage and gathering of oysters,

clams, and other shellfish for market purposes.

- (58) (53) Stormwater collection system means any conduit, pipe, channel, curb or gutter for the primary purpose of transporting (not treating) runoff. A stormwater collection system does not include vegetated swales, swales stabilized with armoring or alternative methods where natural topography prevents the use of vegetated swales (subject to case-by-case review), curb outlet systems or pipes used to carry drainage underneath built-upon surfaces that are associated with development controlled by the provisions of 15A NCAC 2H .1003(c)(1).
- (59) (54) Source of water supply for drinking, culinary or food-processing purposes means any source, either public or private, the waters from which are used for human consumption, or used in connection with the processing of milk, beverages, food, or other purpose which requires water suitable for human consumption.
- (60) (55) Swamp waters mean those waters which are classified by the Environmental Management Commission and which are topographically located so as to generally have very low velocities and other characteristics which are different from adjacent streams draining steeper topography. They are designated by "Sw" following the water classification.
- (61) (56) Tidal salt waters mean all tidal waters which are classified by the Environmental Management Commission which generally have a natural chloride ion content in excess of 500 parts per million and include all waters assigned S classifications.
- (62) (57) Toxic substance or toxicant means any substance or combination of substances (including disease-causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring.
- (63) (58) Trout waters are those waters which have conditions which shall sustain and allow for trout propagation and survival of stocked trout on a year-round basis. These waters shall be classified by the Commission after considering the requirements of Rule .0101(b) and (c) of this Subchapter and include all waters designated by "Tr" in the water classification.
- (64) (59) Waste disposal includes the use of waters for disposal of sewage, industrial waste or other waste after approved treatment.
- (65) (60) Water dependent structures are those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic

purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

- (66) ~~(61)~~ Water quality based effluent limits and best management practices are limitations or best management practices developed by the Division for the purpose of protecting water quality standards and best usage of surface waters consistent with the requirements of G.S. 143-214.1 and the Federal Water Pollution Control Act as amended.
- (67) ~~(62)~~ Waters with quality higher than the standards means all waters for which the determination of waste load allocations (pursuant to Rule .0206 of this Section) indicates that water quality is sufficiently greater than that defined by the standards such that significant pollutant loading capacity still exists in those waters.
- (68) ~~(63)~~ Watershed means the entire land area contributing surface drainage to a specific point. For the purpose of the water supply protection rules in 15A NCAC 2B .0104 and .0211 local governments may use major landmarks such as highways or property lines to delineate the outer boundary of the drainage area if these landmarks are immediately adjacent to the ridgeline.
- (69) ~~(64)~~ Wetlands are "waters" as defined by G.S. 143-212(6) and are areas that are inundated or saturated by an accumulation of surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands classified as waters of the state are restricted to waters of the United States as defined by 33 CFR 328.3 and 40 CFR 230.3.

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

.0232 NEUSE RIVER BASIN- NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: BASIN NUTRIENT REDUCTION GOAL

Pursuant to 1995 (Reg. Sess., 1996) N.C. Session Laws, c. 572, the Environmental Management Commission hereby establishes the goal of reducing the average annual load of nitrogen delivered to the Neuse River Estuary from point and nonpoint sources by a minimum of 30 percent of the average annual load for the period 1991 through 1995 by the year 2001. All waters of the Neuse River Basin have been supplementally classified as Nutrient Sensitive Waters (NSW) pursuant to 15A NCAC 2B .0223. NSW Management requirements are to be implemented in accordance with 15A NCAC 2B .0223 in all waters of the Neuse River Basin as specified in the following rules of this Section:

- (1) Rule .0233 for protection and maintenance of

existing forested riparian areas.

- (2) Rule .0234 for wastewater discharges.
- (3) Rule .0235 for urban stormwater management.
- (4) Rules .0236 and .0238 for agricultural nitrogen reduction.
- (5) Rule .0239 for nutrient management, and
- (6) Rule .0240 for nitrogen offset fees.

Authority G.S. 143-214.1; 143-214.7; 143-215.1; 143-215.3(a)(1).

.0233 NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN AREAS

The following is the management strategy for maintaining and protecting existing riparian areas in the Neuse River Basin:

- (1) Existing riparian areas shall be protected and maintained in accordance with Sub-Items (3)(a)-(e) of this Rule on all sides of surface waters in the Neuse River Basin (intermittent streams, perennial streams, lakes, and estuaries) as indicated on the most recent versions of United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps or other site-specific evidence. This Rule only applies to riparian areas where forest vegetation is established in Zone 1 (as described in Sub-Item 3(a) of this Rule) as of June 12, 1997. This Rule does not establish new buffers in riparian areas. Exceptions to the requirements of this Rule for existing riparian areas are described in Sub-Items (1)(a)-(h) of this Rule. Maintenance of the riparian areas should be such that, to the maximum extent possible, sheet flow of surface water is achieved. Any activities that would result in water quality standard violations or that disrupt the structural or functional integrity of the riparian area are prohibited. The following waterbodies and land uses are exempt from the riparian area protection requirements:
- (a) Ditches and manmade conveyances other than modified natural streams;
- (b) Areas mapped as intermittent streams, perennial streams, lakes, or estuaries on the most recent versions of United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps where no perennial or intermittent waterbody actually exists on the ground;
- (c) Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 2B .0100;
- (d) Where application of this Rule would prevent all prospective uses of a lot platted and

recorded prior to the effective date of this Rule, a variance may be granted by the Environmental Management Commission:

- (e) New development in the riparian area shall be limited to water dependent structures as defined in 15A NCAC 2B .0202. Any such structures shall be located, designed, constructed and maintained to provide maximum nutrient removal, to have the least adverse effects on aquatic life and habitat and to protect water quality;
- (f) Roads, bridges, stormwater management facilities, ponds, and utilities may be allowed where no practical alternative exists. These structures shall be located, designed, constructed, and maintained to have minimal disturbance, to provide maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices;
- (g) Stream restoration projects, scientific studies, stream gauging, water wells, passive recreation facilities such as boardwalks, trails, pathways, historic preservation and archaeological activities are allowed; and
- (h) Stream crossings associated with timber harvesting are allowed if performed in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).
- (2) If a local government has been issued a Municipal Separate Stormwater Sewer System permit or has been delegated to implement a local stormwater program, then the local government shall ensure that the riparian areas to be protected are, as a standard practice, recorded on plats as easements.
- (3) The protected riparian area shall have two zones as follows:
 - (a) Zone 1 is intended to be an undisturbed forest. Zone 1 begins at the centerline of the channel for intermittent streams and perennial streams without tributaries and extends landward a distance of 30 feet on all sides of the waterbody, measured horizontally on a line perpendicular to the waterbody. For all other waterbodies, Zone 1 begins at the upper edge of the active channel of the surface waterbody (bank-full flow) or the mean high water line and extends landward a distance of 30 feet, measured horizontally on a line perpendicular to the waterbody. Forest vegetation of any width that exists in Zone 1 on the effective date of this Rule must be preserved and maintained in accordance with Sub-Items (i)-(v) of this Rule. The application of fertilizer

in Zone 1 is prohibited. The following practices and activities are allowed in Zone 1:

- (i) Natural regeneration of forest vegetation is allowed and planting vegetation to enhance the riparian zone is allowed if disturbance is minimized. Any plantings should primarily consist of locally native trees and shrubs;
- (ii) Selective removal of individual high value trees is allowed where water quality values are not compromised. Limited mechanized equipment is allowed in this area;
- (iii) Horticulture practices may be used to maintain the health of individual trees;
- (iv) Individual trees may be removed which are in danger of causing damage to dwellings, other structures, or the stream channel; and
- (v) Other timber cutting techniques approved by the Department may be undertaken if necessary to prevent extensive pest or disease infestation.
- (b) Zone 2 begins at the outer edge of Zone 1 and extends landward a minimum of 20 feet as measured horizontally on a line perpendicular to the waterbody. The combined minimum width of Zones 1 and 2 shall be 50 feet on all sides of the waterbody. Vegetation in Zone 2 shall consist of a dense ground cover composed of herbaceous or woody species which provides for diffusion and infiltration of runoff and filtering of pollutants. The following practices and activities are allowed in Zone 2 in addition to those allowed in Zone 1: Removal of grass clippings or plant products such as timber, nuts, and fruit is allowed on a periodic and regular basis provided the intended purpose of the riparian area is not compromised by harvesting, disturbance, or loss of forest or herbaceous ground cover. Forest vegetation in Zone 2 may be managed to minimize shading on adjacent land if the water quality function of the riparian area is not compromised. The following practices and activities are not allowed in Zone 2:
 - (i) New permanent structures;
 - (ii) New on-site sanitary sewage systems which use ground adsorptions;
 - (iii) Activities that would result in water quality standards violations or disrupt the structural or functional integrity of the riparian area.
- (c) Timber removal and skidding of trees shall be directed away from the water course or water body. Skidding shall be done in a manner to

prevent the creation of ephemeral channels perpendicular to the water body. Any tree removal must be performed in a manner that does not compromise the intended purpose of the riparian area and is in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).

- (d) Maintenance of Zones 1 and 2 is required. Sheet flow must be maintained to the maximum extent practical through dispersing concentrated flow and/or re-establishment of vegetation to maintain the effectiveness of the riparian area. Periodic corrective action to restore sheet flow must be taken by the landowner if necessary to impede the formation of erosion gullies which allow concentrated flow to bypass treatment in the riparian area.
- (e) Periodic maintenance of modified natural streams such as canals is allowed provided that disturbance is minimized and the structure and function of the riparian area is not compromised. A grassed travelway is allowed on one side of the waterbody when alternative forms of maintenance access are not practical. The width and specifications of the travelway shall be only that needed for equipment access and operation. The travelway should be located to maximize stream shading.

- (4) Where the standards and management requirements for riparian areas are in conflict with other laws, regulations, and permits regarding streams, steep slopes, erodible soils, wetlands, floodplains, forest harvesting, surface mining, land disturbance activities, development in Coastal Area Management Act Areas of Environmental Concern, or other environmental protection areas, the more protective shall apply so long as they are in effect.

Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1).

.0234 NEUSE RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: WASTEWATER DISCHARGE REQUIREMENTS

The following is the wastewater discharge management strategy for the Neuse River Basin:

- (1) All new and expanding dischargers will be required to document that all practical alternatives to surface water discharge were evaluated pursuant to 15A NCAC 2H .0105(c)(2), prior to a submittal of an application for a discharge. For purposes of this Rule, permitted discharges means those individually permitted and not those covered under general permits.
- (2) All wastewater dischargers greater than or equal to 0.5 million gallons per day (MGD) permitted flow,

regardless of current loading levels, are required to evaluate and optimize the operation of their facilities in order to reduce nutrient loadings. One year after the effective date of this Rule, a report shall be submitted to the Division by each wastewater discharger or collectively by an Association, documenting the efforts/level of reductions achieved.

- (3) The collective total nitrogen load for all individually permitted wastewater discharges shall, on an annual mass basis, be no more than 2.8 million pounds per year, unless individual wastewater discharges separately or collectively purchase a portion of the nonpoint source allocation in accordance with the formula for offset payments set forth in 15A NCAC 2B .0240.
- (4) Any existing individual discharger or collective group of wastewater dischargers that accepts wastewater from another wastewater treatment facility in the Neuse River Basin which results in the elimination of the discharge from that wastewater treatment facility shall be allowed to increase the annual mass load of total nitrogen discharged by the annual mass load of total nitrogen allocated to the wastewater treatment facility that is eliminated. If the wastewater treatment system that is to be eliminated has a permitted flow of less than 0.5 MGD, the annual mass load of total nitrogen shall be calculated from the most recent available data on that facility.
- (5) All dischargers within the basin will have the option of forming an Association to meet their allocated total nitrogen load collectively.
 - (a) For dischargers that join an Association, an agreement will be drafted between the Division and the Association that includes annual loading targets. Using each Association member's 1995 total nitrogen load, the annual loading target shall be calculated as 70 percent of the load from those discharges below the Falls Lake dam plus 10 percent of the load from those dischargers above the dam. This annual total nitrogen loading target shall be met within five years of the effective date of this Rule. The agreement may also require stepwise decreases in total nitrogen loads for the five years following the effective date of this Rule. The Association shall also be required to document reduction in total nitrogen loadings for any member facilities located in Craven, Jones, Pamlico and Carteret Counties as a result of their immediate proximity to the estuary. If the Association does not meet its annual total nitrogen loading target in any given year, the Association shall make payments for nonpoint source controls at a rate as set in 15A NCAC 2B .0240 of this Section. No Association

exists, for the purposes of this Rule, until the agreement is formally approved by the Commission. All existing Association dischargers below Falls Lake Dam that have a permitted flow greater than or equal to 0.5 MGD will receive a quarterly average total phosphorus limit of 2 mg/l in their NPDES permits. All existing Association dischargers above Falls Lake Dam that have a permitted flow greater than or equal to 0.05 MGD will receive a quarterly average total phosphorus limit of 2 mg/l in their NPDES permits. New and expanding Association dischargers will receive a quarterly average total phosphorus limit of 2 mg/l in their NPDES permits. More stringent phosphorous limits may apply to protect water quality standards in localized areas.

(b) For dischargers that do not join an Association, or if no Association of dischargers is formed, the following requirements apply:

(i) All existing dischargers greater than or equal to 0.5 MGD below Falls Lake Dam must individually meet an annual mass load of total nitrogen based on a concentration of 3.5 mg/l and their 1995 permitted flow within five years from the effective date of this Rule. These facilities must meet a quarterly average total phosphorus limit of 2 mg/l. More stringent limits may apply to protect water quality standards in localized areas.

(ii) All existing facilities above Falls Lake Dam with permitted flows greater than or equal to 0.05 MGD will be required to meet a quarterly average total phosphorous limit of 2 mg/l. More stringent limits may apply to protect water quality standards in localized areas.

(iii) All expanding wastewater dischargers, where discharge is the only environmentally and economically feasible option, must document their ability to comply with an annual mass load of total nitrogen based on a concentration of 3.5 mg/l and their 1995 permitted flow. An expanding wastewater discharger may obtain allocation from the load established under Item (3) of this Rule from other existing dischargers. An expanding wastewater discharger which can not comply with the annual mass load or obtain an allocation from other existing

dischargers' load, may purchase a portion of the nonpoint source load allocation at a rate of 110 percent of the cost as set in 15A NCAC 2B .0240 of this Section to implement practices designed to reduce that same loading created by the expanding discharge. Payment for the portion of the nonpoint source load allocation purchased shall be made prior to permit issuance. The expanding discharge shall at a minimum comply with an annual mass load of total nitrogen based on a concentration of 3.5 mg/l and their expanded permitted flow. These facilities must meet a monthly average total phosphorous limit of 1 mg/l. More stringent limits may be given to protect water quality standards in localized areas.

(iv) New municipal wastewater dischargers that develop a wastewater treatment system to resolve water quality problems caused by existing failing subsurface systems and that have no alternative other than to discharge, shall document efforts to obtain allocation from the load established in Item (3) of this Rule from existing wastewater dischargers. If allocation can not be obtained from the existing dischargers, the new municipal discharger may purchase a portion of the nonpoint source load allocation at a rate of 110 percent of the cost as set in 15A NCAC 2B .0240 of this Section to implement practices designed to reduce that same loading created by the new discharge. Payment for the portion of the nonpoint source load allocation purchased shall be made prior to permit issuance. The new municipal discharger shall at a minimum comply with an annual mass load of total nitrogen based on a concentration of 3.5 mg/l and their permitted flow. These facilities must meet a monthly average total phosphorous limit of 1 mg/l. More stringent limits may be given to protect water quality standards in localized areas.

(v) All new wastewater dischargers shall document efforts to obtain allocation from the load established in Item (3) of this Rule from existing wastewater discharges. If allocation can not be obtained from the existing dischargers,

new dischargers may purchase a portion of the nonpoint source load allocation at a rate of 200 percent of the cost as set in 15A NCAC 2B .0240 of this Section to implement practices designed to reduce that same loading created by the new discharge. Payment for the portion of the nonpoint source load allocation purchased shall be made prior to permit issuance. The new discharge shall at a minimum comply with an annual mass load of total nitrogen based on a concentration of 3.5 mg/l and their permitted flow. These facilities must meet a monthly average total phosphorous limit of 1 mg/l. More stringent limits may be given to protect water quality standards in localized areas.

Authority G.S. 143-214.1; 143-215; 143-215.1; 143-215.3(a)(1).

.0235 NEUSE RIVER BASIN- NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: BASIN WIDE STORM WATER REQUIREMENTS

(a) The following local governments shall be designated, based on population, for stormwater management requirements as part of the Neuse River Nutrient Sensitive Waters stormwater management strategy:

- (1) Cary.
- (2) Durham.
- (3) Garner.
- (4) Goldsboro.
- (5) Havelock.
- (6) Kinston.
- (7) New Bern.
- (8) Raleigh.
- (9) Smithfield.
- (10) Wilson
- (11) Durham County.
- (12) Johnston County.
- (13) Orange County.
- (14) Wake County, and
- (15) Wayne County.

(b) Other incorporated areas, not listed under Paragraph (a) of this Rule, within affected counties may seek to implement their own local stormwater management plan by complying with the requirements specified in Paragraphs (e), (f) and (g) of this Rule.

(c) The Environmental Management Commission may designate additional local governments based on their potential to contribute significant nitrogen loads to the Neuse River. The Commission shall review the need to designate additional local governments, based on population growth or pollution potential. At a minimum, the Commission shall review the

need for additional designations to the stormwater management program as part of the basinwide planning process for the Neuse River Basin. Any local governments that are designated at a later date under the Neuse Nutrient Sensitive Waters Stormwater Program shall meet the requirements under Paragraphs (e), (f) and (g) of this Rule.

(d) Within 12 months of the effective date of this Rule, the Division of Water Quality shall submit a model local stormwater management program plan to control nutrients to the Commission for approval. The Division will work in cooperation with subject local governments in developing this model plan. The model plan shall address nitrogen reductions for both existing and new development and include, but not be limited to, the following elements:

- (1) Review and approval of stormwater management plans for new developments to ensure that:
 - (A) the nitrogen load contributed by new development activities is held at 70 percent of the nitrogen load contributed by the 1995 land use. The local governments may use the design standard of 3.6 pounds/acre/year, determined by the Environmental Management Commission as 70 percent of the average collective nitrogen load for the 1995 non-urban land uses in the basin above New Bern. The EMC may periodically update the design standard based on the availability of new scientific information. Developers shall have the option of partially offsetting their nitrogen loads by funding wetland or riparian area restoration through the North Carolina Wetland Restoration Fund; however, before using offset payments, the development must attain, at a minimum, a nitrogen export that does not exceed 6 pounds/acre/year for residential development and 10 pounds/acre/year for commercial or industrial development.
 - (B) there is no net increase in peak flow from the predevelopment conditions for the 1-year, 24-hour storm;
- (2) Review of new development plans for compliance with requirements for protecting and maintaining existing riparian areas as specified in 15A NCAC 2B .0233;
- (3) Implementation of public education programs;
- (4) Identification and removal of illegal discharges;
- (5) Identification of suitable locations for potential stormwater retrofits (such as riparian areas) that could be funded by various sources; and
- (6) Annually report on net changes to nitrogen load from urban area.

(e) Within 18 months of the effective date of this Rule or later designation [as described in Paragraph (c)], subject local governments shall submit their local stormwater management program plans to the Commission for review and approval. These local plans shall equal or exceed the model local

stormwater management program plan established in Paragraph (d) of this Rule. Local governments may submit a more stringent local stormwater management program plan. Local stormwater management programs and modifications to these programs shall be kept on file by the Division of Water Quality.

(f) Within 24 months of the effective date of the rule or designation, subject local governments are required to adopt and implement a local stormwater management program according to their approved plan. Local governments administering a stormwater management program are required to submit annual reports to the Division documenting their progress by November 30 of each year.

(g) If a local government fails to submit an acceptable local stormwater management program plan or fails to properly implement an approved plan, then stormwater management requirements for existing and new urban areas within its jurisdiction will be administered through the NPDES municipal stormwater permitting program per 15A NCAC 2H .0126.

- (1) Subject local governments will be required to develop and implement comprehensive stormwater management programs, tailored toward nitrogen reduction, for both existing and new development.
- (2) These stormwater management programs shall include, but not be limited to, the following elements:

(A) Review and approval of stormwater management plans for new developments to ensure that:

- (i) the nitrogen load contributed by new development activities is held at 70 percent of the nitrogen load contributed by the 1995 land use. The local governments may use the design standard of 3.6 pounds/acre/year, determined by the Environmental Management Commission as the average collective nitrogen load for the 1995 non-urban land uses in the basin above New Bern. The EMC may periodically update the design standard as based on the availability of scientific information. Developers shall have the option of partially offsetting their nitrogen load by funding wetland or riparian area restoration through the North Carolina Wetland Restoration Fund; however, before using offset payments, the development must attain, at a minimum, a nitrogen export that does not exceed 6 pounds/acre/year for residential development and 10 pounds/acre/year for commercial development.

- (ii) there is no net increase in peak flow from the predevelopment conditions for the 1-year, 24-hour storm.

- (B) Review new development plans for compliance with requirements for protecting and maintaining existing riparian areas as specified in 15A NCAC 2B .0233;
- (C) Implementation of public education programs;
- (D) Identification and removal illegal discharges;
- (E) Identification of suitable locations for potential stormwater retrofits (such as riparian areas) that could be funded by various sources; and
- (F) Annually report on changes to net nitrogen load from urban area.

Authority G.S. 143-214.1; 143-214.7; 143-215.1; 143-215.3(a)(1).

.0236 NEUSE RIVER BASIN- NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NITROGEN LOADING REDUCTION

All persons engaging in agricultural operations in the Neuse River Basin, including those related to crops, livestock, and poultry, shall achieve a 30 percent net total nitrogen loading reduction from the cumulative average 1991-1995 nitrogen loadings. Such reduction shall be equivalent to a net total nitrogen loading reduction of 1,695,000 pounds per year to the Neuse River Estuary upstream New Bern (based on the 1991-1995 average nitrogen loadings). In addition to requirements set forth in general permits for animal operations issued pursuant to G.S. 143-215.10C, these Rules apply to all livestock and poultry operations, regardless of size, in the Neuse River Basin. A management strategy to achieve this reduction is specified in Rule .0238 of this Section.

Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1).

.0238 NEUSE RIVER BASIN- NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NITROGEN REDUCTION STRATEGY

The following requirements apply to all persons in the Neuse River Basin who engage in agricultural operations. Agricultural operations are activities which relate to the production of crops, livestock, and poultry.

- (1) The nitrogen net loading reduction specified in Rule .0236 of this Section shall be achieved collectively by all persons engaging in agricultural operations within five years from the effective date of this Rule. Persons subject to this Rule are provided with two options for meeting the requirements of this Rule. The first option is to sign-up for and participate in implementing a collective county plan for agricultural nitrogen reduction as described in Item (7) of this Rule. This option allows site-specific plans to be developed for those operations where further nitrogen reduction practices are necessary to achieve the collective reduction goal. The second

option requires the implementation of standard Best Management Practices as specified in Item (8) of this Rule. Failure to meet requirements of this Rule may result in imposition of enforcement measures as authorized by G.S. 143-215.6A (civil penalties), G.S. 143-215.6B (criminal penalties), and G.S. 143-215.6C (injunctive relief).

- (2) Formation and membership of the Basin Oversight Committee. The Environmental Management Commission shall delegate to the Directors of the Division of Water Quality and Division of Soil and Water Conservation the responsibility of forming a Basin Oversight Committee.

- (a) The Directors shall solicit one nomination for membership on this Committee from each of the following agencies:

- (i) Division of Soil and Water Conservation.
 - (ii) United States Department of Agriculture- Natural Resources Conservation Service.
 - (iii) North Carolina Department of Agriculture.
 - (iv) North Carolina Cooperative Extension Service, and
 - (v) Division of Water Quality.

- (b) The Directors shall also solicit one nomination that represents environmental interests, one nomination that represents agricultural interests, and one from the scientific community.

- (c) Nominations for Basin Oversight Committee shall be approved by the Secretary, Department of Environment, Health and Natural Resources. Members shall be appointed for a term not to exceed five years and shall serve at the pleasure of the Secretary.

- (3) Role of the Basin Oversight Committee. The Environmental Management Commission shall delegate the following responsibilities to qualified employees of the Department who are members of the Basin Oversight Committee and employees of the Division of Water Quality and Division of Soil and Water Conservation. These qualified employees shall act with advice from the Basin Oversight Committee.

- (a) Develop a tracking and accounting methodology, as described below, for evaluating total nitrogen loading from agricultural operations and progress toward reaching the total nitrogen net loading reduction from the implementation BMPs within the Neuse River Basin above New Bern. The accountability methodology must demonstrate how the nitrogen loading reduction can be met collectively by

implementing best management practices approved by the Soil and Water Conservation Commission above New Bern that include, but are not limited to, water control structures, riparian area establishment, and nutrient management.

- (b) Submit the accountability process to the Environmental Management Commission for approval within one year after the effective date of the rule.

- (c) Include in the accountability process a method to accurately track implementation of BMPs, including location and type of BMPs; to estimate nitrogen reductions from BMP implementation; to quantify increases or decreases in nitrogen loading due to changes in land use, modified agricultural activity, or atmospheric nitrogen loading, based on the best available scientific information; to ensure operation and maintenance of BMPs, including year round management for water control structures; to address life expectancy of BMPs; and a method to ensure maintenance of the nitrogen net loading reduction after the initial five years of this Rule, including substitute BMPs to replace expired practices and additional BMPs to offset new sources of nitrogen.

- (d) Allocate to counties within the Neuse River Basin above New Bern their portion of the nitrogen loading reduction from agricultural operations, including any division of the reduction between specific categories of agricultural operations. Each county may not have to reduce individually its nitrogen loading by 30 percent; however, the nitrogen loading reduction from all counties should collectively meet the total nitrogen reduction.

- (e) Review, approve and summarize county nitrogen reduction plans and present these plans to the Environmental Management Commission for approval within two years from the effective date of this Rule.

- (f) Review, approve and summarize county nitrogen reduction annual reports and present these reports to the Environmental Management Commission each October. Information to be included in the Annual Report is described in Sub-item (5)(d) of this Rule.

- (4) Formation and membership of the County Advisory Committees. The Environmental Management Commission shall delegate to the Directors of the Division of Water Quality and Division of Soil and Water Conservation the responsibility of forming County Advisory Committees.

- (a) The Directors shall form County Advisory

Committees in each within the Neuse River Basin. The Directors shall solicit nominations for membership on the County Advisory Committee from each of the following local agencies:

- (i) Soil and Water Conservation District,
- (ii) United States Department of Agriculture- Natural Resources Conservation Service,
- (iii) North Carolina Department of Agriculture, and
- (iv) North Carolina Cooperative Extension Service.

- (b) The Directors shall also solicit one nomination that represents a local farmer in the county.
- (c) Nominations for the County Advisory Committees shall be approved by the Directors and shall be appointed for a term not to exceed five years and shall serve at the pleasure of the Directors.

(5) Role of the County Advisory Committees. The Environmental Management Commission shall delegate the following responsibilities to qualified employees of the Department who are members of the County Advisory Committees and employees of the Division of Soil and Water Conservation. These qualified employees shall act with advice from the County Advisory Committees.

- (a) Conduct a sign-up process for persons wishing to voluntarily implement the county nitrogen reduction plan as specified in Item (7) of this Rule. This sign-up process shall be completed within one year following the effective date of this Rule.
- (b) Develop county nitrogen reduction plans that meet the nitrogen loading reduction goal for agricultural operations assigned by the Directors with advice from the Basin Oversight Committee. The county plans shall be designed to achieve the required nitrogen loading reduction within five years from the effective date of this Rule. A matrix of best management practice options, which account for stream order, floodplain width, and regional variations in soil types and topography, may be used in developing the county nitrogen reduction plans. County nitrogen reduction plans must specify the name and location of participant agricultural farming operations, BMPs which will be required as part of the plan, estimated nitrogen reduction, schedule for BMP implementation, and operation and maintenance requirements.
- (c) Submit an annual report to the Basin Oversight Committee each May on net total nitrogen loading reductions from agricultural operations, the implementation of BMPs for

nitrogen control, and progress towards the total nitrogen loading reduction requirement above New Bern.

- (d) Include in the annual report, at a minimum, documentation on the BMPs implemented (including type and location), their costs, documentation of any expired contracts for BMPs, estimated nitrogen net loading reductions achieved as a result of those BMPs, any increases or decreases in nitrogen loading resulting from changes in land use or modified agricultural-related activity, discussion of operation and maintenance of BMPs, and a summary of the estimated load from agricultural operations for the previous year, and any modifications to the accounting methodology. Information shall be provided in the annual report on the status of BMP implementation by each participant in the county nitrogen reduction plan. Information shall include all agricultural operations within the Neuse River Basin in each county and shall also be summarized separately for cropland, livestock and poultry activities. The annual report following the fourth year after the effective date of this Rule shall include documentation of the implementation status of best management practices specified in Item (8) of this Rule. The Environmental Management Commission shall use the annual reports to determine the need for adjustments to the nitrogen reduction strategy for agricultural operations.
- (6) Options for meeting the collective total nitrogen net loading reduction requirement. Each agricultural operation in the Neuse River Basin shall have two options for meeting the requirements of this Rule. The options are to either implement a county nitrogen reduction plan, specified by Item (7) of this Rule, or implement standard Best Management Practices specified by Item (8) of this Rule.
- (7) County nitrogen reduction plan option. All persons subject to this Rule that choose to implement the county nitrogen reduction plan must complete the sign-up process that will be conducted per the requirements of Sub-item (5)(a) of this Rule. This sign-up process will be completed within one year from the effective date of this Rule. If a person subject to this Rule does not complete the sign-up process, he shall be subject to implementation of Best Management Practices as specified in Item (8) of this Rule. Persons who choose to participate in the county nitrogen reduction plan must implement his portion of the plan within five years of the effective date of this Rule.
- (8) Standard best management practice option. If a person subject to this Rule does not complete the

sign-up process for implementation of the county nitrogen reduction plan, then he shall implement the following best management practices within four years following the effective date of this Rule. A forested riparian area, as described in Sub-Item (8)(a) of this Rule, is required on all sides of surface waters in the Neuse River Basin (intermittent streams, perennial streams, lakes, and estuaries) as indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute quadrangle) topographic maps or other site-specific evidence. Design and installation of the forested riparian area should be such that, to the maximum extent possible, sheet flow of surface water is achieved. Any activities that would result in water quality standard violations or disrupt the structural or functional integrity of the forested riparian area are prohibited.

(a) The protected riparian area shall have two zones as follows:

(i) Zone 1 is intended to be undisturbed forest. Zone 1 begins at the centerline of the channel for intermittent streams and perennial streams without tributaries and extends landward a distance of 30 feet on each side of the waterbody, measured horizontally on a line perpendicular to the waterbody. For all other waterbodies, Zone 1 begins at the upper edge of the active channel of the surface waterbody (bank-full flow) or the mean high water line and extends landward a distance of 30 feet, measured horizontally on a line perpendicular to the waterbody. Forest vegetation of any width that exists in Zone 1 on the effective date of this Rule must be preserved and maintained in accordance with Sub-Items (A)-(F) of this Rule. The application of fertilizer in Zone 1 is prohibited. The following practices and activities are allowed in Zone 1:

- (A) Natural regeneration of forest vegetation is allowed and planting vegetation to enhance the riparian zone is allowed if disturbance is minimized. Any plantings should primarily consist of locally native trees and shrubs;
- (B) Selective removal of individual high value trees is allowed where water quality values are not compromised. Limited mechanized equipment is allowed in this area;
- (C) Horticulture practices may be

used to maintain the health of individual trees;

(D) Individual trees may be removed which are in danger of causing damage to dwellings, other structures, or the stream channel;

(E) Other timber cutting techniques approved by the Department may be undertaken if necessary to prevent extensive pest or disease infestation; and

(F) For activities where no practical alternative to clearing existing forest vegetation exists, 300 feet of herbaceous vegetation on each side of the waterbody where nutrients are not applied may be substituted in lieu of Zone 1.

(ii) Zone 2: begins at the outer edge of Zone 1 and extends landward a minimum of 20 feet as measured horizontally on a line perpendicular to the waterbody. The combined minimum width of Zones 1 and 2 shall be 50 feet on all sides of the waterbody. Vegetation in Zone 2 shall consist of a dense ground cover composed of herbaceous or woody species which provides for diffusion and infiltration of runoff and filtering of pollutants. The following practices and activities are allowed in Zone 2 in addition to those allowed in Zone 1: Removal of grass clippings or plant products such as timber, nuts, and fruit is allowed on a periodic and regular basis provided the intended purpose of the riparian area is not compromised by harvesting, disturbance, or loss of forest or herbaceous ground cover. Forest vegetation in Zone 2 may be managed to minimize shading on adjacent land if the water quality function of the riparian area is not compromised. The following practices and activities are not allowed in Zone 2:

- (A) New permanent structures;
- (B) New on-site sanitary sewage systems which use ground absorptions;
- (C) Activities that would result in water quality standards violations or disrupt the structural or functional integrity of the riparian area are

- prohibited.
- (iii) Timber removal and skidding of trees in the riparian area shall be directed away from the water course or water body. Skidding shall be done in a manner to prevent creation of ephemeral channels perpendicular to the water body. Any tree removal must be performed in a manner that does not compromise the intended purpose of the riparian area and is in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).
 - (b) The following waterbodies and land uses are exempt from the riparian area requirement:
 - (i) Ditches and manmade conveyances, other than modified natural streams which under normal conditions do not receive drainage waters from any tributary ditches, canals, or streams, unless the ditch or manmade conveyance delivers runoff directly to waters classified in accordance with 15A NCAC 2B .0100;
 - (ii) Ditches and manmade conveyances other than modified natural streams which are used exclusively for drainage of silvicultural land or naturally forested areas. All forest harvesting operations shall be in compliance with North Carolina's Forest Practices Guidelines Related to Water Quality;
 - (iii) Areas mapped as perennial streams, intermittent streams, lakes, or estuaries on the most recent versions of United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps where no perennial or intermittent waterbody exists on the ground;
 - (iv) Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 2B .0100;
 - (v) Canals, ditches, and other drainage conveyances are exempt from the riparian area requirement if both water control structures with a water management plan and a nutrient management plan, as specified in 15A NCAC 2B .0239, are implemented on the adjacent agricultural land according to the standards and specifications of the USDA - Natural Resources Conservation Service or the standards and specifications adopted by the NC Soil and Water Conservation Commission. The water control structures and nutrient management practices must provide equivalent protection and directly affect the land and waterbodies draining into the waterbody exempted from the riparian area requirement. To the maximum extent practical, water control structures should be managed to maximize nitrogen removal throughout the year. A technical specialist designated pursuant to rules adopted by the Soil and Water Conservation Commission must provide written approval that the nutrient management and water management plans meet the standards and specifications of the USDA - Natural Resources Conservation Service or the standards and specifications adopted by the NC Soil and Water Conservation Commission. If the nutrient management plans and water management plans are not implemented, then a riparian area pursuant to this Section is required;
 - (vi) Roads, bridges, stormwater management facilities, ponds, and utilities may be allowed where no practical alternative exists. These structures shall be located, designed, constructed, and maintained to have minimal disturbance, to provide maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices;
 - (vii) Stream restoration projects, scientific studies, stream gauging, water wells, passive recreation facilities such as boardwalks, trails, pathways, historic preservation and archaeological activities are allowed; and
 - (viii) Stream crossings associated with timber harvesting are allowed if performed in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).
 - (c) The following are modifications to the riparian area requirements.
 - (i) On agricultural land where either water control structures with a water

management plan, or a nutrient management plan is implemented according to the standards and specifications of the USDA - Natural Resources Conservation Service or the standards and specifications adopted by the NC Soil and Water Conservation Commission, then a 20-ft forested or a 30-ft vegetated buffer is required. The water control structures or nutrient management practices must provide equivalent protection and directly affect the land and waterbodies draining into the waterbody with a modified buffer requirement. To the maximum extent practical, water control structures should be managed to maximize nitrogen removal throughout the year. A technical specialist designated pursuant to rules adopted by the Soil and Water Conservation Commission must provide written approval that the nutrient management plan meets the standards and specifications of the USDA - Natural Resources Conservation Service or the standards and specifications adopted by the NC Soil and Water Conservation Commission.

- (ii) A vegetated riparian area may be substituted for an equivalent width of forested riparian area within 100 feet of tile drainage.
- (iii) Where the riparian area requirements would result in an unavoidable loss of tobacco allotments [17 CFR 723.220(c)] and the BMPs of controlled drainage or nutrient management are not in place, forest cover is required only in the first 20 feet of the riparian area.
- (d) Maintenance of the riparian area is required. Sheet flow must be maintained to the maximum extent practical through dispersing concentrated flow and/or re-establishment of vegetation to maintain the effectiveness of the riparian area. Periodic corrective action to restore sheet flow must be taken by the landowner if necessary to impede the formation of erosion gullies which allow concentrated flow to bypass treatment in the riparian area. Periodic maintenance of drainage channels, canals, and ditches is allowed provided that disturbance is minimized and the structure and function of the riparian area is not compromised. A grassed travelway is allowed on one side of

the waterbody when alternative forms of maintenance access are not practical. The width and specifications of the travelway shall be only that needed for equipment access and operation. The travelway should be located to maximize stream shading.

- (e) Where the standards and management requirements for riparian areas are in conflict with other laws, regulations, and permits regarding streams, steep slopes, erodible soils, wetlands, floodplains, forest harvesting, surface mining, land disturbance activities, development in Coastal Area Management Act Areas of Environmental Concern, or other environmental protection areas, the more protective shall apply so long as they are in effect.

Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1).

.0239 NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: NUTRIENT MANAGEMENT

The following is the management strategy for nutrient management in the Neuse River Basin:

- (1) The following persons are required to obtain a certificate, issued within five years of the effective date of this Rule by the Cooperative Extension Service or the Division of Water Quality, verifying completion of training and continuing education in nutrient management. Within one year from the effective date of this Rule, the Division of Water Quality, in cooperation with the Cooperative Extension Service, shall conduct a sign-up process for persons wishing to take the nutrient management training. If these persons fail to obtain the nutrient management certificate, they are required to develop and properly implement nutrient management plans for the lands where they apply fertilizer within five years of the effective date of this Rule:
 - (a) Applicators who in a calendar year apply fertilizer to cropland areas that together comprise at least 50 acres;
 - (b) Applicators who in a calendar year apply fertilizer to a golf course, recreational land areas, right-of-way, or other turfgrass areas that together comprise at least 50 acres; and
 - (c) Commercial applicators who apply fertilizer to at least 50 total acres per year of lawn and garden areas in residential, commercial, or industrial developments.
- (2) If the persons listed in Sub-items (1)(a)-(c) of this Rule do not attend and complete within five years of the effective date of this Rule a nutrient management training program administered by the Cooperative Extension Service, their nutrient management plans shall meet the following requirements:

- (a) Nutrient management plans for cropland shall meet the standards and specifications of the USDA - Natural Resources Conservation Service or the standards and specifications adopted by the NC Soil and Water Conservation Commission. Written approval from a technical specialist designated pursuant to rules adopted by the Soil and Water Conservation Commission must be obtained by the applicator certifying that a nutrient management plan meeting these standards has been developed for the lands where they apply fertilizer.
- (b) Nutrient management plans for turfgrass, horticultural, and non-agricultural application of nutrients shall meet the standards and specifications of the Division of Water Quality. These standards and specifications shall be developed by the Division of Water Quality in consultation with the Cooperative Extension Service, the Natural Resources Conservation Service, the Division of Soil and Water Conservation, and the North Carolina Department of Agriculture and approved by the Director of the Division of Water Quality within one year of the effective date of this Rule. Written approval from a technical specialist designated pursuant to rules adopted by the Soil and Water Conservation Commission must be obtained by the applicator certifying that a nutrient management plan meeting these standards has been developed for the lands where they apply fertilizer.
- (c) Nutrient management plans and supporting documents must be kept on-site or be producible within 24 hours of a request by the Division of Water Quality.
- (d) Nutrient management plans may be written by the applicator or a consultant to the applicator.
- (3) Applicators and commercial applicators subject to Item (2) of this Rule who do not develop a nutrient management plan or do not apply nutrients in accordance with a nutrient management plan meeting the specifications in Item (2) of this Rule are in violation of this Rule and are subject to enforcement measures authorized in G.S. 143-215.6A (civil penalties), G.S. 143-215.6B (criminal penalties), and G.S. 143-215.6C (injunctive relief).
- (4) Dry poultry litter from animal waste management systems involving 30,000 or more birds shall be applied at agronomic rates for nitrogen based on realistic yield expectations derived from waste nutrient content, crop, and soil type or yield records.
- (5) Residential landowners and other individuals applying fertilizer to less than 50 acres per year should to the maximum extent practical apply

fertilizer to residential, commercial, industrial, turfgrass, and cropland areas at rates recommended by the Cooperative Extension Service.

Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1).

.0240 NEUSE RIVER BASIN- NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: NUTRIENT OFFSET PAYMENTS

Nutrient offset payments made as part of fulfilling requirements of the Nutrient Sensitive Waters Management Strategy shall be paid to either of the following programs for implementation of measures to reduce nitrogen delivery to the Neuse River. These programs include:

- (1) North Carolina Agriculture Cost Share Program for Nonpoint Sources. Monies paid to this fund shall be targeted toward implementing agricultural Best Management Practices for nitrogen reduction within the Neuse River Basin.
- (2) North Carolina Wetland Restoration Fund. Monies paid to this fund shall be targeted toward restoration of riparian areas along surface waters within the Neuse River Basin. A cost effectiveness rate shall be established by the Division that represents the cost to achieve a reduction of one kilogram or one pound of total nitrogen through the use of nitrogen reduction measures. The rate shall be periodically updated by the Division based on the availability of new cost or effectiveness data. The rate shall be:
 - (a) twenty-nine dollars per kilogram (\$29.00/kg) or thirteen dollars per pound (\$13.00/lb) for the North Carolina Agriculture Cost Share Program for Nonpoint Sources, and
 - (b) twenty-three dollars per kilogram (\$23.00/kg) or eleven dollars per pound (\$11.00/lb) for the North Carolina Wetland Restoration Fund.

Authority G.S. 143-214.1.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Board of Nursing intends to adopt rules cited as 21 NCAC 36 .0601 - .0606. Notice of Rule-making Proceedings was published in the Register on July 1, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 1:00 p.m. on January 22, 1998 at the Embassy Suites Hotel, 4700 Creedmoor Road, Raleigh, NC 27612.

Reason for Proposed Action: To facilitate the process for a registered nurse to form a limited liability company as

organized under G.S. 57C-2-01.

Comment Procedures: Any person wishing to present oral testimony relevant to proposed rules may register at the door before the hearing begins and present the hearing officer with a copy of testimony. Written comments concerning this adoption must be submitted by Friday, January 16, 1998 to: North Carolina Board of Nursing, PO Box 2129, Raleigh, NC 27602-2129; Attn: Jean H. Stanley, APA Coordinator.

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

CHAPTER 36 - BOARD OF NURSING

SECTION .0600 - ARTICLES OF ORGANIZATION

.0601 NAME OF LIMITED LIABILITY COMPANY

The name of a limited liability company for the purpose of providing nursing and related services shall not include any adjectives or other words not in accordance with ethical customs of the nursing profession.

Authority G.S. 55B; 57C-2-01.

.0602 PREREQUISITES FOR ORGANIZATION

(a) Before filing the articles of organization for a limited liability company with the Secretary of State, the organizing members shall submit the following to the Board:

- (1) a registration fee as set by Rule .0606 of this Subchapter; and
- (2) a certificate certified by those registered nurse organizing members, setting forth the names, addresses, social security and license numbers of each person who will be employed by the limited liability company to practice nursing and related services as specified in G.S. 55B-14(c)(2), (4-6), and stating that all such persons are duly licensed to practice nursing in North Carolina, and representing that the company will be conducted in compliance with the General Statutes of North Carolina Articles of Organization and this Subchapter.

(b) A certification that each of those organizing members who may provide nursing and related services as specified in G.S. 55B-14(c)(2), (4-6) is licensed to practice nursing in North Carolina shall be returned to limited liability company for filing with the Secretary of State.

Authority G.S. 55B-4; 55B-10; 55B-12; 55B-14; 57C-2-01.

.0603 CERTIFICATE OF REGISTRATION

A Certificate of Registration for a Limited Liability Company shall remain effective until December 31 of the year in which it was issued unless suspended or terminated as provided by law. A Certificate of Registration shall be renewed annually on application forms supplied by the Board. The application shall be accompanied by a renewal fee as set by Rule .0606 of this Subchapter.

Authority G.S. 55B-10; 55B-11; 57C-2-01.

.0604 GENERAL AND ADMINISTRATIVE PROVISIONS

The Board shall issue the certificate authorizing transfer of membership when membership is transferred in the company. This transfer form shall be permanently retained by the company. The membership books of the company shall be kept at the principal office of the company and shall be subject to inspection by authorized agents of the Board.

Authority G.S. 55B-6; 55B-12; 57C-2-01.

.0605 DOCUMENTS

The forms and documents regarding limited liability companies are issued by the Board.

Authority G.S. 150B-11.

.0606 FEES

The initial registration fee for a Limited Liability Company is fifty dollars (\$50.00). The fee for renewal of a Certificate of Registration is twenty-five dollars (\$25.00).

Authority G.S. 55B-10; 55B-11; 57C-2-01.

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: *Division of Facility Services*

Rule Citation: *10 NCAC 3R .3053, .3060 - .3066, .3072*

Effective Date: *September 1, 1997*

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

Authority for the rule-making: *G.S. 131E-176(25); 131E-177(1); 131E-183(b)*

Reason for Proposed Action: *To incorporate amendments to the 1997 State Medical Facilities Plan which the Governor signed on July 23, 1997.*

Comment Procedures: *Written comments should be sent to Jackie Sheppard at the Division of Facility Services, PO Box 29530, Raleigh, NC 27626-0530. Telephone (919) 733-2342.*

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

SECTION .3000 - PLANNING POLICIES AND NEED DETERMINATIONS

.3053 CERTIFICATE OF NEED REVIEW SCHEDULE

The agency has established the following review schedules for certificate of need applications.

- (1) Nursing Care Beds (in accordance with need determinations in 10 NCAC 3R .3072)

County	CON Beginning Review Date
Alexander	April 1, 1997
Burke	February 1, 1997
Cherokee	October 1, 1997
Cleveland	April 1, 1997
Haywood	April 1, 1997
Jackson	October 1, 1997
Macon	October 1, 1997
Transylvania	April 1, 1997
Yancey	February 1, 1997
Davidson	October 1, 1997
Surry	August 1, 1997
Yadkin	August 1, 1997
Iredell	April 1, 1997
Lincoln	April 1, 1997
Union	August 1, 1997
Granville	May 1, 1997
Johnston	March 1, 1997
Lee	May 1, 1997
Wake	December 1, 1997
Brunswick	September 1, 1997
Cumberland	December 1, 1997

TEMPORARY RULES

Harnett	March 1, 1997
Hoke	March 1, 1997
Moore	May 1, 1997
New Hanover	September 1, 1997
Currituck	December 1, 1997
Greene	September 1, 1997
Lenoir	May 1, 1997
Nash	September 1, 1997

(2) Home Health Agency Offices (in accordance with need determinations in 10 NCAC 3R .3074)

HSA	CON Beginning Review Date
I	December 1, 1997
II	April 1, 1997
III	June 1, 1997
IV	November 1, 1997
V	March 1, 1997
VI	July 1, 1997

(3) Detox-Only Beds (in accordance with need determinations in 10 NCAC 3R .3078)

Mental Health Planning Areas	CON Beginning Review Date
1 (Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain)	April 1, 1997
4 (Henderson, Transylvania)	April 1, 1997
5 (Alexander, Burke, Caldwell, McDowell)	April 1, 1997
6 (Rutherford, Polk)	April 1, 1997
8 (Gaston, Lincoln)	April 1, 1997
11 (Davie, Iredell, Rowan)	April 1, 1997
13 (Surry, Yadkin)	June 1, 1997
15 (Rockingham)	June 1, 1997
17 (Alamance, Caswell)	June 1, 1997
18 (Orange, Person, Chatham)	June 1, 1997
20 (Vance, Granville, Franklin, Warren)	June 1, 1997
21 (Davidson)	May 1, 1997
23 (Bladen, Columbus, Robeson, Scotland)	May 1, 1997
26 (Johnston)	May 1, 1997
27 (Wake)	May 1, 1997
31 (Wayne)	May 1, 1997
32 (Wilson, Greene)	May 1, 1997
33 (Edgecombe, Nash)	May 1, 1997
34 (Halifax)	May 1, 1997
35 (Carteret, Craven, Jones, Pamlico)	May 1, 1997
36 (Lenoir)	May 1, 1997
38 (Bertie, Gates, Hertford, Northampton)	May 1, 1997
39 (Beaufort, Hyde, Martin, Tyrrell, Washington)	May 1, 1997
40 (Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans)	May 1, 1997
41 (Duplin, Sampson)	May 1, 1997

(4) Intermediate Care Facility Beds for Mentally Retarded (in accordance with need determinations in 10 NCAC 3R .3079)

Mental Health Planning Areas	CON Beginning Review Date
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TEMPORARY RULES

3 (Alleghany, Ashe, Avery, Watauga, Wilkes)	December 1, 1997
14 (Forsyth, Stokes)	December 1, 1997
21 (Davidson)	June 1, 1997
16 (Guilford)	June 1, 1997
18 (Orange, Person, Chatham)	November 1, 1997
24 (Cumberland)	May 1, 1997
30 (Onslow)	May 1, 1997
37 (Pitt)	May 1, 1997

- (5) Applications for certificates of need will be reviewed pursuant to the following review schedule, unless another schedule has been specified in Items (1) through (4) of this Rule.

CON Beginning Review Date	HSA I, II, III	HSA IV, V, VI
January 1	--	--
February 1	A, B, G, I	G
March 1	--	A, B, F, I
April 1	B, F, H, I	--
May 1	--	B, C, H, I
June 1	A, C, D, F, I	D
July 1	--	A, F, I
August 1	B, E, I	--
September 1	--	B, E, I <u>B, E, I, H</u>
October 1	A, B, I <u>A, B, I, H</u>	--
November 1	--	A, C, F, I <u>A, C, E, I, H</u>
December 1	C, D, F, H, I	B, D, H, I

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
 Temporary Adoption Eff. January 2, 1997;
 Temporary Amendment Eff. January 15, 1997;
 Temporary Amendment Eff. September 1, 1997.

.3060 OPEN HEART SURGERY SERVICES NEED DETERMINATIONS (REVIEW CATEGORY H)

Because over 95% of all of the citizens of North Carolina live within 45 miles of one or more open heart surgery services; because the preponderance of clinical research on open heart surgery services indicates that there is a positive relationship between the number of procedures performed by a surgical operating team and the percent of good patient outcomes resulting from the surgery; and because the benefits of greater geographic access do not outweigh the adverse affects caused by the duplication of existing open heart surgery services and the resulting decrease in the number of procedures the surgical operating team of this service would perform, it is therefore determined that there is no need for additional open heart surgery services.

It is determined that there is a need for additional open heart surgery services from any hospital which acquired a heart-lung bypass machine prior to March 18, 1993 and which, nevertheless, is unable to use such machine in the provision of open heart surgery services because the hospital does not have a certificate of need authorizing it to provide open heart surgery services. It is further determined that the citizens served by, and residing in the general service areas of, such hospitals have a need for such additional open heart surgery services. These needs exist despite the capacity to provide open heart surgery services of any other hospital or hospitals in the State. For the reasons set out in the 1997 State Medical Facilities Plan, there is no other need for additional open heart surgery services.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997;
Temporary Amendment Eff. September 1, 1997;
[But see the Order for Preliminary Injunction (captioned and quoted in part below) issued by Superior Court Judge
Howard E. Manning, Jr. on September 5, 1997.]*

NORTH CAROLINA

**IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
97 CVS 9708**

WAKE COUNTY

FRYE REGIONAL MEDICAL CENTER, INC.,)	
<i>Plaintiff,</i>)	
)	
v.)	
)	
JAMES B. HUNT, JR.,)	
H. DAVID BRUTON, JR., SECRETARY OF THE)	
NORTH CAROLINA DEPARTMENT OF HUMAN)	
RESOURCES, and NORTH CAROLINA DEPARTMENT)	
OF HUMAN RESOURCES,)	
<i>Defendants,</i>)	
)	
and)	
)	
CATAWBA MEMORIAL HOSPITAL,)	
)	
<i>Intervenor-Defendant.</i>)	
)	

[The ordered portion is quoted below]

WHEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. *The effectiveness of the Governor's amendments to the State Medical Facilities Plan be and the same hereby is suspended and the Defendants Hunt, Bruton and the Department are hereby enjoined from applying, implementing, or taking any action whatsoever based upon the amendments or giving them any effect whatsoever, pending resolution of this case;*
2. *The amendments to the SMFP respecting the CON review schedules made by the Department and Governor be and the same hereby are suspended and the Defendants Hunt, Bruton and the Department are hereby enjoined from applying, implementing, or taking any action whatsoever based upon the amendments or giving them any effect whatsoever, pending the resolution of this case;*
3. *The pre-existing provisions of the 1997 SMFP setting forth the need determination regarding open heart surgery services be and the same are hereby reinstated, pending the resolution of this case;*
4. *The special review criteria in effect prior to the July 23, 1997 amendments shall remain in effect as if the memorandum and amendment from the Governor had not been issued, pending the resolution of this case;*
5. *As the Department was represented herein pursuant to G.S. 150B-21.1(c), any temporary rule, implementing the Governor's amendment, is hereby suspended and shall be given no effect and the pre-existing 1997 temporary rule shall remain in effect as written prior to the Governor's amendment, pending the resolution of this case.*

The sole basis of my determination is my conclusion that the Governor has no authority, as matter of law, to amend the SMFP. I specifically do not reach the other factual and legal issues raised by the parties.

It is further ORDERED that no security is required of Frye during the pendency of this Order.

Further, pursuant to G.S. 1-277 and 7A-27 and Rule 54(b) of the Rules of Civil Procedure, because this action raises issues of first impression and the conclusion of law reached by the court herein in effect determines the action, I hereby certify this Order for immediate appeal by the Defendants to the North Carolina Court of Appeals because there is no just reason for delay and substantial rights of all parties are affected.

Finally, the Governor's Memorandum purports to provide Catawba with a window of opportunity to file a certificate of need application for open heart surgery services in 1997. If this Order is overturned on appeal, and it is ultimately found that the Governor properly amended the SMFP, the effect of this Order would be to deny Catawba the opportunity to have the Department consider its certificate of need application because of the passage of time during the pendency of the appeal. In order to afford Catawba that opportunity, it is further ORDERED, pursuant to Rule 62(c) of the North Carolina Rules of Civil Procedure, that the effect of this preliminary injunction be suspended during the pendency of Defendants' appeal of the Order. However, if this Court's conclusion of law as to the Governor's lack of authority is upheld, any such application will continue to be subject to the provisions of the SMFP in effect prior to the Governor's amendment. In the event that Defendants do not elect to appeal this preliminary injunction, this suspension shall be lifted, and the preliminary injunction shall remain in effect during the pendency of this action. The parties do not object to this Order being entered out of term, out of county or out of district.

SO ORDERED this 5th day of September, 1997.

s/Howard E. Manning, Jr.
Superior Court Judge Presiding
at Raleigh, Wake County
3:15 p.m. 9/5/97

.3061 HEART-LUNG BYPASS MACHINES NEED DETERMINATION FOR NEW OPEN HEART SURGERY SERVICES (REVIEW CATEGORY H)

It is determined that there is no need for the acquisition of heart-lung bypass machines by anyone. ~~anyone who does not currently offer open heart surgery services.~~

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997;
Temporary Amendment Eff. September 1, 1997.

.3062 HEART-LUNG BYPASS MACHINES NEED DETERMINATION FOR EXISTING OPEN HEART SURGERY SERVICES (REVIEW CATEGORY H)

~~A health service facility that currently offers open heart surgery services may apply for a certificate of need to acquire an additional heart-lung bypass machine at its existing site or location if the existing heart-lung machines used by the health service facility were utilized at or above 80% of capacity during the 12-month period reflected in the most recent licensure application on file with the Division of Facility Services. The capacity of heart-lung bypass machines that were acquired pursuant to 1995 N. C. Session Laws, c. 507, s. 23-22, and of heart-lung bypass machines that were conditionally approved for use exclusively as back-up machines shall not be included in the calculation of the facility's utilization of its existing heart-lung machines.~~

It is determined that there is no need for the acquisition of heart-lung bypass machines by anyone.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997;
Temporary Amendment Eff. September 1, 1997.

.3063 CARDIAC CATHETERIZATION EQUIPMENT NEED DETERMINATION FOR NEW PROVIDERS (REVIEW CATEGORY H)

It is determined that there is no need for the acquisition of cardiac catheterization equipment by anyone. ~~anyone who does not currently offer cardiac catheterization services.~~

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997;
Temporary Amendment Eff. September 1, 1997.

.3064 CARDIAC CATHETERIZATION EQUIPMENT NEED DETERMINATION FOR EXISTING PROVIDERS (REVIEW CATEGORY H)

~~A health service facility that currently offers cardiac catheterization services may apply for a certificate of need to acquire additional cardiac catheterization equipment at its existing site or location if the existing cardiac catheterization equipment used by the health service facility was utilized at or above 80% of capacity during the 12-month period reflected in the most recent licensure application on file with the Division of Facility Services.~~

~~It is determined that there is no need for the acquisition of cardiac catheterization equipment by anyone.~~

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997;
Temporary Amendment Eff. September 1, 1997.*

.3065 CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION FOR NEW PROVIDERS (REVIEW CATEGORY H)

It is determined that there is no need for the acquisition of cardiac angioplasty equipment by anyone. ~~anyone who does not currently offer cardiac angioplasty services.~~

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997;
Temporary Amendment Eff. September 1, 1997.*

.3066 CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION FOR EXISTING PROVIDERS (REVIEW CATEGORY H)

~~A health service facility that currently offers cardiac angioplasty services may apply for a certificate of need to acquire additional cardiac angioplasty equipment at its existing site or location if the existing cardiac angioplasty equipment used by the health service facility was utilized at or above 80% of capacity during the 12-month period reflected in the most recent licensure application on file with the Division of Facility Services.~~

It is determined that there is no need for the acquisition of cardiac angioplasty equipment by anyone.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997;
Temporary Amendment Eff. September 1, 1997.*

.3072 NURSING CARE BED NEED DETERMINATION (REVIEW CATEGORY B)

It is determined that the counties listed in this Rule need additional Long-Term Nursing Facility Beds as specified. There is no need for additional Long-Term Nursing Facility Beds in other counties, except as otherwise provided in 10 NCAC 3R .3073.

County	Number of Nursing Beds Needed
Alexander	40
Burke	90
Cherokee	30
Cleveland	60
Haywood	50
Jackson	40
Macon	50
Transylvania	30
Yancey	20
Davidson	100
Surry	70
Yadkin	40
Iredell	90
Lincoln	30
Union	90
Granville	20
Johnston	100
Lee	30
Wake	180 170

Brunswick	30
Cumberland	90 0
Harnett	50
Hoke	40
Moore	90
New Hanover	110
Currituck	20
Greene	30
Lenoir	40
Nash	60

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997;
Temporary Amendment Eff. September 1, 1997.*

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

Rule-making Agency: *North Carolina Board of Examiners in Optometry*

Rule Citation: *21 NCAC 42E .0102*

Effective Date: *September 15, 1997*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 90-18; 90-114; 90-121.2; 90-127.2*

Reason for Proposed Action: *The 1997 General Assembly enacted House Bill 527 (S.L. 1997-75) amending G.S. 90-114 to permit optometrists to prescribe pharmaceutical agents without consultation with a physician. The rule-making conforms the Board's rules to the revised statute.*

Comment Procedures: *Written comments concerning this rule should be submitted to the North Carolina Board of Examiners in Optometry, 109 N. Graham Street, Wallace, NC 28466.*

CHAPTER 42 - BOARD OF EXAMINERS IN OPTOMETRY

SUBCHAPTER 42E - MODE OF PRACTICE

SECTION .0100 - RESPONSIBILITY FOR PATIENTS

.0102 PROFESSIONAL RESPONSIBILITY

In keeping with the professional code, the optometrist shall:

- (1) attend to the visual needs of all those seeking his services without regard to financial remuneration;
- (2) maintain adequate equipment and instruments in his office at all times to assure proper and complete examination of patients. Such equipment and

instruments shall include, but not be limited to, the following: a direct ophthalmoscope; an indirect ophthalmoscope; condensing lenses; proper instrumentation for foreign body removal; biomicroscope; instrument for plotting central and peripheral fields; applanation tonometer; distance and near acuity charts; test objects for stereopsis and fusion; color vision testing apparatus; refractor, trial frame or phorometer with trial case lenses; keratometer; and retinoscope;

- (3) sterilize according to usage all instruments or equipment used in the treatment of optometric patients, including those instruments or equipment used for the removal of foreign bodies from the external eye or its adnexa. All optometric offices shall follow infection control recommendations as set forth in the infection control manual as recommended by the American Optometric Association's Committee on Primary Care and Ocular Disease, or in the clinical guidelines of the American Optometric Association's Clinical Guidelines and Quality Assurance Coordinating Committee or their successors including subsequent adoptions, amendments, and editions. Copies of this material are available for inspection at the Board's office and may be obtained by paying a fee of ten dollars (\$10.00) to the Board;
- (4) assist his patients in whatever manner possible in obtaining further care when in his opinion other than his care is needed;
- (5) maintain adequate and available records on every patient containing case history, findings, diagnosis, treatment, and disposition. In compliance with this requirement, the patient record shall include the name of the patient's family physician or any other physician who may be consulted with regard to the care of the patient. The name and dosage of any medication prescribed shall be recorded with the diagnosis and instructions to the patient concerning

~~follow-up. In any instance where a therapeutic medication, other than a medication being topically applied, is prescribed the patient record shall indicate that the consulting physician noted on the record is informed. Communication is desirable at the time of prescribing systemic medication; however, in the event communication is not possible at that moment or if previous protocols have been agreed to by the consulting physician, the record shall indicate such consultation or communication took place within 72 hours and whether such consultation or communication occurred by telephone, in writing, or otherwise; follow-up:~~

- (6) retain full and independent control of and responsibility for patient records. This requirement does not preclude the licensee from providing copies of patient spectacle prescriptions for subsequent optical services, nor does it preclude the licensee from providing copies of patient records to any entity with the consent and authorization of the patient. Patient records shall be maintained by the optometrist responsible for such records for a period of not less than 5 years following the last entry into the patient's chart;
- (7) treat all information concerning his patients as confidential and not to be communicated to others except when authorized to do so by the patient or

required by law;

- (8) have an established and appropriate procedure for the provision of eye care to his patients in the event of an emergency outside of normal professional hours, or when the licensee is not available due to vacation, personal illness, attendance at professional meetings or continuing education programs, or other absences of a similar nature. Patients shall be informed of such procedure. The procedure referred to herein may include, but is not limited to, cooperative arrangements with another licensed optometrist or a physician licensed under North Carolina General Statutes Chapter 90, Article 1, a telephone answering system or pager; or written or posted instructions to the patient;
- (9) maintain full and independent control of the terms and conditions of any professional liability insurance coverage pertaining to his services.

History Note: Authority G.S. 90-18; 90-114; 90-121.2; 90-127.2;

Eff. February 1, 1976;

Readopted Eff. May 30, 1978;

Amended Eff. April 1, 1993; June 1, 1989, September 30, 1981;

Temporary Amendment Eff. September 15, 1997.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, September 18, 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, September 15, 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

September 18, 1997
 October 16, 1997

November 20, 1997
 December 18, 1997

MEETING DATE: SEPTEMBER 18, 1997

LOG OF FILINGS

RULES SUBMITTED: JULY 20, 1997 THROUGH AUGUST 20, 1997

AGENCY/DIVISION	RULE NAME	RULE	ACTION
DHR/DIVISION OF MEDICAL ASSISTANCE			
	Medicaid Criteria	10 NCAC 26B .0113	Amend
	Personal Care Services	10 NCAC 26H .0506	Amend
DEHNR/WATER POLLUTION CONTROL SYSTEMS OPERATOR CERTIFICATION COMMISSION			
	Purpose	15A NCAC 8F .0101	Adopt
	Definitions	15A NCAC 8F .0102	Adopt
	Duties & Responsibilities	15A NCAC 8F .0201	Adopt
	Duties & Requirements	15A NCAC 8F .0202	Adopt
	Duties & Requirements	15A NCAC 8F .0203	Adopt
	Classification	15A NCAC 8F .0301	Adopt
	Qualifications for Exam	15A NCAC 8F .0401	Adopt
	Application Form	15A NCAC 8F .0402	Adopt
	Application Procedures	15A NCAC 8F .0403	Adopt
	Exam Procedures	15A NCAC 8F .0404	Adopt
	Renewal of Certification	15A NCAC 8F .0405	Adopt
	Revocation	15A NCAC 8F .0406	Adopt
	Recertification	15A NCAC 8F .0407	Adopt
	Who May Assess	15A NCAC 8F .0501	Adopt
	When Assessable	15A NCAC 8F .0502	Adopt
	Standards	15A NCAC 8F .0503	Adopt
	Assessment	15A NCAC 8F .0504	Adopt
	Payment and Hearing	15A NCAC 8F .0505	Adopt
	Referrals	15A NCAC 8F .0506	Adopt

DEHNR/WILDLIFE RESOURCES COMMISSION

No Wake Zone	15A NCAC 10F .0308	Amend
No Wake Zone	15A NCAC 10F .0330	Amend
No Wake Zone	15A NCAC 10F .0339	Amend

NC STATE BOARD OF DENTAL EXAMINERS

Exam Fee	21 NCAC 16B .0303	Amend
Applications	21 NCAC 16I .0001	Amend
Continuing Education	21 NCAC 16I .0002	Amend
Approved Courses	21 NCAC 16I .0003	Amend
Penalty for Late Filing	21 NCAC 16I .0006	Amend
Dentists	21 NCAC 16M .0001	Amend
Primary Source	21 NCAC 16M .0003	Adopt
Continuing Education Required	21 NCAC 16R .0001	Amend
Exemption	21 NCAC 16R .0004	Amend

NC BOARD OF EXAMINERS IN OPTOMETRY

Written Exam	21 NCAC 42B .0107	Amend
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STATE PERSONNEL COMMISSION

Career Growth	25 NCAC 1D .2501	Amend
Employees Eligible	25 NCAC 1D .2503	Amend
Effective Date	25 NCAC 1D .2504	Amend
Cost-of-Living Adjustment	25 NCAC 1D .2505	Amend
Employees Eligible	25 NCAC 1D .2507	Amend
Effective Date	25 NCAC 1D .2508	Amend
Performance Bonus	25 NCAC 1D .2509	Amend
Employees Eligible	25 NCAC 1D .2511	Amend
Basis for Awarding	25 NCAC 1D .2513	Amend
Final Disciplinary Procedure	25 NCAC 1D .2514	Amend
Administration	25 NCAC 1E .0705	Amend
Use of Leave	25 NCAC 1E .0707	Amend
Return to Work	25 NCAC 1E .0709	Amend

RULES REVIEW OBJECTIONS

COMMERCE

Credit Union Division

4 NCAC 6C .0407 - Business Loans	RRC Objection	08/21/97
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ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Coastal Resources Commission

15A NCAC 7H .0208 - Use Standards	RRC Objection	08/21/97
15A NCAC 7H .1204 - General Conditions	RRC Objection	08/21/97

Environmental Management

15A NCAC 2H .0225 - Conditions for Issuing General Permits	RRC Objection	07/17/97
Agency Revised Rule	Obj. Removed	08/21/97

N.C. HOUSING FINANCE AGENCY

24 NCAC 1P .0103 - Types of Assistance	RRC Objection	07/17/97
Agency Revised Rule	Obj. Removed	08/21/97

HUMAN RESOURCES

Facility Services

<i>10 NCAC 3R .3033 - Open Heart Surgery Services Need Determinations (Rev. Cat. H)</i>	<i>RRC Objection</i>	<i>01/16/97</i>
	<i>Obj. Cont'd</i>	<i>02/20/97</i>
	<i>Obj. Cont'd</i>	<i>03/20/97</i>
	<i>Obj. Cont'd</i>	<i>06/19/97</i>
	<i>Obj. Cont'd</i>	<i>07/17/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>08/21/97</i>

Social Services Commission

<i>10 NCAC 42J .0005 - Funding for Medical Services</i>	<i>RRC Objection</i>	<i>08/21/97</i>
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TRANSPORTATION

Division of Highways

<i>19A NCAC 2B .0164 - Use of Right of Way Consultants</i>	<i>RRC Objection</i>	<i>07/17/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>08/21/97</i>

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

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Alcoholic Beverage Control Commission v. Fast Fare, Inc.	96 ABC 0483	Morrison	06/18/97	
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Beverly McLaughlin v. Crime Victims Compensation Commission	97 CPS 0170	Phipps	08/29/97	
Rodney P. Hodge v. Crime Victims Compensation Commission	97 CPS 0449	Reilly	07/01/97	
Billy Steen v. Crime Victims Compensation Commission	97 CPS 0472	Morrison	07/23/97	
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Leroy Anderson v. County of Moore Department of Health	96 EHR 1969	Morrison	07/15/97	12:03 NCR 223
E. H. Garner v. New Hanover Health Department	96 EHR 1972	Gray	08/07/97	
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Ava McKinney v. DHR, Division of Facility Services	96 DHR 2061	Chess	07/08/97	
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Mercy Egbuleonu v. Human Resources, Division of Facility Services	97 DHR 0450	Gray	09/02/97	
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Emma Faison v. DHR, Division of Facility Services	97 DHR 0471	Gray	07/15/97	
Patricia Addison v. DHR, Facility Svcs, Health Care Personnel Reg. Sec.	97 DHR 0521	Mann	07/25/97	
Selena Louise Holley v. DHR, Facility Svcs, Health Care Persl. Reg. Sec.	97 DHR 0524	Phipps	08/28/97	
Claudia K. Thomerson v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0551	Chess	07/15/97	
Michelle R. Griffin v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0559	Gray	07/30/97	
Therese Victoria Wilson v. DHR, Fac. Svcs, Health Care Pers. Reg. Sec.	97 DHR 0632	Phipps	08/25/97	
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Jeffreys Family Care #2 v. DHR, Facility Svcs. Group Licensure Section	97 DHR 0259	Mann	06/17/97	
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* Consolidated Cases.

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Shelby H. Underwood, et.al v. Trustees Teachers/St. Emp Ret. Sys.	96 DST 0390	Reilly	08/05/97	
TRANSPORTATION				
Audrey W. Harris v. Transportation, Manson/Wheat Contr., & Wake Elec.	97 DOT 0566	Gray	07/28/96	

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 OSP 1927

PAMELA MASSEY,
Petitioner,

v.

DEPARTMENT OF HUMAN RESOURCES,
Respondent.

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**RECOMMENDED DECISION
GRANTING
SUMMARY JUDGMENT
TO RESPONDENT**

THIS MATTER came on to be heard upon consideration of Respondent's motion for summary judgment. Respondent contended that the Petitioner was unable to establish two essential elements of her claim for denial of current State employee preference, that being, (1) that Petitioner was minimally qualified to fill the position she applied for; and (2) that Petitioner's qualifications were substantially equal to those of the successful applicant. The motion was filed in March of 1997. Upon review of the pleadings, the motions, the responses, and the law, the undersigned finds that the following facts are undisputed:

1. On or about April 1, 1996, Mr. H.G. Royall, Property and Construction Chief, notified his supervisor, Dr. Lee Kittredge, the Director of DHR's Division of Budget and Analysis, that he intended to retire effective April 30, 1996. Mr. Royall suggested that Dr. Kittredge consider requiring that the next occupant of the position be an engineer. Dr. Kittredge requested assistance from the personnel office in evaluating this suggestion but ultimately decided not to adopt this suggestion.
2. On or about August 16, 1996, DHR's Secretary's Office posted the Property and Construction Chief position (Business Officer III, pay grade 77). As listed on the posting and in the class specification, the minimum education and experience required for the position was graduation from a four year college/university and six years of administrative experience involving participation in the planning and management of a business or governmental program; or an equivalent combination of education and experience.
3. There were twenty-four applicants for the Business Officer III position, including Petitioner. The applications were prescreened by Ms. Debbie Souza, Personnel Assistant, in the Office of the Secretary, Personnel Office, to determine whether the applicants met the minimum qualifications for the position. Based upon her initial review of the applications, Ms. Souza determined that only fourteen of the applicants met the minimum qualifications for the position. Petitioner's application was among those that Ms. Souza determined did not meet the minimum qualifications. This determination was based upon Petitioner's lack of administrative experience.
4. Because Petitioner was an internal applicant (Petitioner worked in the Division of Budget and Analysis and was supervised by Mr. Royall) and in accordance with standard office practice, Ms. Souza asked Mr. John Gale, Personnel Analyst III in DHR's Division of Personnel Services, Classification and Compensation Section, to review Petitioner's application and provide a second opinion regarding Petitioner's qualifications for the position. After reviewing Petitioner's application, Mr. Gale determined that Petitioner did not meet the minimum qualifications. This determination was subsequently confirmed by Mr. Terry Johnston, Chief of DHR's Classification and Compensation Section, and Ms. Dana Lyle, Personnel Analyst III, in the Office of State Personnel's (OSP) Administrative Services Division.
5. Ms. Souza determined that Mr. Lail, the successful applicant, not only met, but exceeded, the minimum qualifications for the position. This determination was later confirmed by Mr. Patrick McCoy, Personnel Manager for DHR's Office of the Secretary, Mr. Johnston, and Ms. Lyle.
6. Despite the personnel office's determination that Petitioner did not possess the minimum qualifications for the position, Dr. Kittredge, decided to give Petitioner a courtesy interview. He did this because Petitioner was an in-house applicant, was actually supervised by the Property and Construction Chief, and was considered by Dr. Kittredge to be a valued member of his staff. During the interview, Dr. Kittredge did not inform Petitioner that the personnel office had determined that she was not qualified for the position, but did discuss with Petitioner her lack of experience with regard to handling big projects and her lack of experience generally in the areas of administration and budget.
7. Dr. Kittredge was generally familiar with Petitioner's work in the Division and considered her an excellent employee.

Petitioner had been assigned to Dr. Kittredge's Division in 1991. In November of 1993, Dr. Kittredge requested that Petitioner's position be reallocated. Based upon this request and a review of the position description, the position was reallocated from a Computer Support Technician (pay grade 60) to a Real Property Agent I (pay grade 70). Because Petitioner did not meet the minimum education and experience requirements for a Real Property Agent I, Petitioner was placed in a two year trainee progression to give her the opportunity to gain the required experience for this classification. In September of 1995, Dr. Kittredge requested an acceleration of the trainee schedule. Mr. McCoy requested and received approval to truncate the trainee progression and award Petitioner the full status of a Real Property Agent I. This change became effective September 1, 1995. Petitioner received the maximum salary increase available for this type of trainee progression under existing Office of State Personnel Guidelines.

8. At the conclusion of the interview process, Dr. Kittredge concluded that only two of the applicants possessed the necessary training and experience to perform the duties of the Business Officer III; both applicants were former State employees; both applicants had extensive administrative and real estate experience. He recommended that one of these two applicants be hired to fill the position. Mr. Lail was one of the two applicants that Dr. Kittredge recommended. Petitioner was not. Dr. Kittredge recommended Mr. Lail because of his extensive administrative experience as the former head of a State-wide program (in excess of 11 years) and his extensive experience in real estate management in the private sector (in excess of 7 years). Mr. Lail's administrative and real estate experience far exceeded that of Petitioner.

Based upon the foregoing undisputed facts, the undersigned makes the following conclusions of law:

1. G.S. § 126-7.1(c) provides that,

If a State employee subject to this section:

(1) Applies for another position of State employment that would constitute a promotion and;

(2) Has substantially equal qualifications as an applicant who is not a State employee then the State employee shall receive priority consideration over the applicant who is not a State employee. This priority consideration shall not apply when the only applicants considered for the vacancy are current State employees.

2. G.S. § 126-7.1(d) provides that,

"Qualifications" within the meaning of subsection (c) of this section shall consist of:

(1) Training or education;

(2) Years of experience; and

(3) Other skills, knowledge, and abilities that bear a reasonable functional relationship to the abilities and skills required in the job vacancy applied for.

3. The SPC has adopted rules with regard to both "minimum qualifications" and "substantially equal qualifications." These rules have the force and effect of law, *Amanini v. N. C. Department of Human Resources*, 114 N. C. App. 668 at 678, 443 S.E.2d at 334 (1994). The rules are as follows:

25 NCAC 1H .0607. MINIMUM QUALIFICATIONS

(a) The employee or applicant must possess at least the minimum education and experience requirements, or their equivalent, *set forth in the class specification* of the vacancy being filled. This shall apply in new appointments, promotions, demotions, transfers, and reinstatements.

(b) The education and experience requirements serve as indicators of the possession of the skills, know ledges, and abilities which have been shown through job evaluation to be important to successful performance, and as a guide to primary sources of recruitment. It is recognized that a specific quantity of formal education or number of years experience does not always guarantee possession of the necessary skills, know ledges, and abilities for every position. Qualifications necessary to perform successfully may be attained in a variety of combinations. *In evaluating qualifications, reasonable substitutions of formal education and job-related experience, one for the other, will be made.*

(c) Management is responsible for determining the vacancy-specific qualifications *that are an addition to* minimum class standards. Such qualification requirements must bear a logical and job-related relationship to the minimum standard. Management shall be responsible for the adverse effects resulting from the use of qualification standards that are unreasonably construed.

(d) *The final determination of qualifications in questionable selection situations rests with the Office of State Personnel.*

25 NCAC 1H .0625. PROMOTIONAL PRIORITY CONSIDERATION FOR CURRENT EMPLOYEES

(a) A promotional priority consideration shall be provided by all agencies to all current state employees who have achieved career status, as that term is defined in G.S. 126-1A.

(b) The priority consideration which is to be given a state employee who applies for a position which represents a promotion for that employee and who otherwise meets the criteria set out in G.S. 126-7.1 is that he shall be offered the position in question.

(c) *"Substantially equal qualifications" occur when the employer cannot make a reasonable determination that the job-related qualifications held by one person are significantly better suited for the position than the job-related qualifications held by another person.* (Emphasis added)

4. Read in combination, these two rules require that in order for a current State employee to be entitled to priority consideration under G.S. §126-7.1, he or she must not only meet the minimum education and experience requirements for the position as contained in the class specification, his or her qualifications for the position must be such that the individual making the selection decision cannot make a reasonable determination that there is any other applicant who's job-related qualifications for the positions are significantly better.

5. In the present case, in order to be entitled to the application of current State employee preference, Petitioner must not only show that she met the minimum qualifications for the Business Officer III position, she must also show that her qualifications for the position were "substantially equal" to those of the successful applicant.

6. As set forth in the class specification for a Business Officer III, the minimum education and experience requirements for the position are: graduation from a four year college/university and six years of administrative experience involving participation in the planning and management of a business or governmental program. While Petitioner had the required degree, she lacked the necessary experience to qualify for the position.

7. With regard to Petitioner's claim that she met the minimum requirements for the position under the "or equivalent combination of training and experience" provision: 1) the "equivalencies" provision only allows for the substitution of education for experience or vice versa and Petitioner had no additional education which she could substitute for the missing experience; and 2) the Petitioner cannot show that she had previously performed *all* of the duties of the Business Officer III position.

8. Because Petitioner cannot show that she either met the minimum experience requirements for the Business Officer III position or that she had actual experience performing *all* of the duties of the Business Officer III, she cannot show that she was qualified to perform the duties of the position.

9. Even if Petitioner could show that she was minimally qualified to fill the position, she cannot show that her qualifications were substantially equal to those of Mr. Lail. Mr. Lail had 11 years of "public sector" (State) budget experience and 7 years of "private sector" capital budget experience. Petitioner had less than four years of "public sector" (State) budget experience. Mr. Lail had seven years of real estate experience. Petitioner had less than three years of real estate experience. Mr. Lail had a "Real Estate Broker" license. Petitioner had a "Real Estate Salesman" license. While Petitioner emphasizes that her experience was "with Respondent" and that the job description stressed a need for experience "with Respondent," that experience requirement is not contained in either the class specification or the posting. Further, the SPC rules state that it is the *class specification*, not the *job description*, which determines the minimum requirements for the position. 25 NCAC 1H .0607. Further, while Petitioner had actual experience performing certain aspects of the Property and Construction Chief job, she lacked experience in such areas as: project management, budget allotments, budget overruns, advance planning, transfer of funds, and budget adjustments. Mr. Lail had experience in all of these areas. Petitioner cannot show that her qualifications were substantially equal to those of Mr. Lail.

THEREFORE, IT IS ORDERED that summary judgment is granted in favor of the Respondent.

RECOMMENDED DECISION

IT IS HEREBY RECOMMENDED that the State Personnel Commission affirm DHR's selection decision with regard to the filling of the Property and Construction Chief position (Business Officer III) for the reason that Respondent did not violate the current State employee preference requirements.

ORDER

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

NOTICE

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

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

This the 28th day of August, 1997.

Brenda B. Becton
Administrative Law Judge

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
97 DOJ 0669

BARBARA CARTER IRONS,

Petitioner,

v.

NORTH CAROLINA DEPARTMENT OF HUMAN,
RESOURCES, DIVISION OF FACILITY
SERVICES,

Respondent.

FINAL DECISION
ORDER DISMISSING
CONTESTED CASE

THIS MATTER is before the undersigned administrative law judge on motion of the Respondent for an order dismissing the Petitioner's Petition for Contested Case Hearing pursuant to Rules 12(b)(2) &(5) of the North Carolina Rules of Civil Procedure and in accord with G.S. 150B-36(c) on the grounds that the Petitioner insufficiently served the Respondent and therefore, the Office of Administrative Hearings lacks personal jurisdiction over the Respondent. Further, the Respondent moves that the petition be dismissed on the grounds that the issue in this contested case, i.e., the allegation of abuse, is now moot.

FINDINGS OF FACT

1. By letter dated May 5, 1997, Respondent sent a certified letter to Petitioner notifying her of the agency's intent to list an allegation of fraud in the Health Care Personnel Registry. The letter sent to the Petitioner clearly set out her appeal rights.

2. The Department of Human Resources, Division of Facility Services ("DFS"), has one of the best notices in State government for advising potentially aggrieved parties of their appeal rights. Specifically and commendably, DFS advises the aggrieved party of necessary addresses and includes the name and address in bold print of the agent to be served with a copy of the petition. Other agencies could learn from their example.

3. Petitioner filed her petition within the thirty day deadline and she mailed a copy of her petition to: **Department of Human Resources, PO Box 29530, Raleigh, NC 27626**. This is the address on the letterhead of the agency letter but was not the address given within the letter for service of process. The letter stated on page 2:

You must serve a copy of your petition on all other parties to the petition, which includes the Department of Human Resources. The Department's representative for such service is Mr. R. Marcus Lodge, General Counsel. This person may receive service of process by mail at the following address:

Mr. R. Marcus Lodge, General Counsel
Department of Human Resources
Office of Legal Affairs
Adams Building, Room 154
101 Blair Drive
Raleigh, North Carolina 27603

(emphasized in bold print in the original).

4. Once the Office of Administrative Hearings ("OAH") received the petition, a Notice of Contested Case and Assignment was mailed by the Chief Hearings Clerk to:

Dr. David Bruton, Sec.
Department of Human Resources
Attn: R Marcus Lodge
101 Blair Drive
Raleigh, NC 27603
Respondent

5. Within ten days after a petition is filed, the Chief Hearings Clerk at the Office of Administrative Hearings ("OAH") is required to notify the respondent state agency that a petition for a contested case hearing has been filed and accepted. 26 NCAC 3.0103(b). Although the issuance of a civil summons which is used in district and superior courts is not procedurally required by OAH, the similarities between a civil summons and the Notice of Contested Case Filing and Assignment must be noted.

A civil summons is issued in the name of the State and signed by the clerk of court. It gives the name of the case and the name of the county and the court where the action is commenced; it notifies the defendant in the action to appear in court within 30 days. G.S. 1A-1, Rule 4(b). The summons is served by the Sheriff's department, or by someone duly authorized to serve, and a copy of the complaint is served with the summons. G.S. 1A-1, Rule 4(a). Proof of service is required. G.S. 1A-1, Rule 4(j2). Service upon an agency of the State requires service upon a duly appointed process agent. G.S. 1A-1, Rule 4(j4).

Like the civil summons, a Notice of Contested Case and Assignment is a document issued by the Clerk's Office at OAH and is signed by the clerk. It contains the caption of the case, date of filing, the assigned judge, and a request that the party send within 30 days a copy of the document constituting agency action. 26 NCAC 3.0103(b). Noticeable distinctions are that a copy of the petition is not served with the notice and proof of service is not required. The primary similarity is that both the civil summons and the Notice of Contested Case serve notice upon the defendant or respondent that an action has been commenced against it.

6. On June 26, 1997, Respondent made a limited appearance before the Office of Administrative Hearings through counsel by filing a Motion to Dismiss for lack of personal jurisdiction and insufficiency of service of process. Petitioner responded to this motion on July 9, 1997. The undersigned's decision denying that motion is incorporated into this final decision.

7. On August 11, 1997, Respondent filed another motion to dismiss based upon the fact that the allegation of abuse, which is the subject matter of this contested case, had been substantiated. As a result of the substantiation, Respondent notified the Petitioner by certified mail of her appeal rights as to the substantiation. Petitioner did not appeal the substantiation of abuse and therefore, the substantiation is now listed on the Nurse Aide Registry and the Health Care Personnel Registry. The allegation of abuse is deleted from the registries and the issue of whether or not the Respondent had sufficient grounds to list the allegation in the Registry is now moot. Petitioner did not respond to this motion.

Based upon the foregoing Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. In consideration of the fact that Respondent clearly instructed the Petitioner on whom to serve the petition, service of process would appear on its face to be insufficient. However, Petitioner did mail the petition to the proper party and at an address which was a legal mailing address for the party. G.S. 150B-23(a) requires a person who files a petition to serve it on the other party. "Service" or "serve" as defined in 26 NCAC 3.0102(a)(3) includes mailing by first class United States Postal Service mail addressed to the "person" to be served. "Person" as defined in G.S. 150B-2(7) includes a "body politic." Petitioner met these requirements.

2. Further, the Notice of Contested Case was served by the Clerk's office at OAH to the proper process agent for the Respondent at the proper address.

The purpose of service of a summons is to give notice to the party against whom the proceeding or action is commenced, and any notification which reasonably accomplishes that purpose answers the claims of law and justice.

Farr v. City of Rocky Mount, 10 N.C.App. 128, 177 S.E.2d 763 (1970), cert denied, 277 N.C. 725, 178 S.E.2d 831 (1971).

A suit at law is not a children's game, but a serious effort on the part of adult human beings to administer justice; and the purpose of process is to bring parties into court. If it names them in such terms that every intelligent person understands who is meant, it has fulfilled its purpose.

Harris v. Maready, 64 N.C.App. 1, 306 S.E.2d 799 (1983), rev'd on other grounds, 311 N.C. 536, 319 S.E.2d 912 (1984). Therefore, service of process was sufficient for purposes of conferring personal jurisdiction over the Respondent.

3. A case is "moot" when a determination is sought on a matter, which if rendered, would not have any practical effect on the existing controversy. Whenever during the course of the litigation, the relief sought has been granted, the case should be dismissed. In re Peoples, 296 NC. 109, 147, 250 S.E.2d 890, 912 (1978). Because the Department of Human Resources has permanently removed the allegation of fraud from the Health Care Personnel Registry and replaced it with a substantiated finding, which has not been contested, the relief sought by Petitioner has been granted in this case and the petition must be dismissed.

THEREFORE, IT IS ORDERED that Respondent's Motion to Dismiss based upon a lack of personal jurisdiction be **DENIED**. The Respondent's Motion to Dismiss based upon the fact that the issue in controversy is moot is **GRANTED**.

This the 27th day of August, 1997.

Meg Scott Phipps
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
		Mortuary Science	34
*21	Occupational Licensing Boards	Nursing	36
22	Administrative Procedures	Nursing Home Administrators	37
23	Community Colleges	Occupational Therapists	38
24	Independent Agencies	Opticians	40
25	State Personnel	Optometry	42
26	Administrative Hearings	Osteopathic Examination & Reg. (Repealed)	44
27	NC State Bar	Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Psychology Board	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

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

CUMULATIVE INDEX

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Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. 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					
1 NCAC 30G .0103	11:04 NCR 194	11:19 NCR 1414	*	Approve	05/15/97		*		11:30 NCR 2314	
1 NCAC 30G .0104	11:04 NCR 194	11:19 NCR 1414	S/L	Approve	03/20/97		*		11:26 NCR 2004	
1 NCAC 30G .0105	11:04 NCR 194	11:19 NCR 1414	S/L	Object	03/20/97					
				Approve	05/15/97		*		11:30 NCR 2314	
				Approve	03/20/97				11:26 NCR 2004	

AGRICULTURE

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 .0104	11:27 NCR 2053	12:03 NCR 169	*	Approve	01/16/97					
2 NCAC 52A .0105	11:27 NCR 2053	12:03 NCR 169	*	Ext. Review	12/19/96		*		11:22 NCR 1717	
2 NCAC 52A .0106	11:27 NCR 2053	12:03 NCR 169	*	Approve	01/16/97					
2 NCAC 52A .0107	11:27 NCR 2053	12:03 NCR 169	*	Ext. Review	12/19/96		*		11:22 NCR 1717	
2 NCAC 52A .0108	11:27 NCR 2053	12:03 NCR 169	*	Approve	01/16/97					
2 NCAC 52A .0109	11:27 NCR 2053	12:03 NCR 169	*							
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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2 NCAC 52D .0101	11:27 NCR 2053		12:03 NCR 169	*						
Marketing Authority										
2 NCAC 43F .0103	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	*		12:03 NCR 213	
2 NCAC 43I .0107	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
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			12:03 NCR 213	
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 .0602	11:21 NCR 1651		12:06 NCR 455	*						
2 NCAC 34 .0604	11:21 NCR 1651		12:06 NCR 455	*						
2 NCAC 34 .0605	11:21 NCR 1651		12:06 NCR 455	*						
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21 NCAC 02 .0210	12:04 NCR 244									
21 NCAC 02 .0213	12:04 NCR 244									
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4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
4 NCAC 19L .0401	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0403	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0404	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0407	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0501	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0502	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0505	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0706	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0707	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0708	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0805	11:09 NCR 569									
4 NCAC 19L .0901	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0906	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0907	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1002	11:09 NCR 569		11:14 NCR 1113	*						

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4 NCAC 19L.1004	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1009	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1011	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1301	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1302	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1303	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1701	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1702	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1703	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1801	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1803	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1804	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1900	11:09 NCR 569									
Credit Union Division										
4 NCAC 06C.0205	10:18 NCR 2398		11:29 NCR 2182	*	Approve	08/21/97				
4 NCAC 06C.0407	10:18 NCR 2398		11:29 NCR 2182	*	Object	08/21/97				
4 NCAC 06C.0409	10:18 NCR 2398		11:29 NCR 2182	*	Approve	08/21/97				
State Ports Authority										
4 NCAC 13A.0101	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13A.0102	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13A.0105	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13A.0202	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13A.0203	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13A.0204	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13B.0001	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13B.0002	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13B.0003	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13B.0004	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	

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4 NCAC 13B .0005	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13C .0001	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13D .0101	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0101	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0102	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0103	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0201	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0202	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0301	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0302	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0401	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0402	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0403	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0404	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0405	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0501	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0502	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0601	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0602	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0603	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0701	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0702	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0801	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0803	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0901	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13E .0902	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13F .0301	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	
4 NCAC 13F .0302	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97			12:03 NCR 213	

COMMUNITY COLLEGES

23 NCAC 01A .0001 11:18 NCR 1369 11:25 NCR 1919

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					Action	Date				
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								
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								

COSMETIC ART EXAMINERS

21 NCAC 14G .0101	12:06 NCR 453
21 NCAC 14G .0103	12:06 NCR 453
21 NCAC 14G .0107	12:06 NCR 453
21 NCAC 14G .0113	12:06 NCR 453

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					Action	Date				
21 NCAC 14H .0113	12:06 NCR 453									
21 NCAC 14H .0119	12:06 NCR 453									
21 NCAC 14I .0104	12:06 NCR 453									
21 NCAC 14I .0105	12:06 NCR 453									
21 NCAC 14I .0107	12:06 NCR 453									
21 NCAC 14I .0109	12:06 NCR 453									
21 NCAC 14I .0401	12:06 NCR 453									
21 NCAC 14J .0102	12:06 NCR 453									
21 NCAC 14J .0103	12:06 NCR 453									
21 NCAC 14J .0104	12:06 NCR 453									
21 NCAC 14J .0105	12:06 NCR 453									
21 NCAC 14J .0202	12:06 NCR 453									
21 NCAC 14J .0204	12:06 NCR 453									
21 NCAC 14J .0205	12:06 NCR 453									
21 NCAC 14J .0206	12:06 NCR 453									
21 NCAC 14J .0303	12:06 NCR 453									
21 NCAC 14J .0306	12:06 NCR 453									
21 NCAC 14J .0307	12:06 NCR 453									
21 NCAC 14J .0401	12:06 NCR 453									
21 NCAC 14J .0402	12:06 NCR 453									
21 NCAC 14J .0403	12:06 NCR 453									
21 NCAC 14J .0404	12:06 NCR 453									
21 NCAC 14J .0501	12:06 NCR 453									
21 NCAC 14K .0101	12:06 NCR 453									
21 NCAC 14K .0103	12:06 NCR 453									
21 NCAC 14L .0101	12:06 NCR 453									
21 NCAC 14L .0105	12:06 NCR 453									
21 NCAC 14L .0108	12:06 NCR 453									
21 NCAC 14L .0214	12:06 NCR 453									

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					Action	Date				
21 NCAC 14N .0105	12:06 NCR 453									
21 NCAC 14N .0107	12:06 NCR 453									
21 NCAC 14N .0108	12:06 NCR 453									
21 NCAC 14N .0113	12:06 NCR 453									
CRIME CONTROL & PUBLIC SAFETY										
Governor's Crime Commission										
14A NCAC 07 .0313	11:24 NCR 1818		12:01 NCR 6	*						
CULTURAL RESOURCES										
North Carolina Historical Commission										
7 NCAC 04R	12:06 NCR 444									
USS North Carolina Battleship Commission										
7 NCAC 05 .0203		11:19 NCR 1436	Temp Expired							
DENTAL EXAMINERS										
21 NCAC 16B .0303	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0002	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0003	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0004	11:20 NCR 1538									
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16I .0006	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16M .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16M .0003	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0002	11:20 NCR 1538									
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0004	11:20 NCR 1538		11:25 NCR 1915	*						
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

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ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

12:03 NCR 112

12:03 NCR 158

15A NCAC 01K 10:19 NCR 2506

15A NCAC 01M.0101	11:19 NCR 1439	Temp Expired
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15ANCAC01M.0102	11:19 NCR 1439	Temp Expired
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15A NCAC 01M .0201	11:19 NCR 1439	Temp Expired
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15A NCAC 01M .0202	11:19 NCR 1439	Temp Expired
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15A NCAC 01M .0301	11-19 NCR 1439	Term Expired
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15ANCAC01M.0302 11:19 NCR 1439 Temp Expired

15A NCAC 01M .0303	11-19 NCR 1439	Term Expired

15A NCAC 01M .0304	11-19 NCR 1439	Term Expired

15A NCAC 01M .0305	11-19 NCR 1430	Tamara Evonrad
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15A NCAC 01M .0306	11-19 NCP 1420	Taxes Excluded
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15A NCAC 12B .0001 12.03 NCD 200

DATE	DESCRIPTION	AMOUNT	CHECK NO.	BANK	DATE	DESCRIPTION	AMOUNT	CHECK NO.	BANK
12-03	NCAC 10C 0103	12-03	NCB 52		12-03	NCB 200			
12-03	NCB 200								

[illegible]

453441 ACQUISITION COMMISSION 11 04 NOV 82

15A NCAC 07 11.04 NCR 183

11:19 NCR 1408 11:27 NCR 205

15A NCAC 07H.0201 11:22 NCR 1704 11:27 NCR 205

15A NCAC 07H .0202 11:22 NCR 1704 11:27 NCR 205

15A NCAC 07/11.0203 11:22 NCR 1/04 agency withdrew

15ANCAC 0/11.0204 11:22 NCR I704 11:27 NCR 205

15A NCAC 07H .0205 11:22 NCR I704 11:27 NCR 205

15A NCAC 07H .0206	11:22 NCR 1704
	11:27 NCR 205

15A NCAC 0711 .0207 11:22 NCR 1704 agency withdrew

15A NCAC 0711.0208	11:22 NCR 1704	11:27 NCR 205
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15A NCAC 07H .0208 11:04 NCR 183 11:11 NCR 907

15A NCAC 07H .0208	11:19 NCR 1408	11:27 NCR 20
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15A NCAC 0711.0210 12:02 NCR 52

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15A NCAC 07H .0304	11:15 NCR 1200	11:15 NCR 1226 Temp Expired	11:27 NCR 2069	S						
15A NCAC 07H .0305	11:15 NCR 1200	11:15 NCR 1226 Temp Expired	11:27 NCR 2069	S						
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 07H .0309	11:08 NCR 442		11:12 NCR 981	*						
15A NCAC 07H .1104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1202	11:04 NCR 183		11:11 NCR 907	*	Approve	08/21/97	*			
15A NCAC 07H .1204	11:04 NCR 183		11:11 NCR 907	*	Object	08/21/97				
15A NCAC 07H .1205	11:04 NCR 183		11:11 NCR 907	*	Approve	08/21/97	*			
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	*	Approve	08/21/97	*			
15A NCAC 07M .0301	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0302	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0303	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0304	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0305	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0306	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0307	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0308	10:16B NCR 1921		11:11 NCR 907	*						

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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	*			
15A NCAC 07M .1201	11:19 NCR 1408		11:27 NCR 2058	*	Approve	02/20/97	*		11:24 NCR 1832	
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 .0202	11:02 NCR 75		12:06 NCR 462	S/L/SE						
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/SE						
			11:14 NCR 1136							
15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824	L						
			11:14 NCR 1136							
			12:06 NCR 462	S/L/SE						
15A NCAC 02B .0233	11:02 NCR 75	12:02 NCR 77	11:10 NCR 824	L						
			11:14 NCR 1136	L						
15A NCAC 02B .0234	11:02 NCR 75		12:06 NCR 462	S/L/SE						
			11:10 NCR 824	*						
			11:14 NCR 1136							
15A NCAC 02B .0235	11:02 NCR 75		12:06 NCR 462	S/L/SE						
			11:10 NCR 824	*						
			11:14 NCR 1136							
15A NCAC 02B .0236	11:02 NCR 75		12:06 NCR 462	S/L/SE						
			11:10 NCR 824	L						
			11:14 NCR 1136							

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15A NCAC 02B .0238	11:02 NCR 75		12:06 NCR 462	S/L/SE						
15A NCAC 02B .0239	11:02 NCR 75		12:06 NCR 462	S/L/SE						
15A NCAC 02B .0240	11:02 NCR 75		12:06 NCR 462	S/L/SE						
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		12:05 NCR 414	*						
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		12:05 NCR 416	*						
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	*						
	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02D .0101	11:15 NCR 1200		12:04 NCR 270	*						

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15A NCAC 02D .0101	12:02 NCR 52									
15A NCAC 02D .0104	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .0105	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0202	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .0302	11:15 NCR 1200		12:04 NCR 270	*						
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		12:04 NCR 270	*						
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 .0938	12:02 NCR 52									
15A NCAC 02D .0948	11:19 NCR 1408									

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15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .0953	11:26 NCR 1976									
15A NCAC 02D .0954	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1107	11:15 NCR 1200		12:04 NCR 270	*						
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 .1204	11:04 NCR 183		12:04 NCR 270	*						
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 .1206	11:04 NCR 183		12:04 NCR 270	*						
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 .1305	11:04 NCR 183		12:04 NCR 270	*						
15A NCAC 02D .1500	11:19 NCR 1408									
15A NCAC 02D .1503	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1603	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1701	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1702	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1703	11:15 NCR 1200		12:04 NCR 270	L						

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15A NCAC 02D .1704	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1705	11:15 NCR 1200		12:04 NCR 270	L						
15A NCAC 02D .1706	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1707	11:15 NCR 1200		12:04 NCR 270	L						
15A NCAC 02D .1708	11:15 NCR 1200		12:04 NCR 270	L						
15A NCAC 02D .1709	11:15 NCR 1200		12:04 NCR 270	L						
15A NCAC 02D .1710	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1700	12:02 NCR 52									
15A NCAC 02D .1902	11:19 NCR 1408		12:04 NCR 270	*						
15A NCAC 02D .1903	11:19 NCR 1408		12:04 NCR 270	*						
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	*	Object Approve	07/17/97 08/21/97	*			
15A NCAC 02H .0610	11:08 NCR 442									
15A NCAC 02H .0610	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02H .1202	11:15 NCR 1200									
15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
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	*						

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					Action	Date				
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0102	12:02 NCR 52									
15A NCAC 02Q .0103	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02Q .0108	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02Q .0201	12:02 NCR 52									
15A NCAC 02Q .0207	11:19 NCR 1408		12:04 NCR 270	*						
15A NCAC 02Q .0300	11:26 NCR 1976									
15A NCAC 02Q .0307	11:15 NCR 1200		12:04 NCR 270	*						
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 .0400	12:04 NCR 240									
15A NCAC 02Q .0521	11:15 NCR 1200		12:04 NCR 270	*						
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 02Q .0801	12:02 NCR 52									
15A NCAC 02Q .0803	12:02 NCR 52									
15A NCAC 02Q .0805	10:18 NCR 2317		12:04 NCR 270	S						
15A NCAC 02Q .0806	10:24 NCR 3045		12:04 NCR 270	S						
15A NCAC 02Q .0807	10:24 NCR 3045		12:04 NCR 270	*						
15A NCAC 02R .0100	12:02 NCR 52									
15A NCAC 02R .0200	12:02 NCR 52									
15A NCAC 02R .0300	12:02 NCR 52									
15A NCAC 02R .0400	12:02 NCR 52									
15A NCAC 02R .0500	12:02 NCR 52									
15A NCAC 02R .0501		11:27 NCR 2075								
15A NCAC 02R .0502		11:27 NCR 2075								
15A NCAC 02R .0503		11:27 NCR 2075								

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					Action	Date				
15A NCAC 02R .0504		11:27 NCR 2075								
15A NCAC 02R .0600	12:02 NCR 52									
Health Services, Commission for										
15A NCAC 13A .0100	12:02 NCR 52									
15A NCAC 13A .0101	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0101	N/A		N/A		Approve	07/17/97			12:04 NCR 317	
15A NCAC 13A .0105	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0107	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0111	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0112	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0119	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*	Approve	04/17/97			11:29 NCR 2211	
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				
15A NCAC 18A .0183	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A .0301	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0421	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0614	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0618	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	

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15A NCAC 18A .0621	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .0901	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .1301	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .1319	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .1937	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .1938	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*						
15A NCAC 18A .1958	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*						
15A NCAC 18A .1961	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*						
15A NCAC 18A .2301	12:03 NCR 168									
15A NCAC 18A .2302	12:03 NCR 168									
15A NCAC 18A .2303	12:03 NCR 168									
15A NCAC 18A .2304	12:03 NCR 168									
15A NCAC 18A .2305	12:03 NCR 168									
15A NCAC 18A .2306	12:03 NCR 168									
15A NCAC 18A .2307	12:03 NCR 168									
15A NCAC 18A .2308	12:03 NCR 168									
15A NCAC 18A .2309	12:03 NCR 168									
15A NCAC 18A .2310	12:03 NCR 168									
15A NCAC 18A .2600	12:04 NCR 240									
15A NCAC 19A .0101	11:26 NCR 1976		12:02 NCR 61	S/L						
15A NCAC 19A .0101	12:02 NCR 52	12:02 NCR 88								
15A NCAC 19A .0102	11:26 NCR 1976		12:02 NCR 61	S/L						
15A NCAC 19A .0201	11:26 NCR 1976		12:02 NCR 61	*						
15A NCAC 19A .0203	11:21 NCR 1638		12:02 NCR 61	*						
15A NCAC 19A .0205	11:26 NCR 1976		12:02 NCR 61	*						
15A NCAC 19C .0801		12:01 NCR 31								
15A NCAC 19C .0802		12:01 NCR 31								
15A NCAC 19C .0803		12:01 NCR 31								

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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	12:02 NCR 61	S						
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 1985									
15A NCAC 031 .0101	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 031 .0117	11:26 NCR 1976	11:26 NCR 2000	12:05 NCR 418	*						
15A NCAC 031 .0103	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 031 .0104	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 031 .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 031 .0202	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 031 .0208	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 031 .0301	11:26 NCR 1976		12:05 NCR 418	*						
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	
15A NCAC 03M .0503		11:18 NCR 1383	11:26 NCR 1988	*	Approve	08/21/97				
15A NCAC 03M .0503	11:20 NCR 1537	12:05 NCR 431	12:05 NCR 418	*						
15A NCAC 03M .0506		11:18 NCR 1383	11:26 NCR 1988	*	Approve	08/21/97				
15A NCAC 03M .0506	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M .0507		11:11 NCR 938	11:26 NCR 1988	*	Approve	08/21/97				

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15A NCAC 03M .0513	11:26 NCR 1976	Temp Expired	12:05 NCR 418	*						
15A NCAC 03M .0514		11:18 NCR 1383	11:26 NCR 1088	*	Approve	08/21/97				
15A NCAC 03O .0204	N/A	N/A	N/A		Approve	08/21/97				
15A NCAC 03O .0211	11:26 NCR 1976		12:05 NCR 418	*						
Parks and Recreation Commission										
15A NCAC 12K .0101	12:02 NCR 52									
15A NCAC 12K .0103	12:02 NCR 52									
15A NCAC 12K .0104	12:02 NCR 52									
15A NCAC 12K .0105	12:02 NCR 52									
Radiation Protection										
15A NCAC 11 .0100	12:04 NCR 240									
15A NCAC 11 .0300	12:04 NCR 240									
15A NCAC 11 .0400	12:04 NCR 240									
15A NCAC 11 .1100	12:04 NCR 240									
15A NCAC 11 .1400	12:04 NCR 240									
15A NCAC 11 .1600	12:04 NCR 240									
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						

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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	*						
Wildlife Resources Commission										
15A NCAC 10B .0100	12:06 NCR 445									
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 .0200	12:06 NCR 445									
15A NCAC 10B .0208	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10B .0300	12:06 NCR 445									
15A NCAC 10B .0400	12:06 NCR 445									
15A NCAC 10C .0101	12:06 NCR 445									
15A NCAC 10C .0102	12:06 NCR 445									
15A NCAC 10C .0103	12:06 NCR 445									
15A NCAC 10C .0104	12:06 NCR 445									
15A NCAC 10C .0105	12:06 NCR 445									
15A NCAC 10C .0106	12:06 NCR 445									
15A NCAC 10C .0107	11:02 NCR 76									
15A NCAC 10C .0107	12:06 NCR 445									
15A NCAC 10C .0108	12:06 NCR 445									

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15A NCAC 10C .0109	12:06 NCR 445									
15A NCAC 10C .0110	12:06 NCR 445									
15A NCAC 10C .0111	12:06 NCR 445									
15A NCAC 10C .0203	12:06 NCR 445									
15A NCAC 10C .0205	12:06 NCR 445									
15A NCAC 10C .0206	12:06 NCR 445									
15A NCAC 10C .0211	12:06 NCR 445									
15A NCAC 10C .0212	12:06 NCR 445									
15A NCAC 10C .0215	12:06 NCR 445									
15A NCAC 10C .0302	12:06 NCR 445									
15A NCAC 10C .0304	12:06 NCR 445									
15A NCAC 10C .0305	12:06 NCR 445									
15A NCAC 10C .0401	11:02 NCR 76									
15A NCAC 10C .0401	11:07 NCR 408									
15A NCAC 10C .0401	12:06 NCR 445									
15A NCAC 10C .0402	12:06 NCR 445									
15A NCAC 10C .0404	12:06 NCR 445									
15A NCAC 10C .0407	12:06 NCR 445									
15A NCAC 10D .0001	12:06 NCR 445									
15A NCAC 10D .0002	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10D .0002	12:06 NCR 445									
15A NCAC 10D .0003	12:06 NCR 445									
15A NCAC 10D .0004	12:06 NCR 445									
15A NCAC 10E .0001	12:06 NCR 445									
15A NCAC 10E .0002	12:06 NCR 445									
15A NCAC 10E .0003	12:06 NCR 445									
15A NCAC 10E .0004	12:06 NCR 445									
15A NCAC 10F .0100	12:06 NCR 445									
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	

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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 .0318	12:06 NCR 445									
15A NCAC 10F .0327	11:14 NCR 1109		11:20 NCR 1551	*	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 10F .0330	12:05 NCR 337									
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 .0339	12:05 NCR 337									
15A NCAC 10F .0345	12:06 NCR 445									
15A NCAC 10F .0347	12:06 NCR 445									
15A NCAC 10F .0355	11:25 NCR 1905									
15A NCAC 10F .0360	12:01 NCR 5		12:01 NCR 18	*						
15A NCAC 10F .0367	11:16 NCR 1269									
15A NCAC 10G	11:01 NCR 13									
15A NCAC 10G .0100	11:02 NCR 76									
15A NCAC 10G .0400	12:06 NCR 445									
15A NCAC 10H .0100	12:06 NCR 445									
15A NCAC 10H .0300	12:06 NCR 445									
15A NCAC 10H .0800	12:06 NCR 445									
15A NCAC 10H .0900	12:06 NCR 445									
15A NCAC 10H .1000	12:06 NCR 445									
15A NCAC 10H .1100	12:06 NCR 445									
15A NCAC 10H .1200	12:06 NCR 445									
15A NCAC 10I .0001	12:06 NCR 445									
15A NCAC 10I .0002	12:06 NCR 445									
15A NCAC 10I .0003	12:06 NCR 445									
15A NCAC 10I .0004	12:06 NCR 445									

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15A NCAC 101 .0005 12-06 NCR 445
 15A NCAC 10J .0001 12-06 NCR 445
 15A NCAC 10J .0002 12-06 NCR 445
 15A NCAC 10J .0003 12-06 NCR 445
 15A NCAC 10J .0004 12-06 NCR 445

FINAL DECISION LETTERS

Voting Rights Act 12:01 NCR 4
 Voting Rights Act 12:02 NCR 50
 Voting Rights Act 12:04 NCR 236
 Voting Rights Act 12:05 NCR 334

GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0202 11:24 NCR 1828
 21 NCAC 12 .0204 11:28 NCR 2117
 21 NCAC 12 .0503 11:28 NCR 2117
 21 NCAC 12 .0504 11:28 NCR 2117
 21 NCAC 12 .0901 11:28 NCR 2117
 21 NCAC 12 .0902 11:28 NCR 2117
 21 NCAC 12 .0903 11:28 NCR 2117
 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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Number 112 - Eff. 05/22/97

12:01 NCR 1

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					Action	Date				
Number 113 - Eff. 06/12/97										12:01 NCR 1
Number 114 - Eff. 06/26/97										12:03 NCR 110
Number 115 - Eff. 07/03/97										12:03 NCR 110
Number 116 - Eff. 07/21/97										12:04 NCR 227
HOUSING FINANCE AGENCY										
24 NCAC 01P.0101		11:14 NCR 1154	11:28 NCR 2132	S	Approve	07/17/97			12:04 NCR 317	
24 NCAC 01P.0102		11:14 NCR 1154	11:28 NCR 2132	S	Approve	07/17/97			12:04 NCR 317	
24 NCAC 01P.0103		11:14 NCR 1154	11:28 NCR 2132	S	Object	07/17/97				
					Approve	08/21/97	*			
24 NCAC 01P.0201		11:14 NCR 1154	11:28 NCR 2132	S	Approve	07/17/97	*		12:04 NCR 317	
24 NCAC 01P.0202		11:14 NCR 1154	11:28 NCR 2132	S	Approve	07/17/97	*		12:04 NCR 317	
24 NCAC 01P.0203		11:14 NCR 1154	11:28 NCR 2132	S	Approve	07/17/97			12:04 NCR 317	
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10 NCAC 01B	11:23 NCR 1779									
Aging										
10 NCAC 22	10:23 NCR 2956									
Child Day Care Commission										
10 NCAC 03U.0302	11:24 NCR 1817									
10 NCAC 03U.0506	11:24 NCR 1817									
10 NCAC 03U.0509	11:24 NCR 1817									
10 NCAC 03U.0601	11:24 NCR 1817									
10 NCAC 03U.0602	11:24 NCR 1817									
10 NCAC 03U.0604	11:03 NCR 109		11:09 NCR 571	*	Approve	03/20/97			11:26 NCR 2004	
10 NCAC 03U.0604	11:24 NCR 1817									
10 NCAC 03U.0605	11:24 NCR 1817									
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	

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					Action	Date				
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									
Facility Services										
Public Notice - Draft 1998 State Medical Facilities Plan										
Abbreviated Notice of Temporary Rule-making										
10 NCAC 03	10:18 NCR 2399									12:01 NCR 2
10 NCAC 03R .3000	11:23 NCR 1780									12:06 NCR 443
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3002	11:21 NCR 1655		12:04 NCR 246	*						
10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
					Object Approve	11/21/96 03/20/97	*		11:26 NCR 2004	
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	10/17/96	*			11:11 NCR 888
10 NCAC 03R .3031	11:23 NCR 1780		11:08 NCR 459		Object	11/21/96	*			
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328		Approve	03/20/97	*		11:26 NCR 2004	
10 NCAC 03R .3033	10:21 NCR 2699		11:08 NCR 452	S/L/SE	Extend Review	03/20/97	*			
					Approve	08/21/97	*			
					Object	01/16/97				

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10 NCAC 03R .3034		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Extend Review	03/20/97				
10 NCAC 03R .3035		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	08/21/97				
10 NCAC 03R .3036		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3037		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3038		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3040	10:23 NCR 2956	10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3050	10:23 NCR 2956	10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3051		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				
10 NCAC 03R .3052		11:21 NCR 1655	12:04 NCR 246	*	Object	01/16/97				
10 NCAC 03R .3053		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				
10 NCAC 03R .3054		11:22 NCR 1713			Object	01/16/97				
10 NCAC 03R .3055		12:06 NCR 481			Return to agency	03/20/97				
10 NCAC 03R .3056		11:21 NCR 1655	12:04 NCR 246	*	Object	01/16/97				
10 NCAC 03R .3057		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				
10 NCAC 03R .3058		11:21 NCR 1655	12:04 NCR 246	*	Object	01/16/97				
10 NCAC 03R .3059		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				
10 NCAC 03R .3060		11:21 NCR 1655	12:04 NCR 246	*	Object	01/16/97				
10 NCAC 03R .3061		12:06 NCR 481			Return to agency	03/20/97				
10 NCAC 03R .3062		11:21 NCR 1655	12:04 NCR 246	*	Object	01/16/97				
10 NCAC 03R .3063		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				
10 NCAC 03R .3064		12:06 NCR 481			Object	01/16/97				
10 NCAC 03R .3065		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				
10 NCAC 03R .3066		12:06 NCR 481			Object	01/16/97				
10 NCAC 03R .3067		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				
10 NCAC 03R .3068		12:06 NCR 481			Object	01/16/97				
10 NCAC 03R .3069		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				
10 NCAC 03R .3070		12:06 NCR 481			Object	01/16/97				
10 NCAC 03R .3071		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				
10 NCAC 03R .3072		12:06 NCR 481			Object	01/16/97				
10 NCAC 03R .3073		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				
10 NCAC 03R .3074		12:06 NCR 481			Object	01/16/97				
10 NCAC 03R .3075		11:21 NCR 1655	12:04 NCR 246	*	Return to agency	03/20/97				

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10 NCAC 03R .3064		12:06 NCR 481								
10 NCAC 03R .3065		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3065		12:06 NCR 481								
10 NCAC 03R .3066		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3066		12:06 NCR 481								
10 NCAC 03R .3067		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3068		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3069		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3070		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3071		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3072		11:21 NCR 1655	12:04 NCR 246	S/L/SE						
10 NCAC 03R .3072		12:06 NCR 481								
10 NCAC 03R .3073		11:21 NCR 1655	12:04 NCR 246	S/L/SE						
10 NCAC 03R .3074		11:21 NCR 1655	12:04 NCR 246	S/L/SE						
10 NCAC 03R .3075		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3076		11:21 NCR 1655	12:04 NCR 246	S/L/SE						
10 NCAC 03R .3077		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3078		11:21 NCR 1655	12:04 NCR 246	S/L/SE						
10 NCAC 03R .3079		11:21 NCR 1655	12:04 NCR 246	S/L/SE						
10 NCAC 03R .3080		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3081		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3082		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3083		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3084		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3085		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3086		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3087		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .3088		11:21 NCR 1655	12:04 NCR 246	*						
10 NCAC 03R .6001	11:22 NCR 1704									

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Medicaid Disproportionate Share List										
10 NCAC 26B .0113	10:16 NCR 1721		11:28 NCR 2118	S/L						12:02 NCR 46
10 NCAC 26B .0123		11:19 NCR 1436	11:24 NCR 1824	*	Approve	06/19/97	*		12:03 NCR 213	
10 NCAC 26D .0110	12:06 NCR 444									
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		11:23 NCR 1781	S/L	Approve	05/15/97	*		11:30 NCR 2314	
10 NCAC 26H .0212		11:15 NCR 1205	Temp Expired							
10 NCAC 26H .0213		11:15 NCR 1205	Temp Expired							
10 NCAC 26H .0213	11:18 NCR 1368	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 26H .0602		12:04 NCR 313								
10 NCAC 26K .0106	12:05 NCR 337									
10 NCAC 26K .0106	12:06 NCR 444									
10 NCAC 26M .0201	12:06 NCR 444									
10 NCAC 26M .0202	12:06 NCR 444									
10 NCAC 26M .0203	12:05 NCR 337									
10 NCAC 26M .0203	12:06 NCR 444									
10 NCAC 26M .0204	12:06 NCR 444									
10 NCAC 50A .0604	12:06 NCR 444									
10 NCAC 50B .0202		11:10 NCR 841	11:28 NCR 2118	*	Approve	07/17/97	*		12:04 NCR 317	
10 NCAC 50B .0202	12:06 NCR 444									
10 NCAC 50B .0404		11:10 NCR 841	11:28 NCR 2118	L	Approve	07/17/97			12:04 NCR 317	
10 NCAC 50B .0409		11:10 NCR 841	11:28 NCR 2118	*	Approve	07/17/97			12:04 NCR 317	
10 NCAC 50D .0101	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0102	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0103	10:24 NCR 3057	11:04 NCR 196	Temp Expired							

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10 NCAC 50D .0201	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0301	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0302	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0401	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0402	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0501	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0502	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
10 NCAC 50D .0503	10:24 NCR 3057	11:04 NCR 196	Temp Expired							
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	*						
10 NCAC 03D .0801	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0802	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .0803	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0806	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0901	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0902	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0904	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0905	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0907	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0908	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0909	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0911	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0913	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0915	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0916	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0917	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0918	11:23 NCR 1779		12:05 NCR 339	*						

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					Action	Date				
10 NCAC 03D .0919	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0920	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0921	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0922	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0923	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0924	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .0925	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .0926	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1001	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1002	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1003	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1004	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1103	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1202	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1203	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1204	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1205	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1206	11:23 NCR 1779		12:05 NCR 339	S/L						
10 NCAC 03D .1301	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1302	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1401	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1403	11:23 NCR 1779		12:05 NCR 339	*						
10 NCAC 03D .1500	11:23 NCR 1779		12:05 NCR 339	*						
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	*						

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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 .0105	11:23 NCR 1779		12:06 NCR 459	*						
10 NCAC 03M .0205	11:23 NCR 1779		12:06 NCR 459	*						
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .3402	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 14V .3803	11:08 NCR 449		11:14 NCR 1124	*	Approve	05/15/97	*		11:30 NCR 2314	
10 NCAC 14V .5602	11:08 NCR 449		11:24 NCR 1822	*	Withdrawn	01/16/97	*		11:30 NCR 2314	
10 NCAC 14V .7006		12:01 NCR 31	11:14 NCR 1124	*	Approve	05/15/97			11:30 NCR 2314	
10 NCAC 15A .0128	11:08 NCR 449		11:24 NCR 1822	*	Withdrawn	01/16/97				
10 NCAC 15A .0129	11:08 NCR 449		11:14 NCR 1124	*	Approve	05/15/97			11:30 NCR 2314	
10 NCAC 18W .0201	10:15 NCR 1478		11:24 NCR 1822	*	Withdrawn	01/16/97				
10 NCAC 18W .0202	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*		11:30 NCR 2314	
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0204	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
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	Object	01/16/97	*			
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0210	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
					Approve	02/20/97	*			

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					Action	Date				
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0214	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
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	Approve	01/16/97	*			
10 NCAC 45H .0200	11:08 NCR 449		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 45H .0203	11:08 NCR 449	11:29 NCR 2208	11:29 NCR 2208	*	Approve	02/20/97	*			
Secretary of Human Resources										
10 NCAC 14V .7101	11:30 NCR 2300		12:06 NCR 459	*						
10 NCAC 14V .7102	11:30 NCR 2300		12:06 NCR 459	*						
10 NCAC 14V .7103	11:30 NCR 2300		12:06 NCR 459	S						
10 NCAC 14V .7104	11:30 NCR 2300		12:06 NCR 459	S						
10 NCAC 14V .7105	11:30 NCR 2300		12:06 NCR 459	S						
Social Services Commission										
10 NCAC 35E .0101		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*			
10 NCAC 35E .0105		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*			
10 NCAC 35E .0106		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*			
10 NCAC 35E .0308		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*			
10 NCAC 411 .0100	10:17 NCR 2228									
10 NCAC 411 .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 421 .0001		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*			
10 NCAC 421 .0004		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*			
10 NCAC 421 .0005		11:16 NCR 1288	11:30 NCR 2301	*	Object	08/21/97	*			
INSURANCE										
N.C. Home Inspector Licensure Board										
11 NCAC 08 .1001		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				

11:27 NCR 2049
Temp Filed over obj

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					Action	Date				
11 NCAC 08 .1002		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1003		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1004		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1005		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97	*		12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1006		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1007		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1008		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1009		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1010		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1011		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1101		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1102		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1103		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1104		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1105		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1106		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97	*		12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1107		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1108		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1109		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1110		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1111		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1112		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdraw	03/97			12:03 NCR 213	Temp Filed over obj

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					Action	Date				
11 NCAC 08 .1113		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1114		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1115		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1116		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1201		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1202		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1203		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1204		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1205		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1206		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1207		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1208		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1209		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 10 .0602		11:15 NCR 1223	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
			11:19 NCR 1426	*	Agency withdraw	03/97	*		12:03 NCR 213	Temp Filed over obj
11 NCAC 10 .0603		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
				*	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	
				*	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	*	Tabled	06/19/97				
					Approve	08/21/97				
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				
					Approve	05/15/97	*		11:30 NCR 2314	
12 NCAC 09B .0111	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	

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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									
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									
Sheriff's Education and Training Standards Commission										
12 NCAC 10B .0101	12:04 NCR 242									
12 NCAC 10B .0202	12:04 NCR 242									

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12 NCAC 10B .0204	12:04 NCR 242									
12 NCAC 10B .0206	12:04 NCR 242									
12 NCAC 10B .0304	12:04 NCR 242									
12 NCAC 10B .0505	12:04 NCR 242									
12 NCAC 10B .0601	12:04 NCR 242									
12 NCAC 10B .0603	12:04 NCR 242									
12 NCAC 10B .0605	12:04 NCR 242									
12 NCAC 10B .0702	12:04 NCR 242									
12 NCAC 10B .0703	12:04 NCR 242									
12 NCAC 10B .0704	12:04 NCR 242									
12 NCAC 10B .0705	12:04 NCR 242									
12 NCAC 10B .0706	12:04 NCR 242									
12 NCAC 10B .0801	12:04 NCR 242									
12 NCAC 10B .0802	12:04 NCR 242									
12 NCAC 10B .0903	12:04 NCR 242									
12 NCAC 10B .0908	12:04 NCR 242									
12 NCAC 10B .0909	12:04 NCR 242									
12 NCAC 10B .0910	12:04 NCR 242									
12 NCAC 10B .0911	12:04 NCR 242									
12 NCAC 10B .1002	12:04 NCR 242									
12 NCAC 10B .1004	12:04 NCR 242									
12 NCAC 10B .1005	12:04 NCR 242									
12 NCAC 10B .1006	12:04 NCR 242									
12 NCAC 10B .1101	12:04 NCR 242									
12 NCAC 10B .1102	12:04 NCR 242									
12 NCAC 10B .1103	12:04 NCR 242									
12 NCAC 10B .1104	12:04 NCR 242									
12 NCAC 10B .1105	12:04 NCR 242									
12 NCAC 10B .1202	12:04 NCR 242									
12 NCAC 10B .1204	12:04 NCR 242									

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					Action	Date				
12 NCAC 10B .1205	12:04 NCR 242									
12 NCAC 10B .1206	12:04 NCR 242									
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	*	Approve	07/17/97	*		12:04 NCR 317	
12 NCAC 04E .0401	11:17 NCR 1336		11:22 NCR 1710	*	Approve	07/17/97			12:04 NCR 317	
12 NCAC 04E .0404	11:17 NCR 1336		11:22 NCR 1710	*	Approve	07/17/97	*		12:04 NCR 317	
12 NCAC 04E .0405	11:17 NCR 1336		11:22 NCR 1710	*	Approve	07/17/97	*		12:04 NCR 317	
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Boiler & Pressure Vessel										
13 NCAC 13 .0213		11:25 NCR 1918								
Occupational Safety and Health										
13 NCAC 07A .0302	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 07A .0708	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F .0101	11:24 NCR 1817		12:05 NCR 354	*						
13 NCAC 07F .0101	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 07F .0102	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0201	11:24 NCR 1817		12:02 NCR 60	*						
13 NCAC 07F .0201	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 07F .0301	11:03 NCR 106									
13 NCAC 07F .0301	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 07F .0426	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 07F .0501	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 07F .0502	11:26 NCR 1984		12:03 NCR 170	*						
13 NCAC 16 .0101	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0102	11:26 NCR 1984		12:05 NCR 412	*						

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					Action	Date				
13 NCAC 16 .0103	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0201	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0202	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0203	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0204	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0205	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0206	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0207	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0208	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0301	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0302	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0303	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0401	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0402	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0501	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0502	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0601	11:26 NCR 1984		12:05 NCR 412	*						
13 NCAC 16 .0602	11:26 NCR 1984		12:05 NCR 412	*						
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21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32B	12:04 NCR 245									
21 NCAC 32F .0103	11:18 NCR 1386	Temp Expired	12:04 NCR 294	*						
21 NCAC 32H .0102	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0201	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0202	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0203	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0301	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0302	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0303	11:26 NCR 1986		12:04 NCR 294	*						

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					Action	Date				
21 NCAC 32H .0401	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0402	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0402		12:04 NCR 314								
21 NCAC 32H .0403	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0404	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0405	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0406	11:26 NCR 1986		12:04 NCR 294	L						
21 NCAC 32H .0407	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0408	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0409	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0501	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0502	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0503	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0504	11:26 NCR 1986		12:04 NCR 294	L						
21 NCAC 32H .0505	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0506	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0507	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0508	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0601	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0602	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0801	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .0901	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 32H .1004	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 320	11:18 NCR 1369									
NURSING, BOARD OF										
21 NCAC 36 .0109	11:24 NCR 1821		11:28 NCR 2130	*						
21 NCAC 36 .0227	12:05 NCR 338									
21 NCAC 36 .0320	11:14 NCR 1109		11:19 NCR 1428	*	Object Approve	03/20/97 04/17/97	*			
21 NCAC 36 .0601	12:01 NCR 5		12:06 NCR 479	*					11:29 NCR 2211	

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					Action	Date				
21 NCAC 36 .0602	12:01 NCR 5		12:06 NCR 479	*						
21 NCAC 36 .0603	12:01 NCR 5		12:06 NCR 479	*						
21 NCAC 36 .0604	12:01 NCR 5		12:06 NCR 479	*						
21 NCAC 36 .0605	12:01 NCR 5		12:06 NCR 479	*						
21 NCAC 36 .0606	12:01 NCR 5		12:06 NCR 479	*						
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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	
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21 NCAC 42	12:06 NCR 453									
21 NCAC 42B .0107	11:18 NCR 1369		11:25 NCR 1917	*						
21 NCAC 42E .0102		12:06 NCR 487								
PHARMACY, BOARD OF										
21 NCAC 46 .1601	12:03 NCR 168									
21 NCAC 46 .1603	12:03 NCR 168									
21 NCAC 46 .1604	12:03 NCR 168									
21 NCAC 46 .1804	12:03 NCR 168									
21 NCAC 46 .1810	12:03 NCR 168									
21 NCAC 46 .2103	12:03 NCR 168									
21 NCAC 46 .2201	12:03 NCR 168									
21 NCAC 46 .2301	12:03 NCR 168									
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21 NCAC 54 .1611	12:05 NCR 338									
21 NCAC 54 .1612	12:05 NCR 338									
21 NCAC 54 .1613	12:05 NCR 338									
21 NCAC 54 .2006	12:05 NCR 338									
21 NCAC 54 .2010	12:05 NCR 338									
21 NCAC 54 .2104	12:05 NCR 338									
21 NCAC 54 .2301	12:05 NCR 338									

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					Action	Date				
21 NCAC 54 .2302	12:05 NCR 338									
21 NCAC 54 .2303	12:05 NCR 338									
21 NCAC 54 .2304	12:05 NCR 338									
21 NCAC 54 .2305	12:05 NCR 338									
21 NCAC 54 .2306	12:05 NCR 338									
21 NCAC 54 .2307	12:05 NCR 338									
21 NCAC 54 .2308	12:05 NCR 338									
21 NCAC 54 .2309	12:05 NCR 338									
21 NCAC 54 .2310	12:05 NCR 338									
21 NCAC 54 .2311	12:05 NCR 338									
21 NCAC 54 .2312	12:05 NCR 338									
21 NCAC 54 .2313	12:05 NCR 338									
21 NCAC 54 .2314	12:05 NCR 338									
21 NCAC 54 .2401	12:05 NCR 338									
21 NCAC 54 .2402	12:05 NCR 338									
21 NCAC 54 .2501	12:05 NCR 338									
21 NCAC 54 .2502	12:05 NCR 338									
21 NCAC 54 .2503	12:05 NCR 338									
21 NCAC 54 .2504	12:05 NCR 338									
21 NCAC 54 .2505	12:05 NCR 338									
21 NCAC 54 .2601	12:05 NCR 338									
21 NCAC 54 .2602	12:05 NCR 338									
21 NCAC 54 .2704	12:05 NCR 338									
21 NCAC 54 .2705	12:05 NCR 338									
21 NCAC 54 .2706	12:05 NCR 338									
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16 NCAC 06C .0307			12:01 NCR 18	*						
16 NCAC 06C .0310		12:03 NCR 210	12:01 NCR 18	*						
16 NCAC 06D .0103			12:01 NCR 18	*						

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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 06E .0105		12:05 NCR 433								
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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21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96	*		11:22 NCR 1717	
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Approve	01/16/97				
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96	*		11:22 NCR 1717	
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17 NCAC 01C .0506			11:10 NCR 838	*	Approve	01/16/97	*		11:22 NCR 1717	
Tax Review Board										
Tax Review Board										
SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS										
21 NCAC 64 .0209	11:23 NCR 1780		12:05 NCR 427	*						12:04 NCR 228
21 NCAC 64 .0303	11:23 NCR 1780									12:05 NCR 336
21 NCAC 64 .1001	11:23 NCR 1780		12:05 NCR 427	*						
21 NCAC 64 .1002	11:23 NCR 1780		12:05 NCR 427	*						

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21 NCAC 64 .1003	11:23 NCR 1780		12:05 NCR 427	*						
21 NCAC 64 .1004	11:23 NCR 1780		12:05 NCR 427	*						
21 NCAC 64 .1005	11:23 NCR 1780		12:05 NCR 427	*						
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25 NCAC 01D .2501		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2503		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2504		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2505		11:13 NCR 1062	11:19 NCR 1429	*						
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25 NCAC 01D .2507		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2508		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2509		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2511		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2513		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2514		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2516		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
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	*						
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Highways, Division of										
19A NCAC 02B .0164	11:20 NCR 1537		11:26 NCR 1991	*	Object	07/17/97				
					Approve	08/21/97				
19A NCAC 02B .0242	11:26 NCR 1986		12:03 NCR 207	*						
19A NCAC 02B .0303	11:26 NCR 1986		12:03 NCR 207	*						
19A NCAC 02D .0415	11:20 NCR 1537		11:26 NCR 2004	*	Approve	07/17/97			12:04 NCR 317	

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19A NCAC 02E .0218	12:05 NCR 337									
19A NCAC 02E .0219	12:05 NCR 337									
19A NCAC 02E .0220	12:05 NCR 337									
19A NCAC 02E .0221	12:05 NCR 337									
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19A NCAC 031 .0100	11:19 NCR 1413									
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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 031 .0102	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*		11:24 NCR 1832	
19A NCAC 031 .0306	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97	*			
19A NCAC 031 .0308	11:11 NCR 882		11:17 NCR 1340	*	Approve	03/20/97	*		11:26 NCR 2004	
19A NCAC 031 .0601	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97	*		11:26 NCR 2004	
				*	Approve	03/20/97	*		11:24 NCR 1832	

BARCLAYS OFFICIAL NORTH CAROLINA ADMINISTRATIVE CODE - 1997

DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
Title 1 - Dept. of Administration - Complete Title	201 00 001	\$90.00
Division of Purchase & Contract	201 10 051	\$30.00
Federal Block Grant Funds	201 10 331	\$25.00
Title 2 - Dept. of Agriculture - Complete Title	202 00 001	\$140.00
Food & Drug Protection Division	202 15 091	\$35.00
Structural Pest Control Committee	202 15 341	\$30.00
Agricultural Markets	202 15 431	\$30.00
Plant Industry	202 15 481	\$30.00
Animal Industry	202 15 521	\$30.00
Title 3 - Dept. of State Auditor - Complete Title	203 00 001	\$25.00
Title 4 - Dept. of Commerce - Complete Title	204 00 001	\$125.00
Alcoholic Beverage Control Commission	204 15 021	\$45.00
Banking Commission	204 15 031	\$45.00
Credit Union Division	204 15 061	\$25.00
Savings & Loan Division	204 15 091	\$25.00
Industrial Commission/Workers Compensation	204 15 101	\$30.00
Savings Institutions Division	204 15 161	\$35.00
Title 5 - Dept. of Corrections - Complete Title	205 00 001	\$70.00
Division of Prisons	205 15 021	\$35.00
Title 6 - Council of State - Complete Title	206 00 001	\$30.00
Title 7 - Dept. of Cultural Resources - Complete Title	207 00 001	\$60.00
Title 8 - State Board of Elections - Complete Title	208 00 001	\$30.00
Title 9 - Offices of the Governor & Lt. Governor - Complete Title	209 00 001	\$45.00
Title 10 - Dept. of Human Resources - Complete Title	210 00 001	\$470.00
Licensing of Health Facilities	210 20 101	\$95.00
Detention Facilities	210 20 201	\$40.00
Mental Health & Rehabilitation Services	210 20 301	\$110.00
Social Services	210 20 401	\$185.00
Children Services/Day Care	210 20 411	\$55.00
Services for the Aging	210 20 421	\$45.00
Services for the Blind	210 20 431	\$40.00
Services for the Deaf & Hard of Hearing	210 20 441	\$25.00
Employment Opportunities	210 20 451	\$45.00
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Insurance	211 10 011	\$80.00
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Engineering & Building Codes	211 10 081	\$30.00
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NC Alarm Systems Licensing Board	212 10 111	\$30.00
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General Safety/OSHA	213 20 001	\$70.00
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Boiler & Pressure Vessel Safety	213 15 131	\$25.00
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Title 15A - Dept. of Environ., Health, & Nat. Resources - Complete Title	215 00 001	\$395.00
Environmental Management	215 15 001	\$165.00
Air Quality	215 15 101	\$90.00
Water Quality	215 15 201	\$85.00
Land & Waste Management	215 15 301	\$85.00
Solid Waste Management	215 15 311	\$50.00

DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
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Coastal Management, Fishing & Boating	215 15 401	\$53.00
Environmental Health	215 25 001	\$150.00
Radiation/Nuclear Waste	215 25 101	\$65.00
Sanitation	215 25 201	\$60.00
Public Health	215 25 301	\$85.00
Intoxilizer & Breathalyzer	215 25 311	\$25.00
Title 16 - Dept. of Public Instruction - Complete Title	216 00 001	\$60.00
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Title 17 - Department of Revenue - Complete Title	217 00 001	\$130.00
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Taxes on Business	217 15 201	\$70.00
Sales & Use Tax Division	217 15 271	\$45.00
Motor Fuels Tax Division	217 15 291	\$30.00
Title 18 - Secretary of State - Complete Title	218 00 001	\$60.00
Securities Division	218 10 060	\$35.00
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Title 20 - Dept. of the State Treasurer - Complete Title	220 00 001	\$45.00
Title 21 - Occupational Licensing Boards - Complete Title	221 00 001	\$230.00
Title 22 - Administrative Procedures - Repealed	n/a	
Title 23 - Community Colleges - Complete Title	223 00 001	\$45.00
Title 24 - Independent Agencies - Complete Title	224 00 001	\$40.00
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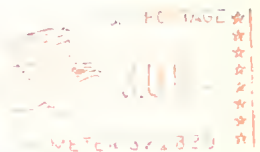
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